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JOURNAL OF THE SENATE
STATE OF WASHINGTON
2000 REGULAR SESSION
FIFTY-SIXTH LEGISLATURE

FIRST DAY

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NOON SESSION

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Senate Chamber, Olympia, Monday, January 10, 2000

At 12:00 noon, pursuant to law, the Senate of the 2000 Regular Session of the Fifty-sixth Legislature of the state of Washington assembled in the Senate Chamber at the State Capitol. Lieutenant Governor Brad Owen, President of the Senate, called the Senate to order.

The Washington State Patrol Honor Guard, consisting of Troopers Craig Anders, Jimmy Craig, Keith Huntley, Darrin Latimer, Lance Ramsey, John Sager and Lenny Walker presented the Colors.

The President led the Senate in the Pledge of Allegiance.

Katie Lease, an Eastmont High School Student from Wenatchee, sang the National Anthem.

Reverend Mary McGonigal, pastor of the Lacey Presbyterian Church, offered the prayer.

INTRODUCTION OF LAKEFAIR QUEEN

The President welcomed and introduced Natalie Kamieniecki, Olympia's Lakefair Queen, who was seated on the rostrum.

With permission of the Senate, business was suspended for Natalie to welcome the Senators to Olympia.

ROLL CALL

The Secretary called the roll and all Senators were present except Senators Benton, Finkbeiner, Roach and Stevens.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate
The Legislature of the State of Washington
Olympia, Washington

I, Ralph Munro, Secretary of State of the state of Washington, do hereby certify that, according to the provisions of RCW 29.62.130, I have canvassed the returns of the 1,790,518 votes cast by the 3,099,553 registered voters of the state for and against the initiatives, constitutional amendments and joint-legislative offices which were submitted to the vote of the people at the state general election held on the 2nd day of November, 1999, as received from the County Auditors.

INITIATIVE TO THE PEOPLE 695

"Shall voter approval be required for any tax increase, license tab fees be $30 per year for motor vehicles, and existing vehicle taxes be repealed?"

Yes 992,715
No 775,054

INITIATIVE TO THE PEOPLE 696

"Shall commercial net, troll, and trawl fishing be prohibited in Washington State fresh and marine waters, except tribal fisheries conducted under a valid treaty right?"

Yes 682,380
No 1,044,872

SENATE JOINT RESOLUTION 8206

"Shall the constitution be amended to permit the state to guarantee payment of voter-approved general obligation debt of school districts, as authorized by law?"

Yes 984,122
No 648,262

SUBSTITUTE SENATE JOINT RESOLUTION 8208

"Shall the state constitution be amended to permit the Emergency Reserve Fund to be invested as the legislature may authorize by law?"

Yes 798,756
No 829,637

STATE SENATOR, 9th LEGISLATIVE DISTRICT
(1 Year Unexpired Term)

John Gearhart (D) 9,413
Larry Sheahan (R) 19,326

STATE REPRESENTATIVE, 9th LEGISLATIVE DISTRICT, Position 1
(1 Year Unexpired Term)

Mike Connelly (D) 12,216
Don Cox (R) 17,441

IN WITNESS WHEREOF, I have set my hand and
affixed the official seal of the state of Washington,
this 2nd day of December, 1999.

(Seal)

DONALD F. WHITING

Assistant Secretary of State

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Heavey and Johnson to escort the Honorable Chief Justice Richard P. Guy to the rostrum.

The President welcomed and introduced the Honorable Richard P. Guy, Chief Justice of the Supreme Court of the state of Washington, who will administer the oath of office to Larry Sheahan.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators West and McCaslin to escort Senator Sheahan to the rostrum.

Chief Justice Richard P. Guy thereupon administered the oath of office to Senator Sheahan.

The President presented Senator Sheahan with a certificate of election.

The committee escorted Senator Sheahan to his seat in the Senate Chamber.
The President thanked Chief Justice Guy and the committee escorted him from the Senate Chamber.

MOTION

On motion of Senator Betti Sheldon, the following resolution was adopted:

SENATE RESOLUTION 2000-8691

By Senators Snyder, Spanel, West and Hale

BE IT RESOLVED, That a committee of four be appointed to notify the House that the Senate is now organized and ready to transact business.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Resolution 2000-8691, the President appointed Senators Costa, Honeyford, Gardner and Hale to notify the House of Representatives that the Senate is organized and ready to transact business.

MOTION

On motion of Senator Betti Sheldon, the appointments were confirmed.
The committee retired to the House of Representatives.

COMMITTEE FROM THE HOUSE

A committee from the House of Representatives consisting of Representatives Boldt, Fortunato, Reardon and Veloria appeared before the bar of the Senate and notified the Senate that the House is organized and ready to transact business.
The report was received and the committee returned to the House of Representatives.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6115 by Senators Loveland, Brown, Bauer, Snyder, Rasmussen, Haugen, B. Sheldon, Eide, Jacobsen, McAuliffe, Gardner, Heavey, Franklin, Patterson, Prentice, T. Sheldon, Costa, Goings, McCaslin, Swecker and Winsley (by request of Governor Locke)

AN ACT Relating to the reinstatement of the exemption from property tax for motor vehicles, travel trailers, and campers eliminated by Initiative 695; adding a new section to chapter 84.36 RCW; creating a new section; and declaring an emergency.
Referred to Committee on Ways and Means.

SB 6116 by Senators Heavey, McCaslin, Winsley and Kline (by request of Board for Judicial Administration)

AN ACT Relating to judges pro tempore; adding a new section to chapter 2.56 RCW; and adding a new section to chapter 3.02 RCW.
Referred to Committee on Judiciary.

SB 6117 by Senators McCaslin and Winsley

AN ACT Relating to interference with school activities; amending RCW 28A.635.090 and 28A.635.100; creating a new section; repealing RCW 28A.635.120; and prescribing penalties.
Referred to Committee on Education.

SB 6118 by Senators McCaslin, Fraser, Costa, Swecker and Kline

AN ACT Relating to the time for signing and receipt of absentee and mail ballots; and amending RCW 29.36.045, 29.36.060, 29.36.126, and 29.36.139.
Referred to Committee on State and Local Government.

SB 6119 by Senators Fairley, Heavey, Fraser, Prentice, Gardner and Kline

AN ACT Relating to civil penalties for employment and labor law violations; amending RCW 49.12.130, 49.12.170, 49.12.175, 49.24.060, 49.24.380, 49.28.030, 49.28.084, 49.28.110, 49.38.060, 49.40.030, 49.44.010, 49.44.020, 49.44.030, 49.44.040, 49.44.050, 49.44.060, 49.44.080, 49.44.110, 49.44.130, 49.46.100, 49.48.020, 49.48.040, 49.52.050, and 49.52.090; reenacting and amending RCW 43.79A.040; adding a new section to Title 49 RCW; and prescribing penalties.
Referred to Committee on Labor and Workforce Development.

SB 6120 by Senators Fairley, Prentice, Costa, Brown, Kohl-Welles, Jacobsen, Patterson, Gardner, Kline and Spanel

AN ACT Relating to mandatory overtime; adding new sections to chapter 49.46 RCW; and creating a new section.
Referred to Committee on Labor and Workforce Development.

SB 6121 by Senators Wojahn, Deccio, Thibaudeau, Winsley, Fairley, Rasmussen, Patterson and Kohl-Welles

AN ACT Relating to the continuation of the diabetes cost reduction act; and repealing RCW 43.131.391 and 43.131.392.
Referred to Committee on Health and Long-Term Care.

SB 6122 by Senators Finkbeiner, Hochstatter, Zarelli, Rossi, Morton, Deccio, Benton, Johnson, McCaslin and Swecker

AN ACT Relating to the arts and health and fitness assessments in schools; and amending RCW 28A.655.060.
Referred to Committee on Education.

SB 6123 by Senators B. Sheldon, Wojahn, Swecker, Franklin and Kohl-Welles

AN ACT Relating to sponsorship of public events by parking and business improvement areas; and amending RCW 35.87A.010.
Referred to Committee on State and Local Government.

SB 6124 by Senators Benton, Roach, Zarelli, Johnson, Hochstatter, Deccio and Swecker

AN ACT Relating to pedestrian, equestrian, and bicycle pathways; amending RCW 47.30.020; and repealing RCW 47.30.050.
Referred to Committee on Transportation.

SB 6125 by Senators Benton, Hochstatter, Swecker, Finkbeiner and Johnson

AN ACT Relating to motor vehicle revenues; and repealing RCW 46.68.080.
Referred to Committee on Transportation.

SB 6126 by Senators Benton, Rossi, Stevens, Swecker, Finkbeiner, Johnson, Hale, Deccio, Horn and Oke

AN ACT Relating to transportation; and adding a new section to chapter 47.04 RCW.
Referred to Committee on Transportation.

SB 6127 by Senators Benton, Finkbeiner, Rossi, Stevens, Morton, Hochstatter, Swecker, Johnson, Hale, Deccio, T. Sheldon, McCaslin, Horn and Oke

AN ACT Relating to safety rest areas; and adding a new section to chapter 47.38 RCW.

Referred to Committee on Transportation.

SB 6128 by Senators Benton, Winsley, Zarelli, Deccio, Hale, Rossi, Stevens, Morton, Finkbeiner, Long, Hochstatter, Swecker, Johnson, Sheahan, Roach, McCaslin, Horn and Oke

AN ACT Relating to a motor vehicle property tax exemption; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Ways and Means.

SB 6129 by Senators Benton, Deccio, Swecker, Zarelli, Stevens, Rossi, Morton, Hale, Hochstatter, Finkbeiner, Johnson, Roach, McCaslin, Horn and Oke

AN ACT Relating to motor vehicle taxation; adding a new section to chapter 84.36 RCW; and repealing RCW 82.44.010, 82.44.015, 82.44.020, 82.44.022, 82.44.023, 82.44.025, 82.44.030, 82.44.041, 82.44.060, 82.44.065, 82.44.080, 82.44.090, 82.44.100, 82.44.110, 82.44.120, 82.44.130, 82.44.140, 82.44.150, 82.44.155, 82.44.157, 82.44.160, 82.44.170, 82.44.180, 82.44.190, 82.44.195, and 82.44.900.

Referred to Committee on Ways and Means.

SB 6130 by Senators Benton, Johnson, Zarelli, Rossi, Morton, Hochstatter, Swecker, Finkbeiner, Deccio, Hale, McCaslin, Horn and Oke

AN ACT Relating to the ten-mile restriction on ferry crossings; and amending RCW 47.60.120 and 81.84.020.

Referred to Committee on Transportation.

SB 6131 by Senators Johnson, Benton, Zarelli, Rossi, Stevens, Long, Hochstatter, Swecker, Finkbeiner, Hale, Deccio and McCaslin

AN ACT Relating to passenger-only ferries; adding a new section to chapter 47.60 RCW; and repealing RCW 47.60.560, 47.60.645, 47.60.649, 47.60.652, and 47.60.654.

Referred to Committee on Transportation.

SB 6132 by Senators Benton, Rossi, Morton, Deccio, Swecker, Finkbeiner and Johnson

AN ACT Relating to appointment of the secretary of transportation; and amending RCW 43.17.020 and 47.01.041.

Referred to Committee on Transportation.

SB 6133 by Senators Benton, Deccio, Roach, Stevens, Zarelli, Morton, Hochstatter and McCaslin

AN ACT Relating to high occupancy vehicle lanes; amending RCW 46.61.165; and repealing RCW 81.100.010, 81.100.020, 81.100.030, 81.100.040, 81.100.050, 81.100.060, 81.100.070, 81.100.080, 81.100.090, and 81.100.100.

Referred to Committee on Transportation.

SB 6134 by Senators Benton, Zarelli, Rossi, Stevens, Swecker, Sellar, Sheahan, Johnson, Hale, McCaslin and Oke

AN ACT Relating to limitation of prosecutions for sex offenses; and amending RCW 9A.04.080.

Referred to Committee on Judiciary.

SB 6135 by Senators Fairley, Wojahn, Thibaudeau and Kline

AN ACT Relating to golf and country clubs; and amending RCW 49.60.040.

Referred to Committee on Judiciary.

SB 6136 by Senators Swecker, Benton, Finkbeiner, Zarelli, Stevens, Deccio, McCaslin, Kline and Oke

AN ACT Relating to release of information to the public concerning sex offenders and kidnapping offenders; and amending RCW 4.24.550.

Referred to Committee on Human Services and Corrections.

SB 6137 by Senators Kline, Fraser, Kohl-Welles, Prentice, Fairley and Thibaudeau

AN ACT Relating to the death penalty; adding a new section to chapter 10.95 RCW; making appropriations; and providing an expiration date.

Referred to Committee on Judiciary.

SB 6138 by Senators Johnson, Heavey and Gardner

AN ACT Relating to disclaimers of interests; and amending RCW 11.86.051.

Referred to Committee on Judiciary.

SB 6139 by Senators Johnson, Heavey and Gardner

AN ACT Relating to estate tax apportionment; and amending RCW 83.110.010, 83.110.020, 83.110.030, 83.110.050, 83.110.060, and 83.110.090.

Referred to Committee on Judiciary.

SB 6140 by Senators Johnson, Heavey and Gardner

AN ACT Relating to references in instruments to section 2033A of the internal revenue code; amending RCW 11.02.005; and creating a new section.

Referred to Committee on Judiciary.

SB 6141 by Senators Fairley, Fraser, Costa, Kline and Kohl-Welles

AN ACT Relating to reporting of domestic violence against applicants and recipients of temporary assistance for needy families; adding new sections to chapter 74.08A RCW; creating new sections; and prescribing penalties.

Referred to Committee on Labor and Workforce Development.

SB 6142 by Senator Swecker

AN ACT Relating to financial responsibility for confinement of offenders; and amending RCW 9.94A.207 and 70.48.440.

Referred to Committee on Human Services and Corrections.

SB 6143 by Senators Prentice, Deccio, Kohl-Welles, Winsley, Gardner, Rasmussen, Shin, Sellar and Horn (by request of Washington State Lottery)

AN ACT Relating to lottery support of funding for baseball stadium construction; and amending RCW 67.70.042.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6144 by Senator Winsley

AN ACT Relating to sales and use tax equalization; and amending RCW 82.14.200 and 82.14.210.

Referred to Committee on Ways and Means.

SB 6145 by Senators Prentice, Winsley, Gardner and Oke (by request of Gambling Commission)

AN ACT Relating to the dissemination of criminal history records to the Washington state gambling commission; and amending RCW 9.46.210.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6146 by Senators Prentice, Winsley, Gardner and Oke (by request of Gambling Commission)

AN ACT Relating to cheating at gambling; amending RCW 9.46.196; adding new sections to chapter 9.46 RCW; and prescribing penalties.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6147 by Senators Jacobsen, Swecker, Thibaudeau, McAuliffe, Oke and Kohl-Welles

AN ACT Relating to state parks; and adding a new chapter to Title 79A RCW.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 6148 by Senators Jacobsen, Heavey, Patterson, Fairley, Fraser, McAuliffe, Franklin and Kline (by request of Commissioner of Public Lands Belcher and Department of Fish and Wildlife)

AN ACT Relating to environmental review of surface mining in flood plains; adding a new section to chapter 43.21C RCW; and adding a new section to chapter 78.44 RCW.

Referred to Committee on Environmental Quality and Water Resources.

SB 6149 by Senators Jacobsen, T. Sheldon and Rasmussen (by request of Commissioner of Public Lands Belcher)

AN ACT Relating to the sale of specific lands for the purposes of resolving trespass on state forest lands; amending RCW 76.12.120 and 43.30.115; and adding a new section to chapter 76.12 RCW.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 6150 by Senators Fraser, Jacobsen, T. Sheldon, Fairley, Rasmussen, Gardner, Winsley, Franklin, Kline and Spanel (by request of Commissioner of Public Lands Belcher and Department of Fish and Wildlife)

AN ACT Relating to studying options for funding contaminated sediment cleanup; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Environmental Quality and Water Resources.

SB 6151 by Senators Stevens, Swecker, Benton and Oke

AN ACT Relating to state government organization; amending RCW 43.17.020; reenacting and amending RCW 43.17.010; adding new sections to chapter 41.06 RCW; adding new chapters to Title 43 RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 6152 by Senators Stevens, Hochstatter, Swecker and Kohl-Welles

AN ACT Relating to the care, supervision, and treatment of children, developmentally disabled persons, and vulnerable adults; and amending RCW 43.43.832.

Referred to Committee on Human Services and Corrections.

SB 6153 by Senators Stevens, Swecker, Long and Oke

AN ACT Relating to the Reiter pond hatchery; creating a new section; and making an appropriation.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 6154 by Senators Costa, McCaslin, Patterson and Gardner

AN ACT Relating to giving the county clerk authorization to accept credit cards; and adding a new section to chapter 36.23 RCW.

Referred to Committee on State and Local Government.

SB 6155 by Senator Costa

AN ACT Relating to reports filed under dissolution of marriage proceedings; and amending RCW 26.09.020, 26.09.173, 26.18.210, 26.23.033, 26.23.045, and 26.23.050.
Referred to Committee on Judiciary.

SB 6156 by Senators Patterson, Kline, Gardner, Winsley and Haugen

AN ACT Relating to funding for implementation of capital facilities plans by counties and cities under the growth management act; and adding a new section to chapter 82.14 RCW.
Referred to Committee on State and Local Government.

SB 6157 by Senators Patterson, Gardner, Eide and Haugen

AN ACT Relating to the definition of "city" for the multiple-unit dwellings property tax exemption; and amending RCW 84.14.010.
Referred to Committee on State and Local Government.

SB 6158 by Senators Fairley, Prentice, Goings, Costa, McAuliffe, Gardner, Franklin, Kline and Kohl-Welles

AN ACT Relating to occupational diseases affecting fire fighters; amending RCW 51.32.185; and creating a new section.
Referred to Committee on Labor and Workforce Development.

SB 6159 by Senators Fraser, Kline and Kohl-Welles

AN ACT Relating to compensation of the board of directors for air pollution control authorities; and amending RCW 70.94.130.
Referred to Committee on Environmental Quality and Water Resources.

SB 6160 by Senators Snyder, Loveland and Sellar

AN ACT Relating to the state investment board; and amending RCW 43.03.130.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6161 by Senators Snyder, Loveland and Sellar

AN ACT Relating to criminal history record checks of finalist candidates for certain staff positions of the state investment board; and amending RCW 43.33A.025.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6162 by Senators Fairley, Wojahn, Thibaudeau, Franklin and Kohl-Welles

AN ACT Relating to equal access to facilities of golf and country clubs; amending RCW 66.24.010; and reenacting and amending RCW 84.34.108.
Referred to Committee on Judiciary.

SB 6163 by Senators Fairley, Wojahn, Thibaudeau and Kohl-Welles

AN ACT Relating to equal access to facilities of golf clubs; and reenacting and amending RCW 84.34.108.
Referred to Committee on Judiciary.

SB 6164 by Senators Fairley, Thibaudeau, Kline and Kohl-Welles

AN ACT Relating to removing gender specific references from Title 49 RCW and making other technical corrections; and amending RCW 49.04.010, 49.04.050, 49.04.080, 49.08.050, 49.12.050, 49.12.250, 49.17.020, 49.17.050, 49.17.060, 49.17.070, 49.17.080, 49.17.090, 49.17.100, 49.17.110, 49.17.130, 49.17.160, 49.17.170, 49.17.180, 49.17.190, 49.17.200, 49.17.220, 49.17.240, 49.17.260, 49.24.040, 49.24.150, 49.24.180, 49.24.190, 49.24.220, 49.24.230, 49.24.260, 49.24.290, 49.24.310, 49.24.370, 49.26.010, 49.28.100, 49.32.020, 49.32.030, 49.32.072, 49.32.110, 49.32.080, 49.36.015, 49.40.040, 49.40.050, 49.40.060, 49.44.020, 49.44.030, 49.44.060, 49.44.080, 49.46.040, 49.46.070, 49.46.090, 49.46.100, 49.46.130, 49.48.010, 49.48.030, 49.48.050, 49.48.060, 49.48.090, 49.48.120, 49.48.150, 49.52.010, 49.52.020, 49.52.050, 49.52.070, 49.52.090, 49.56.010, 49.56.030, 49.64.030, 49.66.020, 49.66.030, 49.66.050, 49.66.060, 49.66.080, 49.66.090, and 49.70.170.
Referred to Committee on Labor and Workforce Development.

SB 6165 by Senators Fairley, Kline and Kohl-Welles

AN ACT Relating to overtime pay for high technology workers; amending RCW 49.46.010; and creating new sections.
Referred to Committee on Labor and Workforce Development.

SB 6166 by Senator Fairley

AN ACT Relating to creating a department of work force services; creating a new section; and providing an expiration date.
Referred to Committee on Labor and Workforce Development.

SB 6167 by Senators Fairley and Thibaudeau

AN ACT Relating to public assistance; amending RCW 74.04.025 and 74.08.050; and repealing RCW 74.25.040.
Referred to Committee on Labor and Workforce Development.

SB 6168 by Senators Fairley, Patterson and Kline

AN ACT Relating to the department of social and health services phone answering system; adding a new section to chapter 43.20A RCW; and creating a new section.
Referred to Committee on Human Services and Corrections.

SB 6169 by Senators Fairley, Fraser, Costa, Rasmussen, Thibaudeau, Brown, Gardner, Franklin and Kline

AN ACT Relating to a claimant's right to receive unemployment compensation when the claimant leaves work due to domestic violence; and amending RCW 50.20.010 and 50.20.050.
Referred to Committee on Labor and Workforce Development.

SB 6170 by Senators Fairley and Franklin

AN ACT Relating to actions against churches; adding a new section to chapter 4.08 RCW; and creating new sections.
Referred to Committee on Judiciary.

SB 6171 by Senators Fairley, Thibaudeau and Kline

AN ACT Relating to unemployment compensation payable to individuals who took family and medical leave; amending RCW 50.04.020; adding a new section to chapter 50.04 RCW; creating new sections; and providing an effective date.
Referred to Committee on Labor and Workforce Development.

SB 6172 by Senators Fraser, Deccio, Thibaudeau, Prentice, T. Sheldon, Kohl-Welles, Fairley, McAuliffe and Oke

AN ACT Relating to bone marrow donation; and adding a new section to chapter 70.54 RCW.
Referred to Committee on Health and Long-Term Care.

SB 6173 by Senators Honeyford, Costa, Deccio and Stevens

AN ACT Relating to the priority distribution of anatomical gifts; amending RCW 68.50.530; and adding new sections to chapter 68.50 RCW.
Referred to Committee on Health and Long-Term Care.

SB 6174 by Senators Jacobsen, Oke and McAuliffe (by request of Parks and Recreation Commission)

AN ACT Relating to the continuing operation of the winter recreation advisory committee; and amending RCW 79A.05.255.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6175 by Senators Jacobsen and Oke (by request of Parks and Recreation Commission)

AN ACT Relating to disposal of real property; and adding a new section to chapter 79A.05 RCW.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6176 by Senators Rasmussen and T. Sheldon (by request of Commissioner of Public Lands Belcher)

AN ACT Relating to warehouse receipts; and amending RCW 79.12.600.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6177 by Senators Jacobsen, Kohl-Welles, Costa, McAuliffe and Winsley

AN ACT Relating to doctoral programs in computer science and engineering; and creating new sections.
Referred to Committee on Higher Education.

SB 6178 by Senator Fraser (by request of Commissioner of Public Lands Belcher)

AN ACT Relating to exchanging administrative and light industrial facilities and land by the department of natural resources; and amending RCW 79.08.250.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6179 by Senators Patterson, Jacobsen, Fraser and Kline (by request of Commissioner of Public Lands Belcher)

AN ACT Relating to terms of, and time frames for, updating port management agreements; amending RCW 79.90.475; adding a new section to chapter 79.90 RCW; and providing an effective date.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6180 by Senators McCaslin, Costa and Oke

AN ACT Relating to washout of prior offenses; reenacting and amending RCW 9.94A.360; and creating a new section.
Referred to Committee on Judiciary.

SB 6181 by Senators McCaslin, T. Sheldon, Goings, Costa, Rasmussen and Oke

AN ACT Relating to driving while under the influence of alcohol or any drug; amending RCW 46.61.502, 46.61.504, and 46.61.524; reenacting and amending RCW 46.61.5055, 9.94A.320, and 9.94A.360; and prescribing penalties.
Referred to Committee on Judiciary.

SB 6182 by Senators McCaslin and Costa

AN ACT Relating to the effect of changes in law on sentencing provisions; adding a new section to chapter 9.94A RCW; and creating a new section.
Referred to Committee on Judiciary.

SB 6183 by Senator McCaslin

AN ACT Relating to property tax exemptions for veterans with service-connected disabilities; amending RCW 84.36.381; and creating a new section.

Referred to Committee on Ways and Means.

SB 6184 by Senators McCaslin, Costa and Oke

AN ACT Relating to habitual offenders; reenacting and amending RCW 9.94A.030 and 9.94A.120; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6185 by Senators Jacobsen and Rasmussen (by request of Department of Fish and Wildlife)

AN ACT Relating to hunting licenses; and amending RCW 77.32.450 and 77.32.460.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 6186 by Senators Heavey, Johnson and Gardner

AN ACT Relating to secured transactions; amending RCW 62A.1-105, 62A.1-201, 62A.2-103, 62A.2-210, 62A.2-326, 62A.2-502, 62A.2-716, 62A.2A-103, 62A.2A-303, 62A.2A-307, 62A.2A-309, 62A.2A-310, 62A.4-210, 62A.7-503, 62A.8-103, 62A.8-106, 62A.8-110, 62A.8-301, 62A.8-302, 62A.8-510, 9.38.020, 46.12.095, 46.12.103, 60.11.010, 60.11.020, 60.11.030, 60.11.040, 60.11.050, 60.11.060, 60.11.070, 60.11.100, 60.11.120, 60.11.130, 60.11.140, and 65.20.030; adding new sections to chapter 60.11 RCW; adding a new section to Article 62A.5 RCW; adding a new Article to Title 62A RCW; repealing RCW 62A.9-101, 62A.9-102, 62A.9-103, 62A.9-104, 62A.9-105, 62A.9-106, 62A.9-107, 62A.9-108, 62A.9-109, 62A.9-110, 62A.9-112, 62A.9-113, 62A.9-114, 62A.9-115, 62A.9-116, 62A.9-201, 62A.9-202, 62A.9-203, 62A.9-204, 62A.9-205, 62A.9-206, 62A.9-207, 62A.9-208, 62A.9-301, 62A.9-302, 62A.9-303, 62A.9-304, 62A.9-305, 62A.9-306, 62A.9-307, 62A.9-308, 62A.9-309, 62A.9-310, 62A.9-311, 62A.9-312, 62A.9-313, 62A.9-314, 62A.9-315, 62A.9-316, 62A.9-317, 62A.9-318, 62A.9-401, 62A.9-402, 62A.9-403, 62A.9-404, 62A.9-405, 62A.9-406, 62A.9-407, 62A.9-408, 62A.9-409, 62A.9-420, 62A.9-501, 62A.9-502, 62A.9-503, 62A.9-504, 62A.9-505, 62A.9-506, and 62A.9-507; and providing an effective date.

Referred to Committee on Judiciary.

SB 6187 by Senators Loveland, Rossi, Fairley, Franklin, Kline and Oke (by request of Caseload Forecast Council)

AN ACT Relating to community corrections caseload forecasting; amending RCW 43.88C.010; creating a new section; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6188 by Senators Fairley, Brown, Kline and Kohl-Welles

AN ACT Relating to the restoration of investments in energy conservation, renewable resources, and low-income energy services; and adding a new chapter to Title 80 RCW.

Referred to Committee on Energy, Technology and Telecommunications.

SB 6189 by Senators Haugen, Swecker, Jacobsen, Horn, McCaslin, Costa, Johnson, Gardner, Winsley, Kline and Oke

AN ACT Relating to clarifying that transportation projects involving environmental mitigation do not constitute a sale at retail; and reenacting and amending RCW 82.04.050.

Referred to Committee on Transportation.

SB 6190 by Senators Patterson, Horn, Haugen, Johnson, Costa, Goings, McCaslin and Winsley

AN ACT Relating to the expeditious resolution of public use disputes in eminent domain proceedings; and amending RCW 8.08.040.

Referred to Committee on Judiciary.

SB 6191 by Senators McCaslin and Heavey

AN ACT Relating to court reform; amending RCW 2.08.070, 2.36.150, 3.30.090, 3.34.010, 3.34.020, 3.34.040, 3.46.020, 3.46.050, 3.46.063, 3.50.020, 3.50.030, 3.50.050, 3.50.055, 3.50.070, 3.50.135, 3.62.060, 12.40.010, 35.20.030, 35.20.090, 35.20.150, and 36.18.020; adding new sections to chapter 2.08 RCW; adding a new section to chapter 3.34 RCW; adding a new section to chapter 3.46 RCW; adding a new section to chapter 3.50 RCW; adding a new section to chapter 35.20 RCW; creating new sections; and providing an effective date.

Referred to Committee on Judiciary.

SB 6192 by Senators Fairley, Prentice, Heavey, Thibaudeau, Loveland, Kohl-Welles, Gardner, Kline, Shin, Franklin, B. Sheldon, Spanel, Rasmussen, Hargrove, Costa, Eide, Fraser, Wojahn, McAuliffe and Winsley

AN ACT Relating to the unlawful conveyance of domesticated dog or cat fur; reenacting and amending RCW 9.94A.320; adding new sections to chapter 16.72 RCW; and prescribing penalties.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6193 by Senators Fairley, Costa, Gardner, Heavey, Kohl-Welles, Prentice, Thibaudeau, Loveland, Patterson, McAuliffe and Winsley

AN ACT Relating to fur and fur products from domestic dogs and cats; reenacting and amending RCW 9.94A.320; adding a new section to chapter 9.08 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6194 by Senators T. Sheldon, Oke, Jacobsen, Stevens, Morton, Rasmussen, Gardner and Spanel

AN ACT Relating to unlawful rural garbage disposal; amending RCW 70.93.030 and 70.93.060; adding a new section to chapter 70.93 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 6195 by Senators T. Sheldon, Morton, Rasmussen, Stevens, Benton, Swecker and Oke

AN ACT Relating to small scale prospecting and mining; amending RCW 75.20.100; and creating a new section.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 6196 by Senators T. Sheldon, Oke and Stevens

AN ACT Relating to recreational metal detectors; and adding a new section to chapter 79A.05 RCW.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 6197 by Senator T. Sheldon

AN ACT Relating to awarding service credit under the teachers' retirement system plan 1 for military service; and amending RCW 41.32.260.

Referred to Committee on Ways and Means.

SB 6198 by Senators Wojahn, Thibaudeau, Goings, Kline, Jacobsen, Spanel, B. Sheldon, Franklin, Prentice, Rasmussen, Bauer, McAuliffe and Winsley

AN ACT Relating to health care services; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6199 by Senators Wojahn, Winsley, Thibaudeau, Snyder, Goings, Kohl-Welles, Jacobsen, Fraser, Prentice, Costa, Rasmussen, Bauer, Spanel, McAuliffe, Gardner, Franklin and Kline

AN ACT Relating to health care patient protection; amending RCW 51.04.020 and 74.09.050; adding new sections to chapter 48.43 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 7.70 RCW; creating new sections; repealing RCW 48.43.075, 48.43.095, and 48.43.105; and providing an effective date.
Referred to Committee on Health and Long-Term Care.

SB 6200 by Senators Eide, Morton, Jacobsen, Fraser, Rasmussen and Brown

AN ACT Relating to improving air quality through the use of tax exemptions and credits to reduce agricultural burning of cereal grains, and field and turf grass grown for seed; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding new sections to chapter 82.04 RCW; creating new sections; providing an effective date; and providing an expiration date.
Referred to Committee on Environmental Quality and Water Resources.

SB 6201 by Senators Goings and Rasmussen

AN ACT Relating to penalties for the sale or gift of drug paraphernalia; amending RCW 69.50.4121 and 7.80.120; and prescribing penalties.
Referred to Committee on Judiciary.

SB 6202 by Senators Kohl-Welles, Stevens, Hargrove, Long, Costa, Fairley, McAuliffe and Winsley

AN ACT Relating to conflicts of interest in the placement of children in out-of-home care; and adding a new section to chapter 74.13 RCW.
Referred to Committee on Human Services and Corrections.

SB 6203 by Senators Fairley and Franklin

AN ACT Relating to institutional review boards; and adding a new section to chapter 70.02 RCW.
Referred to Committee on Health and Long-Term Care.

SB 6204 by Senators Fairley, Costa, Kline and Kohl-Welles

AN ACT Relating to victims of violence; amending RCW 49.78.005, 49.78.020, 49.78.070, and 49.78.080; adding a new section to chapter 49.78 RCW; and creating a new section.
Referred to Committee on Labor and Workforce Development.

SB 6205 by Senator Fairley

AN ACT Relating to definitions of employment relationships; and adding a new chapter to Title 49 RCW.
Referred to Committee on Labor and Workforce Development.

SB 6206 by Senators Spanel, Gardner, Kohl-Welles, Jacobsen, Prentice, Fairley, Wojahn, Goings, Costa, McAuliffe, Haugen, Winsley and Kline

AN ACT Relating to notification to schools of firearm violations by students; and amending RCW 13.04.155.
Referred to Committee on Education.

SB 6207 by Senators Hargrove, Long, Costa, Rasmussen, Winsley and Franklin (by request of Department of Social and Health Services)

AN ACT Relating to rule-making authority for the special commitment center; and adding a new section to chapter 71.09 RCW.
Referred to Committee on Human Services and Corrections.

SB 6208 by Senators Fraser, Jacobsen, Kohl-Welles and Kline

AN ACT Relating to providing incentives to reduce air pollution through the use of clean-fuel vehicles; amending RCW 81.100.020; adding a new section to chapter 46.16 RCW; adding a new section to chapter 46.61 RCW; adding new sections to chapter 70.120 RCW; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date.
Referred to Committee on Environmental Quality and Water Resources.

SB 6209 by Senators Fraser, Eide, Fairley and Kohl-Welles

AN ACT Relating to environmental quality benchmarks; amending RCW 43.21A.510 and 49.70.175; and creating new sections.
Referred to Committee on Environmental Quality and Water Resources.

SB 6210 by Senators Fraser, Morton, Eide, Jacobsen, Fairley, Prentice, McAuliffe, Winsley, Franklin, Kline, Spanel and Kohl-Welles

AN ACT Relating to technical and clarifying amendments relating to the oil spill prevention and response statutes; amending RCW 88.46.010, 88.46.020, 88.46.030, 88.46.040, 88.46.050, 88.46.060, 88.46.070, 88.46.080, 88.46.090, 88.46.100, 88.46.120, 88.46.130, 88.46.160, 88.46.170, 88.46.200, 90.56.010, 90.56.060, 90.56.080, 90.56.100, 90.56.200, 90.56.210, 90.56.370, 90.56.510, 90.56.540, 90.56.560, and 82.23B.020; creating a new section; decodifying RCW 88.46.150; and repealing RCW 88.46.140 and 90.56.903.
Referred to Committee on Environmental Quality and Water Resources.

SB 6211 by Senator T. Sheldon

AN ACT Relating to the access road revolving fund; and amending RCW 79.38.050.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6212 by Senators T. Sheldon, Haugen and Oke

AN ACT Relating to private passenger-only ferries; and adding a new section to chapter 81.84 RCW.
Referred to Committee on Transportation.

SB 6213 by Senators Deccio and Winsley

AN ACT Relating to guidelines for emergency medical personnel when dealing with directives; and amending RCW 43.70.480.
Referred to Committee on Health and Long-Term Care.

SB 6214 by Senators Deccio, Winsley and Franklin

AN ACT Relating to duties of guardians or limited guardians; and amending RCW 11.92.043.
Referred to Committee on Human Services and Corrections.

SB 6215 by Senators Deccio and Prentice

AN ACT Relating to authorization of medical care of minors; amending RCW 70.02.130; and prescribing penalties.
Referred to Committee on Health and Long-Term Care.

SB 6216 by Senators Haugen, Loveland, Gardner, T. Sheldon and Rasmussen

AN ACT Relating to defining rural counties for purposes of sales and use tax for public facilities; and amending RCW 82.14.370.
Referred to Committee on Ways and Means.

SJM 8014 by Senators Benton, Swecker, Finkbeiner, Johnson, Roach, Hale, Deccio, Horn and Oke

Requesting that the states be allowed to spend money under the transportation equity act.

Referred to Committee on Transportation.

SJR 8210 by Senators Benton, Zarelli, Stevens, Hochstatter, Hale, Roach and Oke

Providing property tax relief.

Referred to Committee on Ways and Means.

SJR 8211 by Senator Roach

Amending the Constitution to require voter approval for any tax increases.

Referred to Committee on Ways and Means.

SCR 8418 by Senators Hargrove, Heavey, Kohl-Welles, Long, Franklin and Kline

Reviewing state sentencing policy.

Referred to Committee on Judiciary.

SCR 8419 by Senators Snyder and West

Notifying the Governor that the legislature is organized and ready to conduct business.

SCR 8420 by Senators Snyder and West

Reintroducing bills, resolutions, and joint memorials from the 1999 regular session.

SCR 8421 by Senators Snyder and West

Establishing cutoff dates.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6194 was referred to the Committee on Natural Resources, Parks and Recreation.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8419, Senate Concurrent Resolution No. 8420 and Senate Concurrent Resolution No. 8421 were advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8419 by Senators Snyder and West

Notifying the Governor that the Legislature is organized and ready to conduct business.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8419 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

SENATE CONCURRENT RESOLUTION NO. 8419 was adopted by voice vote.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Concurrent Resolution No. 8419, the President appointed Senators Franklin and Deccio to join a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to conduct business.

MOTION

On motion of Senator Betti Sheldon, the appointments were confirmed.

The committee retired to the office of the Governor.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8420 by Senators Snyder and West

Reintroducing bills, resolutions, and joint memorials from the 1999 regular session.

The concurrent resolution was read the second time.

MOTION

Senator Betti Sheldon moved that the rules be suspended and Senate Concurrent Resolution No. 8420 be advanced to third reading, the second reading considered the third and the concurrent resolution be adopted.

Senator Snyder explained the purpose of Senate Concurrent Resolution No. 8420.

The President declared the question before the Senate to be the motion by Senator Betti Sheldon that the rules be suspended and Senate Concurrent Resolution No. 8420 be advanced to third reading and adopted.

The motion by Senator Betti Sheldon carried and Senate Concurrent Resolution No. 8420 was adopted.

SENATE CONCURRENT RESOLUTION NO. 8420 was adopted by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8421 by Senators Snyder and West

Establishing cutoff dates

The concurrent resolution was read the second time.

MOTION

Senator Betti Sheldon moved that the rules be suspended and Senate Concurrent Resolution No. 8421 be advanced to third reading, the second reading considered the third and the concurrent resolution be adopted.

Senator Snyder explained the cutoff dates proposed in Senate Concurrent Resolution No. 8421.

The President declared the question before the Senate to be the motion by Senator Betti Sheldon that the rules be suspended and Senate Concurrent Resolution No. 8421 be advanced to third reading and adopted.

The motion by Senator Betti Sheldon carried and Senate Concurrent Resolution No. 8421 was adopted.

SENATE CONCURRENT RESOLUTION NO. 8421 was adopted by voice vote.

REPORT OF COMMITTEE

The Senate Committee composed of Senators Costa, Honeyford, Gardner and Hale appeared before the bar of the Senate and reported that the House of Representatives had been notified that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

CHANGES TO STANDING COMMITTEE ASSIGNMENTS

The President announced that Senator West would replace Senator McDonald on the Committee on Rules.

STANDING COMMITTEE ASSIGNMENTS

The President announced the following 2000 Senate Standing Committee assignments:

Membership of
Senate Standing Committees

2000

Agriculture and Rural Economic Development (9) -- Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder, *Stevens, Swecker.

Commerce, Trade, Housing and Financial Institutions (11) -- Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West, *Winsley.

Education (13) -- McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, *Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar, Swecker, Zarelli.

Energy, Technology and Telecommunications (7) -- Brown, Chair; Goings, Vice Chair; Fairley, Fraser, *Hochstatter, Roach, Rossi.

Environmental Quality and Water Resources (7) -- Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, *Morton, Swecker.

Health and Long Term Care (7) -- Thibaudeau, Chair; Wojahn, Vice Chair; Costa, *Deccio, Franklin, Johnson, Winsley.

Higher Education (10) -- Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Finkbeiner, Horn, Jacobsen, McAuliffe, *Sheahan, B. Sheldon, West.

Human Services and Corrections (9) -- Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, *Long, Patterson, Sheahan, Stevens, Zarelli.

Judiciary (12) -- Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, *McCaslin, Roach, Thibaudeau, Zarelli.

Labor and Workforce Development (6) -- Fairley, Chair; Franklin, Vice Chair; *Hochstatter, Kline, Oke, Wojahn.

Natural Resources, Parks and Recreation (9) -- Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, *Oke, Rossi, Snyder, Spanel, Stevens.

Rules (16) **Owen, Chair; Wojahn, Vice Chair; Bauer, Costa, Deccio, Eide, Franklin, Goings, Hale, Hochstatter, Horn, Johnson, Sellar, B. Sheldon, Snyder, Spanel, *West.

State and Local Government (7) -- Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, *Horn, Kline, McCaslin.

Transportation (20) -- Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; *Benton, Costa, Eide, Finkbeiner, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin, Swecker.

Ways and Means (21) -- Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, *West, Winsley, Wojahn, Zarelli.

* Ranking Minority Member

** Lt. Gov. Owen is a voting member

REPORT OF COMMITTEE

The Senate Committee composed of Senators Franklin and Deccio appeared before the bar of the Senate and reported that the Governor had been notified, under the provisions of Senate Concurrent Resolution No. 8419, that the Senate is organized and ready to transact business. The report was received and the committee was discharged.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the third order of business.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Brad Owen
President of the State Senate
Legislature of the State of Washington
Olympia, Washington 98504

Dear President Owen:

We respectfully transmit for your consideration the following bill which has been partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

Second Engrossed Second Substitute Senate Bill 5595.

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed the seal of the state
of Washington, this 10th day of January, 2000.

(Seal)

RALPH MUNRO

Secretary of State

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5595

June 11, 1999

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2, 7, 19, 20, 22(3), 22(4), and 22(5), Second Engrossed Second Substitute Senate Bill No. 5595 entitled:

"AN ACT Relating to salmon recovery funding;"

Second Engrossed Second Substitute Senate Bill No. 5595 establishes a Salmon Recovery Funding Board (Board) to oversee $119,928,000 in state and federal money dedicated to salmon recovery. The primary purposes of this legislation are to promote public oversight of funding for salmon recovery and to provide a coordinated state funding process.

Taxpayers, the federal government, and the Legislature demand and deserve greater accountability for the large sums of money we currently spend and will spend in the future on salmon recovery activities in our state. The Legislature has chosen to create the Board to oversee the selection of science-based salmon recovery projects and to make certain that the taxpayers' money is wisely spent. Clearly, the best projects are those that will bring back or protect the most fish.

A strong Board consisting of knowledgeable and concerned citizens from across our state is essential to the success of our statewide efforts to restore salmon runs. This legislation appropriately endows the Board with the broad powers necessary to oversee allocation of the salmon funding and to ensure that projects get done on time, stay within budget and achieve results for salmon.

In section 22 of this bill, however, the Legislature would have defeated the purpose of the Board by taking away its real authority and responsibility. Section 22 would have specifically allocated every single dollar of the salmon recovery money. Such allocation is contrary to giving the Board the responsibility to approve and finance those projects that will have the largest beneficial impact. This detailed itemization of appropriations and projects makes it almost superfluous to have a Board. It is our responsibility to make certain that there is strict accountability for the chosen projects and the money spent on them. Only a strong Board, with the authority and discretion, can do this. Further, after personally consulting with members of our congressional delegation - from both parties - I am convinced that our receipt of federal funds to restore salmon in our state would be placed in serious jeopardy without these vetoes. Members of our congressional delegation and local groups committed to salmon recovery have great expressed concern about our ability to have an effective salmon recovery plan if every dollar is pre-allocated.

For these reasons, I am compelled to veto several sections of Second Engrossed Second Substitute Senate Bill No. 5595 as follows:

Section 2 of the bill would have added new, important and necessary definitions to the salmon recovery statutes. However, one change would have prohibited funding updates related to the Growth Management Act, which are necessary components of salmon recovery and should not be excluded from funding.

Section 7 of the bill would create a Technical Review Team (Team) to establish funding criteria and policies, and to review requests for funding grants on behalf of the Board. Under section 7, the Team would be appointed by the Director of the Department of Fish and Wildlife and be staffed by that department. However, the Board is staffed by the Interagency Committee for Outdoor Recreation (IAC), and the IAC is to administer contracts approved by the Board. The Team would be a new scientific review group when we already have at least two other salmon recovery science entities. I agree that the function of the Team is essential to the success of salmon recovery projects, and that we should fully utilize the scientific and other expertise in the Department of Fish and Wildlife. But the scientific review and all other parts of our salmon recovery need to be part of a unified structure. Accordingly, I am requesting the director of the IAC, in consultation with the Director of the Department of Fish and Wildlife and the chair of the Board, to examine all of the various scientific and technical review groups, with the goal of recommending a comprehensive streamlined mechanism to handle the scientific aspects of salmon recovery. Additionally, I request a recommendation of an appropriate project review structure within the IAC and a report back to me on both tasks by July 15, 1999.

Sections 19 and 20 of this legislation would have removed funding for the Governor's Office and the Office of Financial Management related to the implementation of this act. My office and OFM have fundamental responsibilities related to salmon recovery and, accordingly, I have vetoed these sections to retain their funding.

Section 22 of the bill would provide a full and detailed allocation of how each of the $119,928,000 in state and federal funding for salmon recovery is to be spent. Many of the projects are worthwhile and I will request that the Board consider and give appropriate deference to the allocation provisions in section 22. However, we must preserve the Board's authority to make fundamental decisions about how state and federal salmon recovery money is to be spent, to ensure the recovery and preservation of our wild salmon.

For these reasons, I have vetoed sections 2, 7, 19, 20, 22(3), 22(4), and 22(5) of Second Engrossed Second Substitute Senate Bill No. 5595.

With the exception of sections 2, 7, 19, 20, 22(3), 22(4), and 22(5), Second Engrossed Second Substitute Senate Bill No. 5595 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MOTION

On motion of Senator Betti Sheldon, the Message from the Secretary of State regarding the Governor's partial veto message on Second Engrossed Second Substitute Senate Bill No. 5595, from 1999, was held on the desk.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

April 5, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

John D. Warner, appointed April 5, 1999, for a term ending September 30, 2003, as a member of the Board of Trustees for Western Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

April 21, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Kenneth J. Martin, appointed April 21, 1999, for a term ending September 30, 2001, as a member of the Board of Trustees for Central Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

May 10, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Gary Haug, to be appointed July 1, 1999, for a term ending at the pleasure of the Governor as Director of the Department of Services for the Blind.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on State and Local Government.

May 11, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Deborah J. Barnett, appointed May 11, 1999, for a term ending September 30, 2000, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

May 11, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Bob Bavasi, appointed May 11, 1999, for a term ending April 3, 2003, as a member of the State Board for Community and Technical Colleges.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

May 13, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Tom Koenninger, appointed May 13, 1999, for a term ending April 3, 2003, as a member of the State Board for Community and Technical Colleges.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

May 24, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

James R. Faulstich, reappointed May 24, 1999, for a term ending June 30, 2003, as a member of the Higher Education Coordinating Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

May 24, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

A. Michele Maher, reappointed May 24, 1999, for a term ending June 30, 2005, as a member of the Transportation Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Transportation.

June 1, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Brian Benzel, appointed June 1, 1999, for a term ending September 30, 2002, as a member of the Board of Trustees for Edmonds Community College District No 23.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 1, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Bernadett Buchanan, appointed June 1, 1999, for a term ending May 31, 2000, as a member of the Board of Regents for Washington State University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 1, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Melisa L. Dybbro, appointed June 1, 1999, for a term ending May 31, 2000, as a member of the Board of Trustees for Eastern Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 1, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Nicholas French, appointed June 1, 1999, for a term ending May 31, 2000, as a member of the Board of Trustees for Central Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 1, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Christopher S. Knaus, appointed June 1, 1999, for a term ending May 31, 2000, as a member of the Board of Regents for the University of Washington.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 1, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Natalie Quick, appointed June 1, 1999, for a term ending May 31, 2000, as a member of the Board of Trustees for Western Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 9, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Clarence F. "Joe" Legel, reappointed June 9, 1999, for a term ending June 19, 2003, as a member of the Health Care Facilities Authority.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

June 13, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

James O. Luce, appointed June 13, 1999, for a term ending June 12, 2003, as a member of the Columbia River Gorge Bi-State Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Recreation.

June 14, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Donna Dockter, appointed June 14, 1999, for a term ending January 19, 2003, as a member of the Board of Pharmacy.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

June 18, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Carolyn J. Purnell, appointed June 18, 1999, for a term ending April 3, 2000, as a member of the State Board for Community and Technical Colleges.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

July 9, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Judith Butler, reappointed July 9, 1999, for a term ending March 26, 2003, as a member of the Higher Education Facilities Authority.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

July 15, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Frank L. Cassidy, Jr., appointed July 15, 1999, for a term ending July 15, 2003, as a member of the Salmon Recovery Funding Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Recreation.

July 15, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Brenda P. McMurray, appointed July 15, 1999, for a term ending July 15, 2001, as a member of the Salmon Recovery Funding Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Recreation.

July 15, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

James L. Peters, appointed July 15, 1999, for a term ending July 15, 2002, as a member of the Salmon Recovery Funding Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Recreation.

July 15, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

John Roskelley, appointed July 15, 1999, for a term ending July 15, 2001, as a member of the Salmon Recovery Funding Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Recreation.

July 15, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Bill Ruckelshaus, appointed July 15, 1999, for a term ending July 15, 2003, as Chair of the Salmon Recovery Funding Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Recreation.

July 20, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Connie Zink, appointed July 20, 1999, for a term ending July 1, 2002, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

July 23, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Julia L. Garratt, reappointed July 23, 1999, for a term ending April 15, 2004, as a member of the Indeterminate Sentence Review Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

July 26, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

John Austin, appointed July 26, 1999, for a term ending April 15, 2004, as Chair of the Indeterminate Sentence Review Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

August 5, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

James R. Bell, appointed August 5, 1999, for a term ending December 5, 2001, as a member of the Eastern State Hospital Advisory Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

August 5, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Susan Wilder Crane, appointed August 5, 1999, for a term ending February 21, 2001, as a member of the Washington State Apprenticeship and Training Council.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Labor and Workforce Development.

August 5, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Daniel E. Gosser, appointed August 5, 1999, for a term ending December 5, 2002, as a member of the Eastern State Hospital Advisory Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

August 5, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Ray Huckaby, appointed August 5, 1999, for a term ending December 5, 2000, as a member of the Eastern State Hospital Advisory Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

August 5, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Ronda Kenney, appointed August 5, 1999, for a term ending December 5, 2002, as a member of the Eastern State Hospital Advisory Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

August 5, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Mark Kreilkamp, appointed August 5, 1999, for a term ending December 5, 2000, as a member of the Eastern State Hospital Advisory Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

August 5, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Gregory Ochoa, reappointed August 5, 1999, for a term ending December 5, 2000, as a member of the Eastern State Hospital Advisory Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

August 5, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

John Trynor, appointed August 5, 1999, for a term ending December 5, 2001, as a member of the Eastern State Hospital Advisory Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

August 6, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Marilyn Walton, appointed August 6, 1999, for a term ending September 30, 2000, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 9, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Dodds Simangan, appointed August 9, 1999, for a term ending December 5, 2002, as a member of the Eastern State Hospital Advisory Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

August 11, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Rick S. Bender, appointed August 11, 1999, for a term ending June 30, 2003, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Labor and Workforce Development.

August 11, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Robert D. McVicars, reappointed August 11, 1999, for a term ending June 30, 2003, as a member of the Housing Finance Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

August 11, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Jeffrey W. Nitta, reappointed August 11, 1999, for a term ending June 30, 2003, as a member of the Housing Finance Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

August 12, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Brian Gain, reappointed August 12, 1999, for a term ending August 2, 2002, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

August 12, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Audrey J. Fetters, appointed August 12, 1999, for a term ending August 2, 2001, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

August 12, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Russell D. Hauge, reappointed August 12, 1999, for a term ending August 2, 2002, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

August 12, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Jenny Wieland, reappointed August 12, 1999, for a term ending August 2, 2002, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

August 13, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Donald C. Brunell, appointed August 13, 1999, for a term ending June 30, 2001, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Labor and Workforce Development.

August 23, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Paul D. Burton, to be reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 23, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Dr. Elizabeth Chen, to be reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Highline Community College District No. 9.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 23, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Erika Hennings, to be reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Big Bend Community College District No. 18.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 23, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Barbara A. Koerber, to be reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Peninsula Community College District No. 1.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 23, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Edward Mayeda, to be reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 23, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Tom McKern, to be reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Spokane and Spokane Falls Community Colleges District No. 17.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 23, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

James V. Medzegian, to be reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Renton Technical College District No. 27.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 23, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Kevin M. Raymond, appointed August 23, 1999, for a term ending September 30, 2003, as a member of the Board of Trustees for Western Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 23, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Jack G. Skanes, to be reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Bates Technical College District No. 28.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 23, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Mary Grant Tompkins, to be reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 23, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Cyrus R. Vance, Jr., reappointed August 23, 1999, for a term ending August 2, 2002, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

September 2, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Nadine L. Romero, to be appointed October 1, 1999, for a term ending September 30, 2005, as a member of the Board of Trustees for Central Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 13, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Margaret Bates, appointed September 13, 1999, for a term ending June 30, 2002, as a member of the Academic Achievement and Accountability Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

September 13, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Egil Krogh, appointed September 13, 1999, for a term ending December 31, 2001, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Recreation.

September 13, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Patricia M. Lines, appointed September 13, 1999, for a term ending June 30, 2001, as a member of the Academic Achievement and Accountability Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

September 13, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Major General Timothy J. Lowenberg, appointed September 13, 1999, for a term ending at the pleasure of the Governor as the Adjutant General of the Military Department.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on State and Local Government.

September 13, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Ruth M. Mahan, appointed September 13, 1999, for a term ending December 31, 2001, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Recreation.

September 13, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Eileen Odum, appointed September 13, 1999, for a term ending June 30, 2002, as a member of the Academic Achievement and Accountability Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

September 13, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Robert L. Parlette, reappointed September 13, 1999, for a term ending December 31, 2001, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Recreation.

September 13, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Leonora Schmidt, appointed September 13, 1999, for a term ending June 30, 2003, as a member of the Academic Achievement and Accountability Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

September 13, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

David Shaw, appointed September 13, 1999, for a term ending June 30, 2003, as a member of the Academic Achievement and Accountability Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

September 13, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Jim Spady, appointed September 13, 1999, for a term ending June 3, 2001, as a member of the Academic Achievement and Accountability Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

September 13, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Jose E. Gaitan, appointed September 13, 1999, for a term ending June 30, 2003, as a member of the Academic Achievement and Accountability Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

September 15, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Joseph W. Duffy, reappointed September 15, 1999, for a term ending September 8, 2004, as a member of the Public Employment Relations Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Labor and Workforce Development.

September 15, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Alicia P. Lalas, appointed September 15, 1999, for a term ending September 30, 2003, as a member of the Board of Trustees for Everett Community College District No. 5.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 16, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Charles W. Fromhold, reappointed September 16, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Clark Community College District No. 14.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 16, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Elizabeth Hancock, to be appointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 16, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Carolyn Lake, appointed September 16, 1999, for a term ending September 30, 2002, as a member of the Board of Trustees for Bates Technical College District No. 28.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 16, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Patrick F. Patrick, appointed September 16, 1999, for a term ending June 30, 2003, as Chair of the Academic Achievement and Accountability Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

September 16, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Judy Schurke, reappointed September 16, 1999, for a term ending June 17, 2005, as a member of the Board of Industrial Insurance Appeals.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Labor and Workforce Development.

September 22, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Jerry R. Hendrickson, appointed September 22, 1999, for a term ending September 30, 2001, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 22, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Joseph J. Pinzone, reappointed September 22, 1999, for a term ending June 30, 2003, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Labor and Workforce Development.

September 22, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Mary Place, appointed September 22, 1999, for a term ending August 2, 2002, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

September 24, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Karen Miller, appointed September 24, 1999, for a term ending at the pleasure of the Governor as Chair of the Housing Finance Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

October 1, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

John Warring, appointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 4, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Nobie Chan, to be appointed December 1, 1999, for term ending September 30, 2004, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No. 6.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 4, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Steve Kolodney, appointed October 4, 1999, for a term ending at the pleasure of the Governor as Director of the Department of Information Services.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Energy, Technology and Telecommunications.

October 14, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Susan I. Davidson, reappointed October 14, 1999, for a term ending July 14, 2004, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

October 15, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Allie M. Joiner, appointed October 15, 1999, for a term ending July 1, 2000, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

October 18, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Martha Choe, appointed October 18, 1999, for a term ending at the pleasure of the Governor as Director of the Department of Community, Trade and Economic Development.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

October 25, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Reverend Ellis H. Casson, appointed October 25, 1999, for a term ending June 17, 2004, as a member of the Human Rights Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

December 3, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Russ Cahill, reappointed April 20, 1998, for a term ending December 31, 2000, as a member of the Fish and Wildlife Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks, and Recreation.

December 15, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Vickie L. Wallen, reappointed December 15, 1999, for a term ending December 15, 2002, as Director Ombudsman of the Office of the Family and Children's Ombudsman.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

MESSAGE FROM STATE OFFICE

THE WASHINGTON STATE HOUSING FINANCE COMMISSION
1000 Second Avenue, Suite 2700
Seattle, Washington 98104-1046

January 6, 2000

TO: Tony Cook, Secretary of the Senate
Tim Martin, Chief Clerk of the House
Cindy Zehnder, Chef Clerk of the House

FROM: Brigette Helsten, Public Information Officer

RE: Final 2000-2001 Housing Finance Plan
Copy of Executed Resolution No. 99-167 Adopting the Plan

Enclosed is the final version of the Housing Finance Commission's 2000-2001 Housing Finance Plan (the "Plan"), as adopted by its Board of Commissioners on the 16th of December 1999. Also enclosed is a copy of the executed Resolution No. 99-167 verifying adoption of the plan. Please distribute to the appropriate standing committees.

Please call me at (206) 287-4409 if you have any questions.

Thank you for your attention to this matter.

The Washington State Housing Finance Commission report on the 2000-2001 Housing Finance Plan is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

December 20, 1999

Mr. Tony Cook
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "License Suspension Program." It is mandated under RCW 74.20A.340.

Please call Chuck Donnelly at (360) 664-5067 if you have questions regarding the report.

Sincerely,

LYLE QUASIM, Secretary

The Department of Social and Health Services Report on the License Suspension Program is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

December 20, 1999

Mr. Tony Cook
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Children's Health Insurance Program Allotment." It is mandated under Chapter 370, Laws of 1999, Section 1(5).

Please call Roger Gantz at (360) 725-1880 if you have questions regarding the report.

Sincerely,

LYLE QUASIM, Secretary

The Department of Social and Health Services Report on the Children's Health Insurance Program Allotment is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

December 29, 1999

Mr. Tony Cook
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Actions to Increase the Share of Medicare Part B Premium Payments." It is mandated under Chapter 309, Laws of 1999, Section 210 (7).

Please call Andy Renggli at (360) 725-1207 if you have questions regarding the report.

Sincerely,

LYLE QUASIM, Secretary

The Department of Social and Health Services Report on Actions to Increase the Share of Medicare Part B Premium Payments is on file in the Office of the Secretary of the Senate

. MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

January 10, 2000

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4424, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4424 by Representatives Kessler and Lisk

Requesting a Joint Session for the purpose of receiving the State of the State message from Governor Gary Locke.

MOTIONS

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4424 was advanced to second reading and read the second time.

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4424 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

HOUSE CONCURRENT RESOLUTION NO. 4424 was adopted by voice vote.

PERSONAL PRIVILEGE

Senator Snyder: "On a point of personal privilege, I thought that everybody would like to know that I made some new resolutions for the new millennium and that I would try to be more kind and considerate and be sure that everybody had their bills heard and that we did the best to serve everybody as well as possible--as soon as possible. The only thing is--I believe that the millennium doesn't start until 2001.

"I do want to welcome everybody back and just say like Queen Natalie did that this is probably an opportunity that we have this session and it is going to be a little trying on all of us and I think we all need to be more understanding of one another's feelings and beliefs and try not to be quite as critical as maybe we have been in the past. Hopefully, sixty days from now we all have big smiles on our face and ready to adjourn SINE DIE. Thank you."

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

January 10, 2000

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8419, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

At 12:49 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Tuesday, January 11, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

JOURNAL OF THE SENATE

FIRST DAY, JANUARY 10, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 11, 2000

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, WA 98504-5000

December 20, 1999

Mr. Tony Cook
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the Department's Report to the Legislature entitled "Decline of Youth in Police Custody." It is mandated under RCW 74.13.036(5).

Please call Shirley Moore at (360) 902-7937 if you have questions regarding the report.

Sincerely,

LYLE QUASIM, Secretary

The Report on the Decline of Youth in Police Custody from the Department of Social and Health Services is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

November 20, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Marty Brown, appointed November 20, 1999, for a term ending at the pleasure of the Governor, as Director of the Office of Financial Management.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Ways and Means.

November 24, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Dawn M. Reynolds, appointed November 24, 1999, for a term ending December 30, 2000, as a member of the Fish and Wildlife Commission.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Natural Resources, Parks and Recreation.

December 6, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Leana D. Lamb, appointed for a term beginning January 24, 2000, and ending July 26, 2005, as a member of the Personal Appeals Board.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Labor and Workforce Development.

January 3, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Charlie Brydon, appointed January 3, 2000, for a term ending March 1, 2005, as Chair of the Board of Tax Appeals.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Ways and Means.

MESSAGES FROM THE HOUSE

January 10, 2000

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. NO. 8420, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

January 10, 2000

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. NO. 8421, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8419,
SENATE CONCURRENT RESOLUTION NO. 8420,
SENATE CONCURRENT RESOLUTION NO. 8421.

INTRODUCTION AND FIRST READING

SB 6217 by Senators Hargrove, Long, Costa and Winsley

AN ACT Relating to technical and clarifying amendments to the dependency and termination of parental rights statutes; amending RCW 13.34.030, 13.34.040, 13.34.050, 13.34.060, 13.34.070, 13.34.080, 13.34.120, 13.34.145, 13.34.165, 13.34.170, 13.34.174, 13.34.176, 13.34.180, 13.34.190, 13.34.200, 13.34.210, 13.34.231, 13.34.232, 13.34.233, 13.34.235, 13.34.260, 13.34.270, 13.34.300, 13.34.340, 13.70.003, 13.70.110, 13.70.140, 26.44.115, and 74.15.030; reenacting and amending RCW 13.34.090, 13.34.110, and 13.34.130; adding new sections to chapter 13.34 RCW; recodifying RCW 13.34.170; and repealing RCW 13.34.162 and 13.34.220.

Referred to Committee on Human Services and Corrections.

SB 6218 by Senators Hargrove, Long and Costa

AN ACT Relating to technical and clarifying amendments to the family reconciliation act; amending RCW 13.32A.010, 13.32A.030, 13.32A.040, 13.32A.042, 13.32A.044, 13.32A.050, 13.32A.060, 13.32A.065, 13.32A.080, 13.32A.082, 13.32A.090, 13.32A.095, 13.32A.100, 13.32A.120, 13.32A.125, 13.32A.130, 13.32A.140, 13.32A.150, 13.32A.152, 13.32A.160, 13.32A.170, 13.32A.179, 13.32A.191, 13.32A.194, 13.32A.196, and 13.32A.200; adding a new section to chapter 13.32A RCW; creating a new section; repealing RCW 13.32A.210; and providing an expiration date.

Referred to Committee on Human Services and Corrections.

SB 6219 by Senators Rasmussen and Morton (by request of Conservation Commission)

AN ACT Relating to conservation districts; amending RCW 89.08.210; and adding a new section to chapter 89.08 RCW.

Referred to Committee on Agriculture and Rural Economic Development.

SB 6220 by Senators Prentice, Winsley, Deccio and Rasmussen

AN ACT Relating to a prohibition on unfair competition by motor vehicle dealers and manufacturers; and adding a new section to chapter 46.96 RCW.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6221 by Senators Thibaudeau and Deccio (by request of Department of Health)

AN ACT Relating to making technical changes, wording updates, and other corrections to department of health statutes covering health professions and facilities; amending RCW 18.35.240, 18.35.240, 18.35.250, 18.35.250, 18.48.020, 18.52.030, 18.83.135, 18.92.013, 18.92.015, 18.92.030, 18.92.060, 18.92.125, 18.92.140, 18.92.145, 18.120.020, 18.73.030, 18.73.101, 18.73.130, 18.73.140, 70.168.020, 71.12.455, 71.12.460, 71.12.470, 71.12.480, 71.12.510, 71.12.520, 18.46.005, 18.46.010, 18.46.020, 18.46.040, 18.46.060, 18.46.070, 18.46.080, 18.46.090, 18.46.110, 18.46.120, 18.46.130, and 18.46.140; reenacting and amending RCW 71.12.500; adding a new section to chapter 71.12 RCW; repealing RCW 18.48.040, 18.57A.070, 18.83.910, and 18.83.911; providing an effective date; and providing an expiration date.

Referred to Committee on Health and Long-Term Care.

SB 6222 by Senators Costa, Long and Kohl-Welles (by request of Sentencing Guidelines Commission)

AN ACT Relating to the termination of offenders from the special drug offender sentencing alternative; and reenacting and amending RCW 9.94A.120.

Referred to Committee on Judiciary.

SB 6223 by Senators Hargrove, Long, Costa and Kohl-Welles (by request of Sentencing Guidelines Commission)

AN ACT Relating to reorganization of, and technical, clarifying, nonsubstantive amendments to, community supervision and sentencing provisions; amending RCW 9.94A.190, 9.94A.390, 9.94A.130, 9.94A.210, 9.94A.370, 9.94A.383, 9.94A.400, 9.94A.410, 9.94A.137, 9.94A.135, 9.94A.180, 9.94A.185, 9.94A.145, 18.155.010, 18.155.020, 18.155.030, 46.61.524, and 9.94A.395; reenacting and amending RCW 9.94A.030, 9.94A.120, 9.94A.310, 9.94A.360, 9.94A.440, 9.94A.150, 9.94A.140, 9.94A.142, and 9.94A.040; adding new sections to chapter 9.94A RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

SB 6224 by Senators Hargrove, Long, Costa and Kohl-Welles (by request of Sentencing Guidelines Commission)

AN ACT Relating to community custody ranges; reenacting and amending RCW 9.94A.120; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

SB 6225 by Senators Fairley and Winsley (by request of Department of Social and Health Services)

AN ACT Relating to definitions of income and resources; and reenacting and amending RCW 74.04.005.
Referred to Committee on Labor and Workforce Development.

SB 6226 by Senators Morton, Hochstatter and Oke

AN ACT Relating to unemployment compensation and disqualification for refusing to take or failing a substance abuse test; amending RCW 50.20.080; adding a new section to chapter 50.20 RCW; creating a new section; and providing an effective date.
Referred to Committee on Labor and Workforce Development.

SB 6227 by Senators Jacobsen, Spanel and Rasmussen

AN ACT Relating to service as a substitute teacher, administrator, or principal; and amending RCW 41.32.570.
Referred to Committee on Education.

SB 6228 by Senators Jacobsen, Winsley, Spanel, Rasmussen and McAuliffe

AN ACT Relating to providing a death benefit for certain members of the Washington school employees' retirement system; adding a new section to chapter 41.35 RCW; and providing an effective date.
Referred to Committee on Ways and Means.

SB 6229 by Senators Jacobsen and Oke

AN ACT Relating to promoting wildlife viewing; amending RCW 77.12.010; creating new sections; and making an appropriation.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6230 by Senators Stevens, Fairley, Franklin, Oke and Kline

AN ACT Relating to consent requirements for the acquisition or conveyance of a person's deoxyribonucleic acid; adding a new chapter to Title 7 RCW; and prescribing penalties.
Referred to Committee on Judiciary.

SB 6231 by Senators Fairley and Oke (by request of Department of Labor and Industries)

AN ACT Relating to telecommunications contractors and installations; adding a new chapter to Title 19 RCW; and prescribing penalties.
Referred to Committee on Labor and Workforce Development.

SB 6232 by Senators Fairley, Oke, Hochstatter and Rasmussen (by request of Office of the Lieutenant Governor Owen, Department of Labor and Industries and Department of Social and Health Services)

AN ACT Relating to industrial insurance premiums for employers with drug-free workplace programs; amending RCW 49.82.901; creating a new section; and providing an expiration date.
Referred to Committee on Labor and Workforce Development.

SB 6233 by Senators Wojahn, McDonald, Loveland, Deccio, Snyder, Spanel, Winsley, Rasmussen, Gardner, Costa, Hale, McAuliffe and Kline

AN ACT Relating to the developmental disabilities endowment trust fund; amending RCW 43.330.200, 43.330.210, 43.330.220, and 43.330.230; amending 1999 c 384 s 1 (uncodified); adding new sections to chapter 43.330 RCW; and adding a new section to chapter 43.33A RCW.

Referred to Committee on Health and Long-Term Care.

SB 6234 by Senators Patterson, Haugen, Eide, Costa, Kohl-Welles, Gardner and McAuliffe

AN ACT Relating to driver's license examinations and restrictions; amending RCW 46.20.305 and 46.63.020; adding a new section to chapter 42.17 RCW; and prescribing penalties.
Referred to Committee on Transportation.

SB 6235 by Senator Fairley (by request of Employment Security Department)

AN ACT Relating to allowing an employer to request relief of benefit charges within thirty days of notice of the claim being filed; amending RCW 50.29.020; creating a new section; and providing an effective date.
Referred to Committee on Labor and Workforce Development.

SB 6236 by Senator Fairley (by request of Employment Security Department)

AN ACT Relating to the transfer of data for operational, evaluation, and research purposes; reenacting and amending RCW 50.13.060 and 42.17.310; creating new sections; and prescribing penalties.
Referred to Committee on Labor and Workforce Development.

SB 6237 by Senator Fairley (by request of Employment Security Department)

AN ACT Relating to processing fees deducted from earnings withheld due to child support; amending RCW 26.23.060; creating a new section; and declaring an emergency.
Referred to Committee on Labor and Workforce Development.

SB 6238 by Senator Fairley (by request of Employment Security Department)

AN ACT Relating to eligibility for unemployment insurance benefits when an employee voluntarily participates in an employer initiated layoff; adding a new section to chapter 50.20 RCW; creating a new section; and declaring an emergency.
Referred to Committee on Labor and Workforce Development.

SB 6239 by Senator Fairley (by request of Employment Security Department)

AN ACT Relating to requiring large employers to report tax and wage information electronically for unemployment insurance purposes; amending RCW 50.12.070; creating a new section; and providing an effective date.
Referred to Committee on Labor and Workforce Development.

SB 6240 by Senators Honeyford, Haugen and Gardner

AN ACT Relating to legal newspapers; and amending RCW 65.16.020.
Referred to Committee on State and Local Government.

SB 6241 by Senators Fairley, Kohl-Welles, Brown, Shin, Kline, Fraser, Prentice, McAuliffe, Patterson, Eide, Rasmussen and Costa

AN ACT Relating to establishing performance measures and the setting of goals for earnings gains, job retention, and access to benefits that support work for the WorkFirst program; adding new sections to chapter 74.08A RCW; and creating new sections.
Referred to Committee on Labor and Workforce Development.

SB 6242 by Senators Fairley, Patterson, Kohl-Welles, Shin, McAuliffe, Eide and B. Sheldon

AN ACT Relating to public agency telephone systems; adding a new section to chapter 43.105 RCW; and creating a new section.

Referred to Committee on Labor and Workforce Development.

SJR 8212 by Senators Loveland, Winsley, Fairley, Haugen, Snyder, Fraser, Patterson, Bauer, Wojahn, Spanel, B. Sheldon, Rasmussen, Oke, Gardner, Thibaudeau and Goings

Providing a tax credit on owner-occupied residential property.

Referred to Committee on Ways and Means.

MOTION

At 12:05 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 4:30 p.m.

The Senate was called to order at 4:30 p.m. by President Owen.

MOTION

At 4:40 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease to retire to the House of Representatives for the purpose of a Joint Session.

JOINT SESSION

The Sergeant at Arms of the House announced the arrival of the Senate at the bar of the House.

Co-Speaker Chopp of the House of Representatives instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort President of the Senate, Lieutenant Governor Brad Owen, President Pro Tempore R. Lorraine Wojahn, Majority Leader Sid Snyder and Minority Leader James West to seats on the rostrum.

The Senators were invited to seats within the House Chamber.

The Co-Speaker of the House of Representatives declared the Joint Session to be in order.

The Clerk of the House of Representatives called the roll of the House and a quorum was present.

The Secretary of the Senate called the roll of the Senate and a quorum was present.

The Co-Speaker of the House of Representatives presented the gavel to the President of the Senate, Lieutenant Governor Brad Owen.

APPOINTMENT OF SPECIAL COMMITTEES

The President of the Senate appointed Senators Mike Heavey, Stephen Johnson, Adam Kline and Larry Sheahan and Representatives Tom Campbell, Jim Dunn, Pat Lantz and Brian Sullivan as a special committee to escort the Supreme Court Justices from the State Reception Room to the House Chamber.

The President of the Senate appointed Senators Tracey Eide, Calvin Goings, Bob McCaslin and Pam Roach and Representatives Jerome Delvin, Kelli Linville, Al O'Brien and Beverly Woods as a special committee to escort the State Elected Officials from the State Reception Room to the House Chamber.

The President of the Senate appointed Senators Karen Fraser and Dino Rossi and Representatives Roger Bush and Ed Murray as a special committee to inform Governor Gary Locke that the Joint Session has been assembled and to escort him from his office to the House Chamber.

INTRODUCTION OF SPECIAL GUESTS

The President of the Senate welcomed and introduced the Supreme Court Justices: Chief Justice Richard P. Guy, Associate Chief Justice Charles Z. Smith, Justice Charles Johnson, Justice Barbara A. Madsen, Justice Gerry Alexander, Justice Phil Talmadge, Justice Richard B. Sanders, Justice Faith Ireland and Justice Bobbie Bridge.

The President welcomed and introduced the State Elected Officials: Secretary of State Ralph Munro, State Treasurer Mike Murphy, State Auditor Brian Sonntag, Superintendent of Public Instruction Terry Bergeson, Insurance Commissioner Deborah Senn and Commissioner of Public Lands Jennifer Belcher.

INTRODUCTION OF CONGRESSIONAL DELEGATION

The President welcomed and introduced the Honorable Jim McDermott, Congressman from the Seventh District and the Honorable Adam Smith, and his wife Sarah, Congressman from the Ninth Legislative District, who were seated on the rostrum.

INTRODUCTION OF MEMBERS OF THE CONSULAR ASSOCIATION OF WASHINGTON

The President called upon Secretary of State Ralph Munro to introduce the honored guests of the Consular Association of Washington, who were seated in the back of the House Chamber: The Honorable Walter Weber, Treasurer of the Consular Association and Consul General Emeritus of Austria; The Honorable Roger Simmons, P.C., Consul General of Canada; The Honorable Karsten Babig, Acting Consul General of the Federal Republic of Germany; The Honorable Shoji Sato, Senior Consul of Japan; The Honorable Byung Seang Oh, Consul of the Republic of Korea; The Honorable Sylvia Meek, Vice Consul of Mexico; The Honorable Andre Veklenko, Consul General of the Russian Federation; The Honorable David Broom, Her Majesty's Consul, United Kingdom; and The Honorable Frank Liu, Director General, Taipei Economic and Cultural Office in Seattle.

INTRODUCTION OF GOVERNOR AND MRS. GARY LOCKE

The President welcomed and introduced Governor Gary Locke and Mona Lee Locke and asked the special committee to escort them to their place on the rostrum.

The flags were escorted to the rostrum by the Joint Service Color Guard.

The prayer was offered by Rabbi James Mirel of the Temple B'nai Torah of Bellevue.

REMARKS BY LIEUTENANT GOVERNOR BRAD OWEN

"It is the purpose of this joint session to receive the State of the State Address from His Excellency, Governor Gary Locke. It is always a pleasure for me to have the opportunity to introduce to you and to present to you the Honorable Governor. Governor Gary Locke."

STATE OF THE STATE ADDRESS
BY GOVERNOR GARY LOCKE

Governor Locke: "Mr. President, Mr. Speakers, Honorable Chief Justice, distinguished Justices of the Supreme Court, members of the Consular Association, statewide elected officials, members of the Washington State Legislature, and all of the people of Washington, welcome. Tonight, we stand together at the bright dawn of a new millennium. A wealth of possibilities stretches before us. Behind us lies a proud history to guide the choices we make for the next century. A century our grandchildren will close just as we have closed our grandparents' century.

"I have to admit, I feel time slipping away. Just the other day, I received my AARP card in the mail, and I thought, What's this? I'm not anywhere near retirement--I hope. In fact, I feel pretty young. I've still got lots of energy. I can still carry my golf clubs, walk the length of a golf course, and not be out of breath. I can even stay up past my kids' bedtime. In fact, Mona and I have decided that since we, as a family, share everything, why not age? So, on average, she and I are

really only in our early forties. Throw Dylan and Emily's ages into the mix, I'm still in my mid-twenties. But, in all seriousness, time isn't moving backwards. It is moving forward, and fast.

"When I look into the future of the state of Washington, I like what I see. I see a Washington where our kids go to outstanding schools and get individual attention--where they pass their achievement tests with flying colors--where fourth graders read beyond the fourth grade level, and our tenth graders are passing their tests of mastery in the subjects that we deem important. Their teachers are the best in the nation, their school buildings state of the art; where a college education is available and affordable to anyone who works hard and earns it--and where our schools are free from violence, crime and drugs.

"The Washington I see is a place where our families-- our children-- can find family wage jobs in their own hometowns; where our economy is vibrant, and unemployment is low and hardly anyone needs welfare. It's a Washington where a young family can buy a home that doesn't force them to live paycheck to paycheck, and our senior citizens can continue to live in the family home; where there is affordable and accessible health care for everyone; and where medical decisions are made by doctors and their patients, not by accountants.

"It is a Washington where it is safe to walk the streets alone at night; where neighbor looks out for neighbor. I see a Washington with pure air, clean water, healthy forests, and flourishing farmlands, where there are no endangered species, where our rivers are teeming with wild salmon. Is this an impossible dream? I don't think so, and neither should you. President Kennedy once dreamed of putting a man on the moon, and we did it. Realizing our dreams of opportunity and success for our children, should be our man on the moon. It is a dream that together, we can help make a reality.

"We begin this Twenty-first Century with a strong foundation of high ideals, hard work, courage, and sacrifice. The Twentieth Century answered Franklin Roosevelt's call for a rendezvous with destiny. Martin Luther King, Jr. challenged each of us to judge each other not by the color of our skin, but by the strength and content of our character. We witnessed Neil Armstrong take 'one small step for man, one giant leap for mankind.' We saw our parents survive the Great Depression and fight wars to ensure our freedom. We saw the Berlin Wall crash to the ground and we saw communism crumble and democracy flourish. We saw Washington fly to worldwide prominence in the aircraft industry. And we saw Bill Gates and Jeff Bezos revolutionize technology and the way we do business. We saw thousands and thousands of Washingtonians--everyday Washingtonians--sacrifice everything that they had to ensure that their children would have a better life.

"We have with us today some of those everyday Washingtonians who shaped our nation and our state-- who made choices and sacrifices that ensured the freedom and the democracy we enjoy every single day. First, let's pause to honor one of our heroes who isn't with us today. On October 7th, State Trooper Jim Saunders lost his life protecting our citizens. His wife Billie is with us today. Billie, you are in our thoughts and prayers, and you can always count on our support. It is with deep sadness that we acknowledge Jim's sacrifice today. Let's have a moment of silence to honor Trooper Jim Saunders.

"Thank you.

"There are other heroes we honor today: Jacque Long is with us today. After witnessing the Ku Klux Klan in action, Jackie went to work for Martin Luther King, Jr., marching, registering voters, putting her own safety at risk to ensure equal rights for all. Jacque Long, thank you very much.

"Francis Agnes and his wife, Marlene, are also with us today. Francis was a Prisoner of War in World War II. He survived the Bataan Death March--a deadly sixty mile march in jungle heat. When he returned to Washington after twenty-one years in the Air Force, Francis and his wife dedicated their lives to helping veterans in our great state. Francis guards the lives of our veterans like a hawk. If a veteran is sick and needs a ride to the hospital, Francis will drive him. If a widow needs help arranging funeral plans, Francis is there. Francis Agnes, thank you very much.

"LeRoy Roberts is one of the great Tuskegee Airmen. He flew forty-two missions against Nazi Germany and one hundred and six missions during the Korean War. After spending his entire career in the Air Force, LeRoy continues to volunteer at air force bases, and he travels around to our schools, Elk Clubs, Rotaries, and gives slide show presentations, educating our children and our citizens about the Tuskegee Airmen. LeRoy Roberts, thank you very much.

"Tosh Okamoto--Tosh and his family were placed in concentration camps at the outbreak of World War II, simply because of their Japanese ancestry, and yet Tosh stood up and asked to fight for our country. He served in the heroic 442nd regimental combat team-- the most-decorated unit in the history of American warfare. When Tosh returned to Washington, he went to a nursing home to visit the father of his friend, a fellow soldier, who had died in battle. The man's other son was also visiting his father that day, and asked Tosh for some change. Tosh searched his pockets, and handed the son what he had. The son told Tosh that when his father rang his call button, it was more likely that someone would come and see what he wanted if he held up some money. Tosh was outraged. This man's son had died for democracy, and that's how he was being treated. So Tosh formed a non-profit organization and opened the Keiro Nursing Home. Keiro, in Japanese, means 'respect for the elderly.' That was the beginning of Tosh's involvement in improving the lives of our elders. Tosh Okamoto, thank you very much.

"LeRoy Roberts and Tosh Okamoto and countless thousands of others served our country even as their families faced discrimination at home because they believed in the essential goodness of America and her promise of freedom and equal opportunity for all. We must do for our children and our children's children as these heroes have done for us. When these soldiers went off to fight in wars, they weren't thinking about their own well-being-- they were thinking about us-- and our future. When Jacque risked her safety to march for civil rights and register voters, she was thinking about a society for all of us--where everyone has equal opportunities. When Jim Saunders drove that patrol car night after night, he did it because he wanted our children to live in a safe community. They did it for us--to create a better future. The choices these heroes made carved out our destiny. What kind of a destiny do we want to carve out for our children? That will depend on the choices we make in the next sixty days.

"Things have never been better in our great state of Washington. The state of our state is good. Our schools' test scores are rising; We've helped more than 80,000 people move from welfare to work; we've retrained thousands of displaced workers into good paying jobs; and we've returned almost a billion tax dollars to businesses so they can reinvest, grow, and create the jobs that provide for our families and provide us with a good future. Our unemployment rate is the lowest it's been in thirty-three years.

"Our economy is strong. It's our responsibility to preserve our prosperity and we'll do it by building trust in government--by joining as 'One Washington' and sharing our economic bounty and by finding long-term solutions to our immense transportation problems, and by making a long-term all-out commitment to education.

"Today, as we celebrate our progress, we must also adopt an agenda for the future--if our prosperity is to continue. So, as we begin the new century and its first legislative session, we must do more than simply meet the challenges of Initiative 695. As we begin, let us resolve to set aside partisanship, to do what is best for our people and for our children--the children of our state--because you know what? Twenty years from now, fifty years from now, a hundred years from now, nobody is going to care whether we were Democrats or Republicans. They won't even remember our names, but what they will remember and care about is what we've done--together--to make the future a better place.

"You've all read and digested my budget and legislative proposals, so today, let me just reinforce some of the most critical issues we must resolve. First, health care should be available and affordable to everyone in the state. People can't purchase individual health coverage in this state, so let's resolve to find a solution and let's also establish a Patients' Bill of Rights so that no citizen is denied proper care. With our economy booming, there's no reason for the unemployment insurance taxes to be going up. Let's make sure they stay down. But at the same time, we need to make sure that we provide extended benefits to the workers who are engaged in job training and retraining, who want to better their lives, who want to take care of their families. We owe them that.

"None of us should feel unsafe in our homes, our jobs, our schools, our own backyards, so let's resolve once and for all to protect our families and our children from the scourge of domestic violence. Let's do everything we can to eliminate violence in the schools! No child should be afraid to go to school, and no parents should be afraid to send their children to school. Schools are for learning. Let our teachers teach and let our children learn. Let's eliminate violence from our schools. And let's protect our air and our water from pollution. And let's make sure that every inch of every pipeline in Washington is safe and secure.

"None of us should have to fear neglect in our aging years. Let's pay greater respect to our elders; let's make sure they have secure long-term health-care options, and are never taxed out of the family home.

"In fact, we have with us today two of our citizens whose lives have spanned *three centuries*. Kikuno Kimura and Madame Kodama are both over one hundred years old--and both have truly enriched our lives. These citizens have witnessed the evolution of travel from horse and buggy to space exploration. They've seen communication go from telegraphs to global cellular communications. We owe so much to our seniors, our elders, for the legacy they've left us. So, thank you Kikuno and Hosoe.

"The most important item on our agenda is sitting right up there. There! Wave to us. There is our future. Do you see them? Those children with us today, and every child in every city and town. *They* are Washington's future. Those children will soon fill the seats you're sitting in today. They will be the doctors and dentists who take care of us. They will be the farmers, the scientists, the grocery store managers, the artists, the teachers, and the engineers and one of them will stand here, some day, delivering the State of the State Address.

"The key to their future, and the key to our future, is education. Education is the sword of democracy--the Excalibur of Opportunity-- and yes, the great equalizer. Our children deserve our best. So we need the best teachers in our classrooms. Our new teachers need to be properly prepared and tested and we need to provide training and professional development so that all of our teachers can continue to excel.

"Our children need small classes and individual attention to reach the high standards we've set for them. We don't need to go to the moon. We need to bring the universe to our children. Our goal is 100% literacy and 100% high school

graduation. We've initiated Promise Scholarships, so hard-working high school graduates can get the college education they need to get good-paying jobs. But, now we must make the Promise Scholarship Program more than just a promise. We need to guarantee that it will continue as a permanent program in our state. We need an education system that provides a lifetime of learning opportunities, because the need for new knowledge and new skills is moving at light-speed.

"We've got to provide the training and retraining our workers need for the jobs of the future. Every working person knows the truth about the workplace of the Twenty-first Century: If you don't keep up to date, you'll be left behind.

"I say to you tonight, it does not make sense that our state, with one of the highest per capita income levels in America, has the third most crowded classrooms in our nation. And I say to you tonight, it does not make sense that Washington is one of only five states that don't require new teachers to take tests to prove their mastery. This is simply unacceptable, and it must end now.

"Every day, our hard-working, dedicated teachers have to make an impossible choice: focus on the struggling students, or focus on the majority of students, or focus on the gifted students. Whatever choice they make, every day they are forced to choose to leave some children behind--and that's not right.

"In my three years as Governor, I've traveled to schools throughout our state. I've seen classrooms with thirty kids to a teacher. I've met eighteen year old high school graduates who can barely read. That's not right; it has to stop. If we commit to eliminating crowded classrooms, our teachers will have the chance to teach and our children will have a better chance to learn.

"So, I propose that we make a down payment on eliminating crowded classrooms by using savings in the state education budget to hire 1,000 effective teachers in the next school year. We've laid the foundation for the best education system in the nation by setting tough standards for students and holding schools accountable for results. Add teacher testing, on-going training, and professional standards to this equation, and we've got a rock-solid foundation for what comes next--smaller class sizes and unparalleled academic achievement. We cannot leave this session without fulfilling our duty to the future. Let us resolve here tonight to do the right thing for our children.

"Washingtonians have proven over and over again that if we give communities more power, they will use that power for the greater good --for our children. So, let's allow local school boards to keep *more* of the taxes generated in their own communities-- to invest in their schools. Local schools will benefit without any tax increase, and this way we can invest more than a billion dollars in schools over the next six years.

They can eliminate crowded classrooms and they can provide after-school and weekend programs for children who need extra time or extra attention--and we can be sure that we won't leave a single child behind. If we can let local governments keep money for economic development or convention centers, for baseball and football stadiums, we can surely let local school districts keep money for our kids, because if even one child goes through our school system without gaining an education, we fail. And *we* will all be held accountable for that failure.

"I propose we take yet another big step for schools and taxpayers by settling once and for all how we invest our surplus revenue. Initiative 601 spending limits are here to stay, but when we have a surplus, why not share that money fifty-fifty between schools and taxpayers. Schools will improve and taxpayers will see surplus tax dollars going back into their pockets where they belong. I know that many of you out there are wondering how we can afford to take this leap forward in education after the passage of Initiative 695. But I ask you, how can we not?

"I heard the voters on Initiative 695. I heard them loud and clear. I respect the initiative process our state holds so dear and I regard the voters as both the customers and the shareholders of the state of Washington--and our shareholders said their tax burden was too much and that they want effective, efficient government.

"Make no mistake — responding to I-695 will require sacrifices and tough decisions, but I stand here tonight to say that *together* we can meet this challenge without sacrificing a single child's future. Working together, we can provide immediate property tax cuts, including a tax cut of more than six percent for all property owners, and we can exempt all low-income seniors from the state portion of the property tax. After working so hard and sacrificing so much for their families and our communities, our elders must not be taxed out of their homes.

"We are redoubling our efforts to make government more efficient and effective. We can do more and we will. We're eliminating at least 1,500 state positions, but let's go farther. Let's take state government into the Twenty-first Century by contracting out more state services, reforming our civil service system, and allowing state employees to have the same bargaining rights as city and county workers have. Let's continue our state's Savings Incentive Program, which has provided $143 million in cold, hard cash for school construction since I took office. One hundred and forty-three million dollars towards school construction all because state employees have been creative and diligent in streamlining their operations. From the Department of Labor & Industries that streamlined its contractor registration renewal process from twenty-seven days down to one, to the Department of Information Services that designed and implemented "Access Washington," the best

state Web site in America, to the Department of Health that developed a DNA fingerprinting technique which can identify an E-coli outbreak within twenty-four hours, instead of the seven days it used to take.

"Every agency in our state is working hard to streamline government, so let's thank and applaud our state employees, for the great work they're doing. By working together we can ensure that local governments hardest hit by Initiative 695 can continue to provide vital police, fire protection, public health, and transit services. I will not turn my back when someone needs the police, a medic, a firefighter, a vaccine for their child, or a bus ride home from work. We cannot walk away from our responsibility to make our communities safe and secure.

"We all know we need transportation improvements to relieve congestion, to make our highways safer, to get our products to market more swiftly, and to make our ferry system more efficient. Our Blue Ribbon Commission on Transportation, created by this Legislature, will find a way to fund over 20 billion dollars worth of transportation projects necessary in the decades ahead. Within a year, we will have their answer -- a proposal that will go to the voters.

"Yes, we could divert state revenue for short-term transportation solutions, but the result would destine our education system to mediocrity and hardly put a dent in the massive transportation problems we face. On my watch, I will not see education sacrificed. The children are our future. If we don't educate our children--if we don't commit to excellence in education-- our children will carry the shackles of their inability to prosper, to engage, to be full active members of our society, to their graves--and we will all lose. We will all, as a society, be diminished. and that would be a tragedy that we simply can't allow to happen.

"You know, I've taken on a lot of titles in my life. Deputy Prosecutor, State Representative, County Executive, and now Governor, but I'll tell you, the most important title I've ever had is Daddy. To Emily and Dylan, I am Daddy, and I always will be and that means more to me than anything else. So. let's remember our true titles. The ones that last; the ones that really matter--Uncle, Aunt, Brother, Sister, Mom and Dad.

"Those children up there? Our future? I asked them a couple of questions. I asked: What do you like about your lives now, and what do you want the world to be like when you grow up?

"Tana said she wants to be a teacher and a trapeze artist. And some people might say the two are synonymous--one and the same.

"Kathy said, 'I like learning stuff, but sometimes I learn sad things like the sea turtles who eat plastic bags and get sick and die. I learned about salmon at school and am real worried that they may all be gone if we don't clean up our rivers and creeks.'

"Maggie said, 'I think more towns should be like my town because it is safe. I like walking to my grandma's house.'

"Madeleine said, 'It is great to be a kid today. I hope for good choices by presidents and other people in the government.'

"Citizens of Washington: Is all that too much to ask? Jim, Jacque, LeRoy, Tosh, Francis, all of our heroes, they gave us freedom, democracy, the right to sit in whichever seat on the bus we want. And now our children are asking for opportunities--chances. Let's give them the opportunities to make the right choices when their turn comes--and that is *not* too much to ask.

"Last Saturday I went to the opening of a new school on Bainbridge Island. The children were singing some incredible songs, and one of the songs went like this, 'The future begins with us and every moment we live lights the way! This is our day. This is our day.' Let's help them light the way. Let's give them their day.

"A wise person once said, 'A hundred years from now, it will not matter what my bank account was, the sort of house I lived in, or the kind of car I drove--but the world may be different because I was important in the life of a child.' Today I say: 'A hundred years from now, it won't matter whether we were Democrats or Republicans, but the world will be different in a hundred years, if all of us--each and every one of us commit today to being important in the lives of our children.'

Thank you, and God bless us all."

The President of the Senate thanked Governor Locke for his comments.

The President of the Senate introduced the parents of Governor Locke, Julie and Jimmy Locke, who were seated in the gallery.

The President of the Senate instructed the special committee to escort Governor and Mrs. Locke from the House Chamber.

The President of the Senate asked the special committee to escort the State Elected Officials from the House Chamber.

The President of the Senate asked the special committee to escort the Supreme Court Justices from the House Chamber.

MOTION

On motion of Representative Kessler, the Joint Session was dissolved.

The President of the Senate returned the gavel to Co-Speaker Ballard of the House of Representatives.

The Co-Speaker of the House instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort President of the Senate, Lieutenant Governor Brad Owen, President Pro Tempore R. Lorraine Wojahn, Majority Leader Sid Snyder and Minority Leader James West from the House Chamber.

The Co-Speaker of the House instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort the Senators from the House Chamber.

The Senate was called to order at 6:03 p.m. by President Owen.

MOTION

At 6:03 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, January 12, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SECOND DAY, JANUARY 11, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 12, 2000

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Finkbeiner, Goings, Jacobsen, Kline, Kohl-Welles, Oke, Patterson and Sellar. Because of the snow and road conditions, on motion of Senator West, Senators Benton, Finkbeiner, Goings, Jacobsen, Kline, Kohl-Welles, Oke, Patterson and Sellar were all excused.

The Sergeant at Arms Color Guard, consisting of Pages Izaak Fox and Sarah Burn, presented the Colors. Reverend Mary McGonigal, pastor of the Lacey Presbyterian Church, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
P. O. Box 42560
Olympia, Washington 98504-2560

January 7, 2000

Mr. Tony Cook
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Re: Report to the Legislature - Nonnutritive Substances in Fertilizers

Dear Mr. Cook:

Enclosed is the first Report to the Legislature on the LEVELS OF NONNUTRITIVE SUBSTANCES IN FERTILIZERS. Under RCW 15.54.433, the Department of Agriculture and the Department of Ecology, in consultation with the Department of Health, are to biennially prepare a Report to the Legislature presenting information on levels of nonnutritive substances in fertilizers as well as the results from agency testing of sampled products.

If you have any questions about the report or would like additional copies of the report, please call me at 902-1812. Thank you.

Sincerely,

Mary Beth Lang

Assistance to the Director

The Department of Agriculture Report on Nonnutritive Substances in Fertilizers is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 6243 by Senators Costa, McCaslin, Kline, Long, Prentice, Zarelli, Fairley, Gardner, Thibaudeau, Heavey, Goings, Kohl-Welles, Haugen, Rasmussen and Winsley

AN ACT Relating to restitution to the estate of crime victims; reenacting and amending RCW 9.94A.142; and creating a new section.

Referred to Committee on Judiciary.

SB 6244 by Senators Costa, McCaslin, Kline, Long, Prentice, Zarelli, Fairley, Gardner, Thibaudeau, Heavey, Goings, Kohl-Welles, McAuliffe and Winsley

AN ACT Relating to the extension of juvenile court jurisdiction to enforce a penalty assessment; amending RCW 13.40.300; adding a new section to chapter 13.40 RCW; creating a new section; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 6245 by Senators Costa, Long, Brown, Gardner, Heavey, Haugen, Rasmussen, Kohl-Welles, Winsley, Thibaudeau and Eide

AN ACT Relating to providing child day-care licensing information to the public through a toll-free number; adding new sections to chapter 74.15 RCW; and providing an effective date.
Referred to Committee on Human Services and Corrections.

SB 6246 by Senators Costa, McCaslin, Kline, Long, Prentice, Zarelli, Fairley, Gardner, Thibaudeau, Heavey, Haugen, Kohl-Welles, Winsley and Oke

AN ACT Relating to penalty assessments for crimes committed before June 6, 1996; amending RCW 7.68.035; creating a new section; and declaring an emergency.
Referred to Committee on Judiciary.

SB 6247 by Senators Heavey, Kline, Costa, Thibaudeau and Kohl-Welles

AN ACT Relating to strict liability for injuries or death caused by firearms; adding a new section to chapter 9.41 RCW; and prescribing penalties.
Referred to Committee on Judiciary.

SB 6248 by Senators Heavey, Johnson, McCaslin and Costa

AN ACT Relating to parking meter violations in cities over four hundred thousand population; and adding a new section to chapter 35.20 RCW.
Referred to Committee on State and Local Government.

SB 6249 by Senators Gardner, Horn, Spanel, Hale, Jacobsen, Heavey, Snyder and McCaslin

AN ACT Relating to continuing professional education for certified public accountants; and amending RCW 18.04.105.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6250 by Senators Rasmussen, Loveland, Morton, Brown, T. Sheldon, Swecker, Stevens, Eide and Gardner (by request of Department of Agriculture)

AN ACT Relating to tax exemptions and credits for structures and equipment used to reduce agricultural burning of cereal grains and field and turf grass grown for seed; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; creating a new section; providing expiration dates; and declaring an emergency.
Referred to Committee on Ways and Means.

SB 6251 by Senators Rasmussen, Morton, Swecker and Stevens (by request of Department of Agriculture)

AN ACT Relating to horticultural plants and facilities; amending RCW 15.13.250, 15.13.260, 15.13.265, 15.13.270, 15.13.280, 15.13.285, 15.13.290, 15.13.300, 15.13.310, 15.13.320, 15.13.335, 15.13.340, 15.13.360, 15.13.370, 15.13.380, 15.13.390, 15.13.400, 15.13.410, 15.13.420, 15.13.425, 15.13.430, 15.13.440, 15.13.445, 15.13.450, 15.13.455, 15.13.470, 15.13.480, and 15.13.490; adding new sections to chapter 15.13 RCW; adding new sections to chapter 15.09 RCW; decodifying RCW 15.13.460, 15.13.930, and 15.13.950; repealing RCW 15.09.130 and 15.13.350; and prescribing penalties.
Referred to Committee on Agriculture and Rural Economic Development.

SB 6252 by Senators Rasmussen, Morton, T. Sheldon, Swecker and Stevens (by request of Department of Agriculture)

AN ACT Relating to structural pest inspections; amending RCW 15.58.030, 15.58.150, 15.58.233, 15.58.040, and 15.58.210; adding new sections to chapter 15.58 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture and Rural Economic Development.

SB 6253 by Senators Rasmussen, Swecker and Stevens (by request of Department of Agriculture)

AN ACT Relating to custom meat slaughter and preparation; amending RCW 16.49.435, 16.49.680, 16.49.440, 16.49.690, 16.49.610, 16.49.451, 16.49.700, 16.49.710, 16.49.444, 16.49.510, and 16.49.670; adding new sections to chapter 16.49 RCW; adding a new section to chapter 16.57 RCW; recodifying RCW 16.49.435, 16.49.680, 16.49.440, 16.49.690, 16.49.610, 16.49.451, 16.49.700, 16.49.710, 16.49.444, 16.49.510, and RCW 16.49.670; repealing RCW 16.49.441, 16.49.442, 16.49.454, 16.49.500, 16.49.630, and 16.49.635; and prescribing penalties.
Referred to Committee on Agriculture and Rural Economic Development.

SB 6254 by Senators Rasmussen and Morton

AN ACT Relating to taxation of natural or manufactured gas used for growing agricultural crops, poultry, or livestock; and amending RCW 82.12.022 and 82.16.010.
Referred to Committee on Agriculture and Rural Economic Development.

SB 6255 by Senators Rasmussen, Prentice, Morton, Franklin, Heavey, Brown and Goings

AN ACT Relating to anhydrous ammonia; adding a new chapter to Title 15 RCW; and prescribing penalties.
Referred to Committee on Agriculture and Rural Economic Development.

SB 6256 by Senators Rasmussen, Loveland, Morton, Prentice and Stevens

AN ACT Relating to labeling of state food products; adding a new section to chapter 15.28 RCW; adding a new section to chapter 15.62 RCW; adding a new section to chapter 15.65 RCW; adding a new section to chapter 15.66 RCW; adding a new section to chapter 15.85 RCW; adding a new section to chapter 15.86 RCW; and creating a new section.
Referred to Committee on Agriculture and Rural Economic Development.

SB 6257 by Senators Rasmussen, Morton and Stevens

AN ACT Relating to fresh fruit sales; and repealing RCW 15.21.010, 15.21.020, 15.21.030, 15.21.040, 15.21.050, 15.21.060, 15.21.070, 15.21.900, 15.21.910, and 15.21.920.
Referred to Committee on Agriculture and Rural Economic Development.

SB 6258 by Senators Patterson, Prentice, Shin, Eide, Heavey, Costa, Gardner, Deccio, Brown, Kline, McAuliffe, Franklin, Goings, Bauer and Kohl-Welles

AN ACT Relating to marketing credit cards to college students; adding a new section to chapter 28B.10 RCW; adding a new chapter to Title 19 RCW; and prescribing penalties.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6259 by Senators Patterson, Prentice, Shin, Eide, Heavey, Deccio, Gardner, Kohl-Welles, McAuliffe, Kline, Thibaudeau, Franklin, Bauer, Goings and Costa

AN ACT Relating to issuing credit cards to persons under the age of twenty-one; and adding a new chapter to Title 19 RCW.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6260 by Senators Rasmussen, Heavey, Haugen, Goings, Oke and Gardner

AN ACT Relating to manufacture of a controlled substance with children present; reenacting and amending RCW 9.94A.310; adding a new section to chapter 9.94A RCW; and prescribing penalties.
Referred to Committee on Judiciary.

SB 6261 by Senators Rasmussen and Fraser

AN ACT Relating to chlorine in drinking water; adding a new section to chapter 70.119A RCW; and providing an effective date.
Referred to Committee on Environmental Quality and Water Resources.

SB 6262 by Senators Rasmussen, Morton and Brown

AN ACT Relating to notice of tariff changes by water companies; amending RCW 80.28.060; creating a new section; and providing an effective date.
Referred to Committee on Energy, Technology and Telecommunications.

SB 6263 by Senators Zarelli, Brown, Haugen, Swecker and Johnson

AN ACT Relating to drivers' licenses; and amending RCW 46.20.100.
Referred to Committee on Transportation.

SB 6264 by Senators Eide, Costa, Swecker, Gardner, Kohl-Welles, Shin, Patterson, Brown, Haugen, Jacobsen, McAuliffe, Sheahan, Rasmussen, Fairley, Goings and Franklin

AN ACT Relating to intermediate drivers' licenses; amending RCW 46.20.091, 46.20.100, 46.20.105, 46.20.311, and 46.20.342; adding new sections to chapter 46.20 RCW; creating a new section; and providing an effective date.
Referred to Committee on Transportation.

SB 6265 by Senators Eide, Haugen, Kline, Swecker, Gardner, Rasmussen, Costa, Kohl-Welles, Brown, Patterson, McAuliffe, Prentice and Jacobsen

AN ACT Relating to accident reports; and amending RCW 46.52.030.
Referred to Committee on Transportation.

SB 6266 by Senators Eide, Fraser, McAuliffe and Kline

AN ACT Relating to habitat protection; and amending RCW 35.67.010, 36.89.010, 36.89.030, 36.94.010, 36.94.020, 85.38.180, 86.15.010, and 86.15.100.
Referred to Committee on Environmental Quality and Water Resources.

SB 6267 by Senator Sellar

AN ACT Relating to the establishment of boundaries when creating a metropolitan park district; amending RCW 35.61.010, 35.61.020, 35.61.030, 35.61.040, 35.61.050, 35.61.250, and 84.09.030; and adding a new section to chapter 35.61 RCW.
Referred to Committee on State and Local Government.

SB 6268 by Senators Kohl-Welles, Long, Costa and Thibaudeau (by request of Sentencing Guidelines Commission)

AN ACT Relating to violation of foreign protection orders; reenacting and amending RCW 9.94A.320 and 9.94A.440; prescribing penalties; and providing an effective date.
Referred to Committee on Judiciary.

SB 6269 by Senators T. Sheldon and Hochstatter

AN ACT Relating to a state employment freeze; creating a new section; providing an expiration date; and declaring an emergency.
Referred to Committee on Ways and Means.

SB 6270 by Senators Eide and Rasmussen

AN ACT Relating to penalties for alcohol violators; and reenacting and amending RCW 46.61.5055.
Referred to Committee on Judiciary.

SB 6271 by Senators Prentice, Winsley and Patterson (by request of State Treasurer Murphy and Superintendent of Public Instruction Bergeson)

AN ACT Relating to increasing the size of the state investment board; amending RCW 43.33A.020; and providing an effective date.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6272 by Senators Franklin, McCaslin, Heavey, Long, Sheahan, Goings, Hargrove and Snyder

AN ACT Relating to divulging private communication; and reenacting and amending RCW 9.73.030.
Referred to Committee on Judiciary.

SB 6273 by Senators Franklin, Fraser, Winsley, Thibaudeau, Patterson, Costa, Fairley, Brown, Wojahn and Kline

AN ACT Relating to lead-based paint activities; adding a new chapter to Title 70 RCW; creating new sections; prescribing penalties; and declaring an emergency.
Referred to Committee on Health and Long-Term Care.

SB 6274 by Senators Patterson, Wojahn and Winsley

AN ACT Relating to replacement ballots; amending RCW 29.36.124; and adding a new section to chapter 29.36 RCW.
Referred to Committee on State and Local Government.

SB 6275 by Senators McAuliffe and Zarelli (by request of Public Works Board)

AN ACT Relating to authorization for projects recommended by the public works board; creating a new section; and declaring an emergency.
Referred to Committee on Ways and Means.

SB 6276 by Senator Snyder

AN ACT Relating to authorizing inclusion of cities and towns within emergency medical service districts; and amending RCW 36.32.480.
Referred to Committee on State and Local Government.

SB 6277 by Senators B. Sheldon, Swecker, Jacobsen, Franklin, Morton, Costa, Fraser, Eide, Spanel, Thibaudeau and Kohl-Welles

AN ACT Relating to authorizing cost-reimbursement agreements for leases and environmental permits; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 43.300 RCW; adding a new section to chapter 70.94 RCW; and creating new sections.

Referred to Committee on Environmental Quality and Water Resources.

SB 6278 by Senators Haugen, Gardner, Horn and Costa

AN ACT Relating to regulating the use of traffic safety cameras; amending RCW 46.63.030 and 46.63.140; adding a new section to chapter 46.63 RCW; and creating new sections.
Referred to Committee on Transportation.

SB 6279 by Senators Haugen and Rasmussen

AN ACT Relating to exotic pets; creating a new section; and providing an expiration date.
Referred to Committee on Agriculture and Rural Economic Development.

SB 6280 by Senators Haugen, Honeyford, Loveland and McAuliffe

AN ACT Relating to the task force on archaeology and historic preservation; and amending 1999 c 309 s 117 (uncodified).
Referred to Committee on State and Local Government.

SB 6281 by Senators Haugen, Prentice, Costa and Oke

AN ACT Relating to the designation of state ferries as no smoking areas; and amending RCW 47.56.730.
Referred to Committee on Transportation.

SB 6282 by Senators Haugen, Heavey, Gardner, Horn, McCaslin, Winsley and Costa

AN ACT Relating to duties of drivers involved in traffic accidents resulting in injury or death; amending RCW 46.52.020; and prescribing penalties.
Referred to Committee on Judiciary.

SB 6283 by Senators Gardner, Horn, Haugen and Sellar

AN ACT Relating to transportation projects; amending RCW 47.20.755, 47.20.765, and 47.20.775; and providing an expiration date.
Referred to Committee on Transportation.

SB 6284 by Senators Hargrove and Kline

AN ACT Relating to individually identifiable DNA testing information; amending RCW 10.97.060, 10.97.130, 13.50.050, 70.02.010, 70.41.190, and 70.83.050; reenacting and amending RCW 70.24.105; and adding a new section to chapter 70.02 RCW.
Referred to Committee on Human Services and Corrections.

SB 6285 by Senators Hargrove, Rasmussen, McAuliffe, Oke and Kohl-Welles

AN ACT Relating to establishing Pearl Harbor remembrance day; and amending RCW 1.16.050.
Referred to Committee on State and Local Government.

SB 6286 by Senators Hargrove and McAuliffe

AN ACT Relating to authorizing the use of hotel and motel tax proceeds for law enforcement efforts directed toward tourism areas; and amending RCW 67.28.1815.
Referred to Committee on State and Local Government.

SB 6287 by Senators Snyder and Zarelli

AN ACT Relating to dredge spoils; and amending RCW 79.90.160.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6288 by Senators Patterson, Prentice, Eide, McAuliffe and Winsley

AN ACT Relating to nonpartisan elections; and amending RCW 29.21.070.
Referred to Committee on State and Local Government.

SB 6289 by Senators Patterson and Winsley

AN ACT Relating to the day when a political committee's account books must be open for inspection; and amending RCW 42.17.080.
Referred to Committee on State and Local Government.

SB 6290 by Senator Patterson

AN ACT Relating to the direct petition method of annexation; and amending RCW 35.13.130.
Referred to Committee on State and Local Government.

SB 6291 by Senators Honeyford and Rossi

AN ACT Relating to incorporations of new cities and towns; amending RCW 36.93.150; and adding a new section to chapter 36.93 RCW.
Referred to Committee on State and Local Government.

SB 6292 by Senators Morton, Rasmussen, Jacobsen, Rossi, McCaslin, Honeyford, Sheahan, Stevens and Oke

AN ACT Relating to timber sales; and adding a new chapter to Title 79 RCW.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6293 by Senators Jacobsen and Oke

AN ACT Relating to ballast water management; adding a new chapter to Title 75 RCW; and prescribing penalties.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6294 by Senators Jacobsen, Haugen and Oke

AN ACT Relating to aquatic nuisance species; amending RCW 77.12.020; and adding a new chapter to Title 75 RCW.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6295 by Senators Heavey, McCaslin, Johnson, T. Sheldon, Swecker, Long and Deccio

AN ACT Relating to garnishment proceedings; amending RCW 6.27.005, 6.27.090, 6.27.100, 6.27.190, 6.27.250, and 6.27.320; and adding a new section to chapter 6.27 RCW.
Referred to Committee on Judiciary.

SB 6296 by Senators Kohl-Welles, Jacobsen, Shin, Thibaudeau, Bauer, Fairley, Patterson, B. Sheldon, McAuliffe and Winsley

AN ACT Relating to increasing access to education for recipients of temporary assistance for needy families; amending RCW 74.08A.250; adding new sections to chapter 74.08A RCW; and creating new sections.
Referred to Committee on Higher Education.

SB 6297 by Senators Kohl-Welles, Shin, McAuliffe, Sheahan and Winsley

AN ACT Relating to graduate student assistants' tuition exemptions; and amending RCW 28B.15.014 and 28B.15.615.
Referred to Committee on Higher Education.

SB 6298 by Senators Kohl-Welles, McAuliffe, Sheahan, Shin, B. Sheldon, Bauer, Winsley and Kline

AN ACT Relating to educational opportunities for employees of school districts and educational service districts; and amending RCW 28B.15.558.
Referred to Committee on Higher Education.

SB 6299 by Senators Kohl-Welles, Sheahan, Shin, Bauer and McAuliffe

AN ACT Relating to resident tuition at institutions of higher education; amending RCW 28B.15.012 and 28B.15.012; providing an effective date; and providing an expiration date.
Referred to Committee on Higher Education.

SB 6300 by Senators Kohl-Welles, Long, Hargrove, Horn, Costa, Brown and Franklin

AN ACT Relating to annual reports of, and recommendations for improvements in, equal access to delivery of human services by state agencies; and adding a new chapter to Title 43 RCW.
Referred to Committee on Human Services and Corrections.

SB 6301 by Senators Winsley and Patterson

AN ACT Relating to general contractor/construction manager self-performance; and amending RCW 39.10.060.
Referred to Committee on State and Local Government.

SB 6302 by Senators Winsley and Patterson

AN ACT Relating to building engineering systems for the alternative public works process; and amending RCW 39.10.050.
Referred to Committee on State and Local Government.

SB 6303 by Senators Winsley and Patterson

AN ACT Relating to payment of retained percentages on public improvement contracts using the general contractor/construction manager method; and amending RCW 60.28.011.
Referred to Committee on State and Local Government.

SB 6304 by Senators McCaslin and Haugen

AN ACT Relating to reissuance of license plates; and amending RCW 46.16.233.
Referred to Committee on Transportation.

SB 6305 by Senators Franklin and Kohl-Welles

AN ACT Relating to guardians ad litem; amending RCW 11.88.090, 13.34.100, 13.34.102, 13.34.105, 26.12.175, and 26.12.177; adding new sections to chapter 26.12 RCW; adding new sections to chapter 11.88 RCW; and adding new sections to chapter 13.34 RCW.
Referred to Committee on Human Services and Corrections.

SB 6306 by Senators Thibaudeau, Deccio and Kohl-Welles

AN ACT Relating to the nursing facility payment system; amending RCW 74.46.020, 74.46.370, 74.46.421, and 74.46.431; reenacting and amending RCW 74.46.506; and repealing RCW 74.46.908. Referred to Committee on Health and Long-Term Care.

SB 6307 by Senators Morton, Haugen, Honeyford, T. Sheldon, Gardner, Sellar and Hochstatter

AN ACT Relating to county roads that cross county boundaries; and amending RCW 36.75.160 and 36.75.210.
Referred to Committee on Transportation.

SB 6308 by Senators Hargrove, Long and Costa (by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to compliance with federal standards for monitoring sex offenders; amending RCW 9A.44.135, 9A.44.140, 10.01.200, and 72.09.330; and reenacting and amending RCW 70.48.470.
Referred to Committee on Human Services and Corrections.

SB 6309 by Senators Morton, Rasmussen, Rossi, Sellar, Hochstatter, McCaslin, Honeyford, Sheahan and Stevens

AN ACT Relating to grazing leases; and amending RCW 79.01.242, 79.28.040, and 79.28.050.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6310 by Senators Gardner, Horn, Oke, Loveland, Stevens, Wojahn, Bauer, Rasmussen, McAuliffe and Costa (by request of Joint Legislative Audit and Review Committee)

AN ACT Relating to government accountability through the state sunset review process; amending RCW 43.131.020, 43.131.030, 43.131.040, 43.131.090, 43.131.100, 43.131.130, 43.131.150, and 43.131.900; adding new sections to chapter 43.131 RCW; repealing RCW 43.131.050, 43.131.060, 43.131.070, and 43.131.080; providing an expiration date; and declaring an emergency.
Referred to Committee on State and Local Government.

SB 6311 by Senators Kline, Fairley and Hochstatter

AN ACT Relating to contractor surety bonds; and amending RCW 18.27.040.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6312 by Senators Morton, Oke, Haugen, Sellar, Gardner, Hochstatter, Hargrove, McCaslin, Rasmussen, Honeyford, Sheahan and Stevens

AN ACT Relating to public hearings on proposed conservation areas; and amending RCW 79.71.060.
Referred to Committee on Natural Resources, Parks and Recreation.

SJM 8015 by Senators Honeyford, Rasmussen, Fairley, Oke, Patterson, Heavey, Rossi, Hargrove, McAuliffe, Winsley, Bauer, Stevens and Kohl-Welles

Requesting businesses owned by disabled persons be a subcategory of minority business enterprises.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SJM 8016 by Senators Morton, Jacobsen, Rasmussen, Rossi, Sellar, Hochstatter, Hargrove, McCaslin, Honeyford, Winsley, Sheahan and Stevens

Requesting support to combat Douglas fir bark beetles.

Referred to Committee on Natural Resources, Parks and Recreation.

SCR 8422 by Senators T. Sheldon, Swecker, Fraser, Oke, Kohl-Welles, B. Sheldon, Snyder, Spanel, Heavey, Thibaudeau, Rossi, Prentice, Hale, Fairley, Morton, McAuliffe, Gardner, Rasmussen, Jacobsen, Haugen, Eide, Kline, Patterson, Franklin, Winsley and Costa

Creating a committee to improve tribal relations.

Referred to Committee on Judiciary.

PERSONAL PRIVILEGE

Senator Fraser: "A point of personal privilege, Mr. President. In looking around the Senate Chamber, I believe I see more Western Washington legislators here than Eastern Washington legislators, which shows how adaptable we are to the snow."

MOTION

On motion of Senator Betti Sheldon, the follow bills, which were in the Committee on Rules, were referred to the Committees as designated with the exception of Substitute Senate Bill No. 5113, which will be referred to the Committee on Energy, Technology and Telecommunications. Senate Bill No. 5351, Senate Bill No. 5388 and Senate Bill No. 5489 will remain in the Committee on Rules.

PROPOSED REFERRAL OF BILLS IN SENATE RULES

SENATE BILLS - THIRD READING

Bill No.	Description	Sponsors	Requested By	Referred *
ESB 5013 f	Criminal history record information	Prentice,Winsley,etc.	Gambling Commission	CTHF
SB 5024 f	Property tax value averaging	Loveland,Winsley		WM
SSB 5032	Retirement system option	Fraser,etc.	Joint Comm/Pension	WM Policy
SB 5033 f	PERS plan 1 separation	Winsley,Fraser,etc.	Joint Comm/Pension	WM Policy
SB 5038 f	Criminal justice training comm	Goings,Prentice,etc.	Criminal Justice	JUD Training Comm.

SSB 5059 Radioactive waste transport Brown,etc.
EQWR

SB 5060 Highway bonds Eide,Goings,etc. .
TRAN

SSB 5061 $ Transportation budget Haugen,etc. OFM
TRAN

SB 5071 Political campaign advertising Patterson,Prentice,etc. .
SLG

ESSB 5082 f Biomedical waste inactivation Swecker,etc.
EQWR

SSB 5099 f Commercial vehicle enforcement Haugen,etc.
TRAN

SB 5106 f Drugs/property contamination Eide,Morton,etc. Dept of Health
EQWR

SB 5113 f Water co. rate increases T.Sheldon ETT

SB 5124 Prize promotion disclosures Prentice,Winsley
CTHF

SSB 5148 f Permit assistance center B.Sheldon,etc. Dept of Ecology
EQWR

SSB 5149 Occupational therapy Thibaudeau,etc.
HEA

SB 5152 Collective bargaining Kline,Fairley,etc.
LWD

SSB 5160 Surplus computer equipment Oke,etc.
SLG

SB 5170 School district name changes Haugen,McAuliffe,etc.
EDU

SSB 5176 Refusal to leave school grounds McAuliffe,etc..
EDU

SSB 5177 f Retired substitute teachers McAuliffe,etc.
EDU

SSB 5181 $ Operating budget, supplemental Loveland,etc. Governor Locke
WM

SB 5186 f Planting stock certification Rasmussen Dept of Agriculture
ARED

ESB 5187 f Dairy and food laws Rasmussen Dept of Agriculture
ARED

SB 5188 f Private pesticide applicator Rasmussen,Morton Dept of Agriculture

ARED

SSB 5192 f Motor carrier drug testing Goings,etc.
TRAN

SB 5193 Truck, tractor, trailer information Goings,Benton,etc.
TRAN

SSB 5199 Tuberculosis control Thibaudeau,etc. Dept of Health
HEA

SB 5200 Secretary of health authority Thibaudeau,Deccio,etc. Dept of Health
HEA

SSB 5212 f School safety plans McAuliffe,etc.
EDU

SB 5240 f Birth defects surveillance Costa,Deccio,etc. Dept of Health
HEA

SSB 5248 State-wide custody contracts Loveland,etc. State Treasurer
CTHF

ESB 5250 f Women's health programs Wojahn,Sellar,etc.
HEA

SB 5258 Investment board/securities Snyder,Sellar,etc. Investment Board
CTHF

SSB 5260 Equal access to justice Kline,etc.
JUD

SSB 5264 f Motorcycle endorsement Horn,etc.
TRAN

ESSB 5268 Metropolitan park districts Kohl-Welles,etc.
SLG

SB 5275 f Lewis and Clark bicentennial Bauer,Snyder,etc.
SLG

SSB 5283 Transportation improvement board Goings,etc. Trans/Improvement Board
TRAN

SB 5284 Multimodal transportation programs Gardner,Goings,etc. Trans/Improvement Board
TRAN

SSB 5309 Chapter 46.20 RCW editing Haugen
TRAN

SSB 5328 f Guides and outfitters/taxation Morton,etc.
WM

ESB 5330 f Military/higher ed tuition Brown,Goings,etc.
HIE

ESB 5336 Sewer facility capacity charges Kline,Kohl-Welles,etc.
SLG

SB 5343 Foster parents/school information Jacobsen,Shin,etc.
HSC

ESB 5346 f Horse racing comm /record check Prentice,Heavey,etc.
CTHF

SB 5353 Dairy commission Rasmussen,Morton,etc.
ARED

SB 5355 Medicare replacement policies Thibaudeau,Costa,etc. Insurance Commissioner
HEA

SSB 5359 Tobacco litigation moneys Thibaudeau,etc.. Governor Locke and
Attorney General
WM

SSB 5363 Civil service reform act Fairley,etc. Governor Locke
LWD

SB 5370 Competitive bid requirements Patterson,Horn,etc. Dept of General Adm
SLG

SSB 5376 Sentencing Costa,etc.
JUD

SB 5380 Intersection stops Goings,Benton,etc. Dept of Transportation
and State Patrol
TRAN

SB 5381 Motorist information signs T.Sheldon,Benton,etc. Dept of Transportation
TRAN

SSB 5383 f Transportation safety/security Haugen,etc. Dept of Transportation
TRAN

SSB 5386 Economic development plan Shin,etc.
CTHF

SSB 5387 Economic development activities B.Sheldon,etc.
CTHF

SSB 5400 Municipal research council Haugen,etc.
WM

SB 5410 f Board of education compensation McAuliffe,Rasmussen, Board of Education
EDU

SSB 5413 f Teacher assessment/certification McAuliffe,etc. Board of Education
Supt of Public
Instruction

and Governor Locke
EDU

SSB 5415 Boards, commissions, programs Patterson,etc. Governor Locke
SLG

SSB 5430 $f Women's health advisory committee Wojahn,etc.
HEA

ESSB 5433 f Biomedical waste disposal Fraser,etc.
EQWR

SB 5434 f International services/tax Loveland,Fraser,etc.
WM

ESB 5437 f Podiatric physician/surgeon Thibaudeau,Deccio,etc.
HEA

SB 5443 f Alcohol/drug hearing fees Kline,Rossi,etc.
JUD

SSB 5453 Regional transportation planning Horn,etc.
TRAN

SB 5454 Reports to secretary of transportation Horn,Haugen,etc.
TRAN

SSB 5465 f Family planning services Costa,etc. DSHS
HEA

ESSB 5480 f Drug-affected infants Patterson,etc.
HSC

SB 5483 f State parks volunteers McAuliffe,Oke,etc. Parks and Recreation Commission
NRPR

SB 5484 State park concessions McAuliffe,Rossi,etc. Parks and Recreation Commission
NRPR

SSB 5491 f Public works/apprentices Costa,etc.
LWD

SSB 5492 Assault on transit Haugen,etc.
JUD

SB 5496 f Electronic taxpayer Brown,Finkbeiner,etc Dept of Revenue
ETT

SB 5497 f Cowlitz Co. dredge spoils Snyder,Zarelli
NRPR

SSB 5501 Summer school jump start pro Rasmussen,etc.

EDU

SB 5503 f Sewer service T.Sheldon,Haugen,etc.
WM

SSB 5510 f Collecting unpaid taxes Oke,etc.
WM

SB 5514 Vocational excellence award Shin,Kohl-Welles,etc.
HIE

ESSB 5516 f Tobacco prevention and control Thibaudeau,etc.
HEA

SSB 5528 f Construction services/tax Loveland,etc. Dept of Revenue
WM

SB 5529 f Property tax exemptions Loveland,Winsley Dept of Revenue
WM

SB 5530 f Property tax levy corrections Loveland,Winsley Dept of Revenue
WM

ESSB 5531 f Tax code updated Loveland,etc. Dept of Revenue
WM

ESSB 5533 Work force development board Fairley,etc. Governor Locke
LWD

SB 5538 f Sentencing Costa,McCaslin,etc.
JUD

SSB 5547 f School medical assistance McAuliffe,etc.
EDU

SSB 5549 f Offender medical release Kohl-Welles,etc., Sentencing Guidelines Commission
HSC

2SSB 5556 Fuel tax transfers Fraser,etc.
TRAN

E2SSB 5557 f Street youth placement Hargrove,etc.
HSC

SB 5560 f Disabled supported employment Franklin,Deccio,etc. DSHS
HEA

SSB 5561 Vulnerable adults Thibaudeau,etc. DSHS
HEA

ESB 5568 f Self-employment assistance B.Sheldon,Winsley,etc.
LWD

SSB 5578 Forensic lab services Patterson,etc. Forensic Investigation Council
SLG

SB 5579 Farm machinery tires Loveland,Honeyford,etc.
TRAN

SB 5584 f Real estate excise tax Fraser,Winsley Dept of Revenue
WM

ESSB 5593 f Professional educator board McAuliffe,etc. Governor Locke
EDU

ESB 5597 f Airborne/waterborne pathogens Fraser,Swecker,etc.
EQWR

E2SSB 5598 f WA promise scholarship McAuliffe,etc. Governor Locke
HIE

ESSB 5608 f Machinery/equipment tax exemption Snyder,etc. Department of Revenue
WM

ESB 5613 f Salmon recovery Jacobsen,Fraser
NRPR

SB 5617 f Driver's license/nonresident Horn,Goings,etc.
TRAN

SB 5624 f Prostitution offenses assessment Kohl-Welles,Hargrove,etc.
HSC

ESB 5631 f Vocational rehabilitation Wojahn,Winsley,etc.
LWD

SSB 5657 f Veterinary medical facilities Kohl-Welles,etc.
CTHF

ESSB 5659 Civil actions/arbitration Heavey,etc.
JUD

ESB 5675 f Highway noise mitigation Thibaudeau,Patterson,etc.
TRAN

SSB 5679 Growth management loans/grants Morton,etc.
SLG

2SSB 5681 f Electricity taxation study Brown
ETT

SSB 5683 Puget Sound salmon recovery Jacobsen,etc.
NRPR

SB 5684 f Small business tax reporting Thibaudeau,McDonald,etc. Dept of Revenue
WM

SB 5703 f Marine recreation land dredging Hargrove

NRPR

2ESB 5704 f Medical marijuana Rules Kohl-Welles,Thibaudeau
HEA

SSB 5710 Zoo/aquarium funding Wojahn,etc.
SLG

E2SSB 5730 Landfill operator responsibility Rasmussen,etc.
EQWR

ESSB 5743 Community and tech college training Kohl-Welles,etc., State Board for Community and Tech Colleges
HIE

SB 5748 RCW 13.34.130 tech corrections Stevens
HSC

ESSB 5750 Transportation planning Benton,etc.
TRAN

SB 5760 Fire protection district annexation Goings,Haugen,etc.
SLG

SSB 5764 Public works contract/actions Heavey,etc.
JUD

SSB 5770 Special needs transportation Gardner,etc.
TRAN

SSB 5792 Board of education recommendations McAuliffe, Board of Education
EDU

SSB 5793 Sexually transmittd disease Thibaudeau,etc.
HEA

SSB 5797 f School class size McAuliffe,etc.
EDU

ESSB 5800 Commercial fertilizer Rasmussen Dept of Agriculture
ARED

SSB 5810 Artesian well public access Fraser,etc.
EQWR

ESSB 5812 f Health care claim payment Thibaudeau,etc.
HEA

ESSB 5813 f Health plan medical director Thibaudeau,etc.
HEA

ESB 5819 Unemployment benefits Shin,Costa,etc. Governor Locke
LWD

SSB 5822 Publ transportation benefit area Haugen,etc.
TRAN

ESSB 5848 f Basic health plan coverage Hargrove,etc.
HEA

SSB 5850 Retirement allowances Haugen,etc.
WM

SB 5869 f Service or repair contracts Prentice,Hale,etc. Attorney General
CTHF

ESB 5881 f Youth access to tobacco Thibaudeau,Oke,etc. Governor Locke and Attorney General
HEA

ESB 5886 Vehicle emission standards Fraser,Fairley,etc.
EQWR

SSB 5893 Cut flower arrangement business Haugen,etc.
ETT

SSB 5902 Higher ed financial aid Kohl-Welles,etc.
HIE

SSB 5903 f Indian housing authorities Prentice,etc.
WM

ESSB 5914 f Growth management/housing Patterson,etc.
SLG

SSB 5929 Local vehicle excise tax Haugen,etc.
TRAN

SB 5951 Child abuse protection Costa,Long,etc. DSHS
HSC

ESSB 5955 Leg. transportation committee Snyder,etc.
TRAN

ESSB 5957 Food labeling task force Johnson,etc.
ARED

SSB 5963 $ 1999 supplemental appropriations Loveland,etc.
WM

SSB 5989 f Aircraft registration fees/tax Haugen,etc.
TRAN

SSB 6003 f Liquor control board Snyder,etc. Governor Locke
CTHF

ESB 6004 f Mobile home park managers Winsley,Prentice,etc.
CTHF

SB 6010 Higher ed fee waivers West,Jacobsen,etc.
HIE

SSB 6031 Regional transportation corridors Haugen,etc.
TRAN

SSB 6032 f Direct tax payment permits Spanel,etc.
WM

ESSB 6035 f Year 2000 citizens' protection Swecker
JUD

SB 6037 f Retirement allowance agreement Shin,Prentice
WM

SSB 6058 f Agriculture growing/packing tax Loveland,etc. Dept of Revenue
WM

ESSB 6067 $ Health insurance coverage Thibaudeau
HEA

SJM 8000 Prostate cancer research Kohl-Welles,Deccio,etc.
HEA

SJM 8010 Aquatic nuisance management Jacobsen,Oke
NRPR

SSJR 8200 Judge qualifications McCaslin,etc.
JUD

ESCR 8408 Leg building commission Bauer
SLG

SCR 8411 Equal access to justice Kline,Heavey
JUD

SENATE BILLS - SECOND READING

SB 6109 $ School safety program funding McAuliffe,Eide,etc.
EDU

SCR 8412 Economic development committee Prentice,Patterson,etc.
CTHF.

REFERRAL OF X FILE BILLS TO COMMITTEE

SENATE BILLS - THIRD READING

Bill No. Description Sponsors Proposed Action
Referred*

SJR 8204 f School levy authorization McAuliffe,Winsley,etc. SPI
(EDU)

SENATE BILLS - SECOND READING

SB 5025 Ethics in public service Spanel,Long Legislative Ethics Board
(SLG)

SB 5031 f TRS plan 3 investment gains Long,Fraser,etc. Joint Committee on Pension Policy (WM)

SB 5035 f Court funding and improvements Heavey,McCaslin,etc. Board for Judicial Administration (JUD)

SB 5078 $f Parks and recreation facilities Jacobsen,Goings,etc. (NRPR)

SB 5092 Deadly weapon display Goings,Costa (JUD)

SB 5098 $f Women's commission Kohl-Welles,Winsley,etc. (SLG)

SB 5104 f Steelhead catch and release Haugen,Swecker,etc. (NRPR)

SB 5107 f Puget Sound action team Fairley,Fraser (EQWR)

SB 5136 f Domestic violence/unemployment Fairley,Patterson,etc. (LWD)

SB 5144 f Relocation assistance Patterson,Winsley (SLG)

SB 5145 Condemnation actions/fees Patterson,Winsley (SLG)

SB 5150 County commissioner election McCaslin,Patterson (SLG)

SB 5158 Criminal street gangs Honeyford,Kline,etc. (JUD)

SB 5236 f Sexually violent offenders/records Hargrove,Long,etc. Dept of Corrections (HSC)

SB 5244 Development/comprehensive plans Kline,Heavey,etc. (SLG)

SB 5256 Investment board/disclosure Snyder,Sellar,etc. Investment Board (CTHF)

SB 5257 f Investment board record checks Snyder,Sellar,etc. Investment Board (CTHF)

SB 5259 Investment board/trust funds Snyder,Sellar,etc. Investment Board (CTHF)

SB 5271 OFM reports to legislature Hochstatter,Gardner,etc.
(SLG)

SB 5289 $f Water resource management Fraser,Morton,etc. Governor Locke
(EQWR)

SB 5293 f Family leave Fairley,Brown,etc.
(LWD)

SB 5297 f School levy authorization McAuliffe,Winsley,etc. Supt of Public Instruction
(EDU)

SB 5302 f Antiharassment jurisdiction Roach,Heavey

SB 5342 f Railroad company fees Haugen,Benton,etc. Utilities and Transportation
Commission
(TRAN)

SB 5360 Fuel tax rate and distribution Horn,Haugen,etc.
(TRAN)

SB 5367 Worker fall protection Kline,Prentice,etc.
(LWD)

SB 5377 f Occupational drivers' license Kline,Rossi,etc.
(JUD)

SB 5393 f Personal watercraft operation Haugen,Johnson,etc.
(TRAN)

SB 5408 f Medal of valor Benton,Hale,etc.
(WM)

SB 5412 Educator technology training McAuliffe,Sellar,etc.
(EDU)

SB 5444 f Land use cases/attorney fees Kline,Wojahn,etc.
(SLG)

SB 5462 f Homeless services Hargrove,Wojahn,etc. Dept of Community, Trade
and Ec
Development,
DSHS
(HSC)

SB 5466 f Juvenile offender basic training Costa,Long,etc. DSHS
(HSC)

SB 5467 Medical care tax levies Costa,Eide,etc.
(SLG)

SB 5475 General administration director Patterson,Horn,etc. General Administration
(SLG)

SB 5481 Manufactured housing siting Prentice,Winsley,etc.
(CTHF)

SB 5487 f Court procedure fees Heavey,Long,etc.
(JUD)

SB 5520 f Juvenile offender sentencing Costa,McCaslin,etc.
(HSC)

SB 5540 f Hospital licensing information Deccio,Wojahn,etc. Dept of Health
(HEA)

SB 5544 Water-sewer dist. assumption Patterson
(SLG)

SB 5554 Comm/tech college board duties Costa,Shin,etc. State Board for Community and Tech Colleges
(HIE)

SB 5571 f Commercial vehicle violations Gardner,Benton,etc. State Patrol
(TRAN)

SB 5572 HOV lane violations Heavey,Horn,etc. State Patrol
(TRAN)

SB 5574 Fire death reports Kohl-Welles,Hale,etc. State Patrol
(SLG)

SB 5588 Health carrier advertising Wojahn,Snyder,etc.
(HEA)

SB 5680 f Railroad rights-of-way use Haugen,Swecker,etc.
(TRAN)

SB 5721 Limited liability from workers' comp Heavey,McCaslin
(JUD)

SB 5815 Social card games/tax Prentice,Winsley,etc.
(CTHF)

SB 5888 Historic cemeteries Fraser,Winsley Dept of Community, Trade and Ec Development
(SLG)

SB 5894 f Whidbey Island game farm Haugen,Gardner
(NRPR)

SB 5908 f Landlord-tenant act Winsley,Prentice,etc.
(CTHF)

SB 5922 $f Compulsive gambling Prentice,Winsley,etc.
(CTHF)

SB 6051 Vehicle registration payment Gardner,Patterson,etc.
(TRAN)

SB 6055 Adverse possession Heavey,Rossi,etc.
(JUD)

SB 6056 f New drivers under 18 Shin,Haugen,etc.
(TRAN)

SB 6074 f State retirement information Fraser,Long,etc.
(WM)

SJM 8005 Marijuana Kohl-Welles,Thibaudeau,etc.
(HEA)

SJR 8207 Legislative term length McCaslin
(SLG)

* COMMITTEE ACRONYMS

ARED - Agriculture and Rural Economic Development
CTHF - Commerce, Trade, Housing and Financial Institutions
EDU - Education
ETT - Energy, Technology and Telecommunications
EQWR - Environmental Quality and Water Resources
HEA - Health and Long-Term Care
HIE - Higher Education
HSC - Human Services and Corrections
JUD -Judiciary
LWD -Labor and Workforce Development
NRPR -Natural Resources, Parks and Recreation
SLG -State and Local Government
TRAN -Transportation
WM -Ways and Means

MOTION

At 10:17 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, January 13, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 13, 2000

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT

January 12, 2000

GA 9303 VICKIE L. WALLEN, appointed December 15, 1999, for a term ending December 15, 2002, as Director Ombudsman of the Office of Family and Children's Ombudsman.

Reported by Committee on Health and Long-term Care.

MAJORITY RECOMMENDATION: That said appointment be referred to the Committee on Human Services and Corrections without recommendation. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Referred to the Committee on Human Services and Corrections.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

January 4, 2000

Mr. Tony Cook
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Immigrant Naturalization Facilitation." It is mandated under RCW 74.08A.130.

Please call Dick Hancock (360) 413-3211 if you have questions about the report.

Sincerely,

LYLE QUASIM, Secretary

The Department of Social and Health Services Report on Immigrant Naturalization Facilitation is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE TASK FORCE

JOINT LEGISLATIVE/EXECUTIVE TASK FORCE ON LONG-TERM CARE

January 2000

The Honorable Gary Locke
Governor
State of Washington

Tony Cook
Secretary of the Senate
306 Legislative Building
Olympia, WA 98504

Tim Martin
Cindy Zehnder
Co-Chief Clerks
House of Representatives
Olympia, WA 98504

Dear Governor, Co-Chief Clerks and Secretary of the Senate:

The Joint Legislative/Executive Task Force on Long-term Care finds that increases in both the numbers of disabled persons and longevity after disability occurs are dramatically effecting the demand for long-term care services. These effects are diluting the long-care system now and will significantly affect it into the foreseeable future. Our purpose was to develop policy options to insure the quality, availability, accessibility and efficient operation of the system of long-tern care services. Our work also addressed the need to assure that the quality of Washington's services are maintained or enhanced at the highest level possible, especially during this period of dynamic change.

The policy recommendations outlined in this report follow, in a logical sequence, the 12 legislative directives in Chapter 272.17 Laws of 1998 and reflect the many hundreds of hours of debate and discussion conducted by the five Stakeholder Issue Groups. The order in which the recommendations appear does not indicate any effort to prioritize on the part of the Task Force.

The Task Force has agreed to incorporate the policy recommendations submitted by the Stakeholder Issue Groups. The Task Force has not adopted the policy recommendations. They do reflect the findings and recommendations agreed upon and submitted by the Stakeholder Issue Groups. Our purpose was to allow these recommendations to serve as logical platforms for further policy debate and development on the enhancement of long-term care in Washington State.

We would like to sincerely thank the Stakeholder Issue Group chairs and members. Without their tireless dedication and many hours of cooperative work, the Task Force would not have been able to complete its report. Their commitment to the development of serious policy recommendations on behalf of the people, who depend upon long-term care services, is greatly appreciated and acknowledged.

Sincerely,

KARY HYRE, Chair

The Joint Legislative/Executive Task Force Report on Long-Term Care is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 6313 by Senators Rasmussen, Morton, Stevens and Swecker

AN ACT Relating to dairy nutrient management; and amending RCW 90.64.050.

Referred to Committee on Agriculture and Rural Economic Development.

SB 6314 by Senators Rasmussen, Morton and Swecker

AN ACT Relating to dairy waste management; and amending RCW 90.48.020, 90.48.390, and 90.64.150.
Referred to Committee on Agriculture and Rural Economic Development.

SB 6315 by Senators Rasmussen, Morton, Stevens and Swecker

AN ACT Relating to dairy nutrient management; amending RCW 90.64.026; and creating a new section.
Referred to Committee on Agriculture and Rural Economic Development.

SB 6316 by Senators Rasmussen, Morton and Swecker

AN ACT Relating to dairy nutrient management program funding; and creating a new section.
Referred to Committee on Agriculture and Rural Economic Development.

SB 6317 by Senators Rasmussen, Morton and Swecker

AN ACT Relating to dairy nutrient management; adding a new section to chapter 90.64 RCW; and creating a new section.
Referred to Committee on Agriculture and Rural Economic Development.

SB 6318 by Senators Rasmussen, Morton, Stevens and Swecker

AN ACT Relating to dairy nutrients; amending RCW 90.64.010, 90.64.023, 90.64.026, 90.64.050, 90.64.080, 90.64.130, 90.64.140, and 90.64.800; creating new sections; and providing an expiration date.
Referred to Committee on Agriculture and Rural Economic Development.

SB 6319 by Senators Rasmussen, Morton, Stevens and Swecker

AN ACT Relating to dairy nutrients; and amending RCW 90.64.005 and 90.64.150.
Referred to Committee on Agriculture and Rural Economic Development.

SB 6320 by Senators Morton, Oke, Rasmussen, Sellar and Swecker

AN ACT Relating to harvest management of stocks of anadromous salmonids; amending RCW 75.08.012, 77.04.055, and 77.12.010; adding new sections to chapter 75.08 RCW; and creating new sections.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6321 by Senators Prentice, Hale, Bauer, Costa, Swecker, Winsley, B. Sheldon, T. Sheldon, Gardner, Oke and Rasmussen (by request of Governor Locke)

AN ACT Relating to economic development by improving the skills and productivity of Washington workers; adding new sections to chapter 28C.18 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; providing an effective date; and providing an expiration date.
Referred to Committee on Labor and Workforce Development.

SB 6322 by Senators Loveland, Rossi and Rasmussen

AN ACT Relating to the taxation of forest lands; amending RCW 84.33.035, 84.33.130, 84.33.140, 84.33.145, 84.33.170, 84.33.210, 84.33.220, 84.33.230, 84.33.250, 84.33.260, 84.33.270, and 84.34.020; reenacting and amending RCW 84.34.108; decodifying RCW 84.33.112, 84.33.113, 84.33.114, 84.33.115, 84.33.116, and 84.33.118; and repealing RCW 84.33.020, 84.33.073, 84.33.100, 84.33.110, and 84.33.120.
Referred to Committee on Ways and Means.

SB 6323 by Senators Franklin, Kline and Fairley

AN ACT Relating to unfair practices with respect to eligibility for employment-based benefits; adding a new section to chapter 49.44 RCW; and creating new sections.
Referred to Committee on Labor and Workforce Development.

SB 6324 by Senators Franklin, Kline and Fairley

AN ACT Relating to the contingent work force; creating new sections; and making an appropriation.
Referred to Committee on Labor and Workforce Development.

SB 6325 by Senator Franklin

AN ACT Relating to paying industrial insurance claims; and adding a new section to chapter 51.32 RCW.
Referred to Committee on Labor and Workforce Development.

SB 6326 by Senators Franklin, Kline, Fairley, McAuliffe, Stevens and Costa

AN ACT Relating to genetic discrimination in insurance transactions; and adding a new section to chapter 48.01 RCW.
Referred to Committee on Human Services and Corrections.

SB 6327 by Senators Franklin and Stevens

AN ACT Relating to genetic discrimination; and adding a new section to chapter 49.60 RCW.
Referred to Committee on Human Services and Corrections.

SB 6328 by Senators Franklin and Winsley

AN ACT Relating to administration of oral medications at school; adding a new section to chapter 28A.210 RCW; creating a new section; and providing an effective date.
Referred to Committee on Education.

SB 6329 by Senators McCaslin and Winsley

AN ACT Relating to death benefits for educational employees; and adding a new section to chapter 28A.400 RCW.
Referred to Committee on Education.

SB 6330 by Senators Jacobsen, Swecker and Oke

AN ACT Relating to nonconsumptive wildlife activities; and amending RCW 79.01.244 and 79.68.050.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6331 by Senators Costa, Winsley, Thibaudeau, Fairley, Kohl-Welles and Gardner

AN ACT Relating to disclosure of health care information; and amending RCW 70.24.084 and 70.02.150.
Referred to Committee on Health and Long-Term Care.

SB 6332 by Senators Jacobsen, Costa and Oke

AN ACT Relating to local boating law enforcement programs; amending RCW 82.49.030; adding a new section to chapter 82.49 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6333 by Senators Haugen, Spanel, Rossi, Costa, Shin, Long, McDonald, Kohl-Welles, Horn, Fairley, Jacobsen, Gardner, Stevens, Hale, Winsley and Rasmussen

AN ACT Relating to sales and use tax exemptions for manufacturing machinery and equipment; and amending RCW 82.08.02565.
Referred to Committee on Ways and Means.

SB 6334 by Senators Shin, Sheahan, Kohl-Welles, Costa, Thibaudeau, Heavey, Prentice, Rasmussen and B. Sheldon

AN ACT Relating to Asian medicine; and amending RCW 18.06.010 and 18.36A.050.
Referred to Committee on Health and Long-Term Care.

SB 6335 by Senators Shin, Kohl-Welles, Patterson, Costa, Prentice, Eide, Thibaudeau, B. Sheldon, Bauer, Gardner and McAuliffe

AN ACT Relating to unemployment insurance; amending RCW 50.04.355, 50.24.010, 50.29.020, 50.29.025, and 50.29.026; adding new sections to chapter 50.22 RCW; creating new sections; and declaring an emergency.
Referred to Committee on Labor and Workforce Development.

SB 6336 by Senators Hargrove, Long, Sheahan and Costa (by request of Department of Corrections)

AN ACT Relating to tolling of criminal sentencing provisions; amending RCW 9.94A.145; reenacting and amending RCW 9.94A.120, 9.94A.142, and 9.94A.170; and declaring an emergency.
Referred to Committee on Human Services and Corrections.

SB 6337 by Senators Hargrove, Long, Sheahan, Costa, Winsley and Oke (by request of Department of Corrections)

AN ACT Relating to criminal investigations and information gathering within department of corrections facilities; adding a new section to chapter 72.09 RCW; creating a new section; and declaring an emergency.
Referred to Committee on Human Services and Corrections.

SB 6338 by Senators T. Sheldon, Swecker, Honeyford and Rasmussen

AN ACT Relating to a liquor agencies advisory committee; and adding a new section to chapter 66.08 RCW.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6339 by Senators Prentice, Honeyford, T. Sheldon, Swecker, Heavey and Bauer

AN ACT Relating to fund raising events; and amending RCW 9.46.0233.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6340 by Senators Franklin and Stevens

AN ACT Relating to civil actions for improperly obtaining or conveying a person's deoxyribonucleic acid; and adding a new chapter to Title 7 RCW.
Referred to Committee on Human Services and Corrections.

SB 6341 by Senators Franklin and Stevens

AN ACT Relating to informed consent for genetic testing of a person's deoxyribonucleic acid; and adding a new chapter to Title 7 RCW.
Referred to Committee on Human Services and Corrections.

SB 6342 by Senators Jacobsen, Brown, Shin, Costa and Gardner

AN ACT Relating to community and technical colleges; adding a new section to chapter 44.04 RCW; adding a new chapter to Title 43 RCW; creating a new section; and providing expiration dates.
Referred to Committee on Higher Education.

SB 6343 by Senators Jacobsen and Swecker

AN ACT Relating to a pilot project to allow a county to administer hydraulic permits; adding a new section to chapter 75.20 RCW; and creating a new section.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6344 by Senators Shin, Prentice, Johnson, Roach, Kohl-Welles, Eide, Jacobsen, Snyder and Oke

AN ACT Relating to establishing safety zones around ferry docks; adding a new section to chapter 47.60 RCW; prescribing penalties; and declaring an emergency.
Referred to Committee on Transportation.

SB 6345 by Senators Kohl-Welles, Patterson, Brown, McAuliffe, Long, Prentice, Costa, Bauer and Rasmussen

AN ACT Relating to creating the office of child care and early education; amending RCW 28B.135.010, 28B.135.030, 28B.135.040, 41.04.380, 41.04.385, 43.20A.750, 43.31.504, 74.13.085, 74.13.090, 74.13.0901, 74.13.0902, 74.13.0903, 74.13.095, 74.14B.040, 28A.215.110, 28A.215.120, 28A.215.130, 28A.215.140, 28A.215.150, 28A.215.160, 28A.215.170, 28A.215.180, 28A.215.190, 28A.215.200, and 43.63A.066; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; and providing an effective date.
Referred to Committee on Human Services and Corrections.

SB 6346 by Senators Fairley, Kohl-Welles, Goings, Winsley, Jacobsen, Brown, Spanel, Fraser and Bauer

AN ACT Relating to labor relations in institutions of higher education; adding a new chapter to Title 41 RCW; and providing an effective date.
Referred to Committee on Labor and Workforce Development.

SB 6347 by Senators Patterson, Winsley and Gardner

AN ACT Relating to small works rosters; amending RCW 39.04.155, 39.04.010, 39.04.200, 28A.335.190, 28B.10.350, 35.22.620, 35.23.352, 36.32.235, 36.32.250, 36.77.075, 52.14.110, 53.08.120, 54.04.070, 57.08.050, and 70.44.140; adding a new section to chapter 39.04 RCW; adding a new section to chapter 35.82 RCW; creating new sections; and repealing RCW 28B.10.355, 35.82.075, and 39.04.150.
Referred to Committee on State and Local Government.

SB 6348 by Senators Fraser, Morton, Jacobsen, Swecker, Prentice, Costa and McAuliffe

AN ACT Relating to the siting of energy facilities on lands managed by the parks and recreation commission; and amending RCW 80.50.120.
Referred to Committee on Energy, Technology and Telecommunications.

SB 6349 by Senators Eide, Morton, Swecker, Prentice, Fraser, McAuliffe and Rasmussen

AN ACT Relating to extending the expiration date of the water well delegation program; amending RCW 18.104.043; amending 1996 c 12 s 1 (uncodified); and providing an expiration date.

Referred to Committee on Environmental Quality and Water Resources.

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, January 14, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FOURTH DAY, JANUARY 13, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 14, 2000

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner, Kline, McDonald and Prentice. On motion of Senator Honeyford, Senators Finkbeiner and McDonald were excused. On motion of Senator Franklin, Senators Kline and Prentice were excused.

The Sergeant at Arms Color Guard, consisting of Pages Adam Messer and Stefan Giggel, presented the Colors. Reverend Mary McGonigal, pastor of the Lacey Presbyterian Church, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

January 10, 2000

Mr. Tony Cook
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Estate Notification Plan." It is mandated under RCW 74.39A.170. Please call Fred Fiedler at (360) 902-0746 if you have questions regarding the report.

Sincerely,

LYLE QUASIM, Secretary

The Department of Social and Health Services Report on Estate Notification Plan is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 6350 by Senators Kline, Fairley, Heavey, Thibaudeau, Costa, Kohl-Welles, McAuliffe and Goings

AN ACT Relating to occupational disease; adding new sections to chapter 51.28 RCW; and prescribing penalties.

Referred to Committee on Labor and Workforce Development.

SB 6351 by Senators Kline, McCaslin, Heavey, Long, Shin, Thibaudeau, Sheahan and Costa

AN ACT Relating to superior court commissioners; and amending RCW 2.24.040.

Referred to Committee on Judiciary.

SB 6352 by Senators Kline, Heavey, Patterson, Franklin, Kohl-Welles, McAuliffe, Shin, Fairley, Prentice, Costa, Thibaudeau, Wojahn, Snyder, Bauer, Eide, B. Sheldon, Rasmussen and Gardner

AN ACT Relating to honoring the Reverend Doctor Martin Luther King, Jr.; and amending RCW 36.04.170.

Referred to Committee on State and Local Government.

SB 6353 by Senators Kline, Jacobsen, Patterson, Costa, Rasmussen and McAuliffe

AN ACT Relating to wetlands mitigation; and amending RCW 90.84.050.

Referred to Committee on Environmental Quality and Water Resources.

SB 6354 by Senators Kline, Franklin, Wojahn, Fairley, Kohl-Welles, Prentice and Costa

AN ACT Relating to contracting for services performed by classified employees; and amending RCW 28A.400.285.

Referred to Committee on Education.

SB 6355 by Senators Kline, Costa and Heavey

AN ACT Relating to growth management hearings boards; and amending RCW 36.70A.320.

Referred to Committee on State and Local Government.

SB 6356 by Senators Prentice, Winsley, Fraser, Kohl-Welles and Gardner (by request of Department of Labor and Industries)

AN ACT Relating to consumer protection regarding contractors; amending RCW 18.27.010, 18.27.030, 18.27.040, 18.27.050, 18.27.090, 18.27.100, 18.27.110, 18.27.114, and 60.04.031; reenacting and amending RCW 18.27.060; adding a new section to chapter 18.27 RCW; repealing RCW 18.27.075; and prescribing penalties.

Referred to Committee on Labor and Workforce Development.

SB 6357 by Senators Patterson, Horn, Haugen, Honeyford, Loveland, Winsley, Kline, McCaslin, Gardner and Spanel

AN ACT Relating to funding the municipal research council; amending RCW 66.08.190 and 43.110.030; adding a new section to chapter 43.110 RCW; providing an effective date; and declaring an emergency.
Referred to Committee on State and Local Government.

SB 6358 by Senators Costa, McCaslin, Long, Heavey, Brown, Prentice, Sheahan, Fraser, McAuliffe, Kohl-Welles, Rasmussen, Patterson, Spanel, B. Sheldon, Bauer, Winsley, Gardner and Oke

AN ACT Relating to harassment through electronic communication; and amending RCW 9.61.230.
Referred to Committee on Judiciary.

SB 6359 by Senators Costa, McCaslin, Kline, Long, Heavey, Brown, Prentice, Fairley, McAuliffe, Franklin, Kohl-Welles, Sheahan, Haugen, Spanel, Rasmussen and Gardner

AN ACT Relating to personal information entered into the judicial information system for purposes of issuing protection orders; and amending RCW 26.50.160.
Referred to Committee on Judiciary.

SB 6360 by Senators Prentice, Winsley and Shin (by request of Department of Licensing)

AN ACT Relating to real estate appraisers; and amending RCW 18.140.155.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6361 by Senators Zarelli, Hargrove, Hale, Honeyford, McCaslin, Hochstatter, Swecker, Johnson, Roach, Stevens, Oke, Benton and Kohl-Welles

AN ACT Relating to child abuse and neglect reporting, investigation, and training procedures and the administration of the Washington state schools for the blind and for the deaf; amending RCW 72.40.022, 72.41.040, 72.41.070, 72.42.040, and 72.42.070; adding new sections to chapter 72.40 RCW; adding a new section to chapter 43.06A RCW; and declaring an emergency.
Referred to Committee on Human Services and Corrections.

SB 6362 by Senators Zarelli, Hargrove, Honeyford, Hochstatter, Johnson, Swecker and Stevens

AN ACT Relating to making decisions about the removal and placement of foster children; and amending RCW 74.13.325 and 74.13.290.
Referred to Committee on Human Services and Corrections.

SB 6363 by Senators Gardner, Patterson, McCaslin, Winsley and Costa

AN ACT Relating to ballots cast by mail; amending RCW 29.36.010, 29.36.013, 29.36.170, 29.36.030, 29.36.035, 29.36.045, 29.36.060, 29.36.070, 29.36.075, 29.36.097, 29.36.100, 29.36.150, 29.36.160, 29.36.121, 29.36.124, 29.36.126, and 29.36.130; reenacting and amending RCW 29.36.120; adding new sections to chapter 29.36 RCW; adding a new section to chapter 29.51 RCW; adding a new chapter to Title 29 RCW; creating a new section; recodifying RCW 29.36.010, 29.36.013, 29.36.170, 29.36.030, 29.36.035, 29.36.045, 29.36.060, 29.36.070, 29.36.075, 29.36.097, 29.36.100, 29.36.150, 29.36.160, 29.36.120, 29.36.121, 29.36.124, 29.36.126, 29.36.130, and 29.36.050; repealing RCW 29.36.122 and 29.36.139; and prescribing penalties.
Referred to Committee on State and Local Government.

SB 6364 by Senators Wojahn, Hochstatter, Fairley, Deccio, Prentice, Hargrove, Thibaudeau, Jacobsen, Winsley, Costa, Kohl-Welles and Oke

AN ACT Relating to including preapprenticeship programs in the definition of work activity; and amending RCW 74.08A.250.
Referred to Committee on Labor and Workforce Development.

SB 6365 by Senators Wojahn, Hochstatter, Fairley, Long, Deccio, Prentice, Hargrove, Thibaudeau, Jacobsen, Winsley, Costa, Kohl-Welles and McAuliffe

AN ACT Relating to apprenticeship and preapprenticeship training opportunities for WorkFirst clients; and adding a new section to chapter 74.08A RCW.
Referred to Committee on Labor and Workforce Development.

SB 6366 by Senators Brown, Hochstatter, Roach, Spanel, Shin, Prentice, Costa, Kohl-Welles, McAuliffe, Fraser, Thibaudeau, B. Sheldon, T. Sheldon, Bauer, Eide, Jacobsen, Gardner, Haugen, Patterson, Rasmussen, Winsley and Oke

AN ACT Relating to false advertising through electronic communication; and amending RCW 9.04.050.
Referred to Committee on Energy, Technology and Telecommunications.

SB 6367 by Senators Brown, Hochstatter, Roach, Kohl-Welles, Spanel, Franklin, Jacobsen, Prentice, Costa, McAuliffe, Fairley, Haugen, B. Sheldon, Thibaudeau, Shin, T. Sheldon, Bauer, Wojahn, Eide, Gardner, Patterson, Rasmussen, Winsley and Oke

AN ACT Relating to telephone advertising clarity and disclosure; adding a new chapter to Title 19 RCW; and providing an effective date.
Referred to Committee on Energy, Technology and Telecommunications.

SB 6368 by Senators Brown, Franklin, Wojahn, Prentice, Costa, Kohl-Welles, McAuliffe, Fairley, Thibaudeau, B. Sheldon, Bauer, Gardner, Rasmussen, Jacobsen, Patterson, Goings and Spanel

AN ACT Relating to allowing unemployment benefits during lockouts; amending RCW 50.20.120 and 50.04.030; creating new sections; and declaring an emergency.
Referred to Committee on Labor and Workforce Development.

SB 6369 by Senators Patterson, McCaslin, Haugen, Long, Costa, Fairley, Eide, Heavey, Wojahn, Prentice, Brown and Winsley

AN ACT Relating to a law enforcement study; adding a new section to chapter 39.34 RCW; creating new sections; and making an appropriation.
Referred to Committee on State and Local Government.

SB 6370 by Senators Patterson, Kline, Kohl-Welles, Shin, Franklin, Thibaudeau, Costa, Prentice and Fairley

AN ACT Relating to livestock; adding a new section to chapter 16.50 RCW; and creating a new section.
Referred to Committee on Agriculture and Rural Economic Development.

SB 6371 by Senators Eide, Jacobsen, McAuliffe, Kohl-Welles, Fairley, Spanel, Fraser, Prentice, Snyder, Bauer, B. Sheldon, Franklin, Goings, Winsley and Gardner

AN ACT Relating to death benefits for school employees; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; adding a new section to chapter 41.40 RCW; and repealing 1999 c 309 s 718 (uncodified).
Referred to Committee on Education.

SB 6372 by Senators Johnson, Brown, Winsley, Shin, T. Sheldon, B. Sheldon, Thibaudeau, Zarelli, Sheahan, Hale, Swecker, Stevens, Rossi, Morton, Horn, McDonald, Roach, Rasmussen and Wojahn

AN ACT Relating to exempting bottled water from sales and use taxation; amending RCW 82.08.0293 and 82.12.0293; and providing an effective date.
Referred to Committee on Ways and Means.

SB 6373 by Senators Gardner, T. Sheldon, Prentice, Rasmussen, Winsley, Hale, Deccio and Shin

AN ACT Relating to promotional contests of chance; adding a new section to chapter 9.46 RCW; and repealing RCW 9.46.0355.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6374 by Senators Long, Hargrove, Franklin, Stevens, Kohl-Welles, Winsley and Costa

AN ACT Relating to notification and time limits for initial evaluations by the county designated mental health professional; and amending RCW 71.05.050.
Referred to Committee on Human Services and Corrections.

SB 6375 by Senators Long, Hargrove, Franklin, Stevens, Kohl-Welles, Winsley, Costa and McAuliffe

AN ACT Relating to clarifying timelines, information sharing, and evidentiary standards in mental health competency procedures; amending RCW 10.77.060, 10.77.065, 10.77.090, 10.77.097, 71.05.235, and 71.05.390; and adding a new section to chapter 10.77 RCW.
Referred to Committee on Human Services and Corrections.

SB 6376 by Senators Kline, Fraser, Heavey, Patterson, Thibaudeau and Kohl-Welles

AN ACT Relating to injunctive relief under the shoreline management act; and amending RCW 90.58.230.
Referred to Committee on Environmental Quality and Water Resources.

SB 6377 by Senators B. Sheldon, Winsley, T. Sheldon, Haugen and Wojahn

AN ACT Relating to operation of vessels by the state ferry system or municipalities; and adding a new section to chapter 43.21C RCW.
Referred to Committee on Transportation.

SB 6378 by Senators Fraser, Brown and Snyder (by request of Department of Emergency Management)

AN ACT Relating to extending the expiration date of the enhanced 911 advisory committee; amending RCW 38.52.530; and providing an expiration date.
Referred to Committee on Energy, Technology and Telecommunications.

SB 6379 by Senator Heavey (by request of Environmental Hearings Office)

AN ACT Relating to attorneys' fees; amending RCW 4.84.340; and adding a new section to chapter 4.84 RCW.
Referred to Committee on Judiciary.

SB 6380 by Senators Loveland and Heavey

AN ACT Relating to defining employees working under a site certificate issued under chapter 80.50 RCW; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Labor and Workforce Development.

SB 6381 by Senators Fairley and Kohl-Welles

AN ACT Relating to family and medical leave; amending RCW 49.78.005, 49.78.010, and 49.78.020; adding new sections to chapter 49.78 RCW; adding a new section to Title 49 RCW; creating a new section; repealing RCW 49.78.030, 49.78.040, 49.78.050, 49.78.060, 49.78.070, 49.78.080, 49.78.100, 49.78.110, 49.78.120, 49.78.130, 49.78.140, 49.78.150, 49.78.160, 49.78.170, 49.78.180, 49.78.190, and 49.78.200; and prescribing penalties.
Referred to Committee on Labor and Workforce Development.

SB 6382 by Senators Thibaudeau, McCaslin, Long, Costa, Winsley, Rasmussen, Kohl-Welles and McAuliffe (by request of Attorney General Gregoire)

AN ACT Relating to dependent persons; amending RCW 9.94A.370, 9A.42.040, and 9A.42.045; reenacting and amending RCW 9.94A.030 and 9.94A.310; adding a new section to chapter 9A.42 RCW; adding a new chapter to Title 5 RCW; and prescribing penalties.
Referred to Committee on Judiciary.

SB 6383 by Senators Loveland and Haugen

AN ACT Relating to eligibility for retirement allowance adjustments; amending RCW 41.40.189; adding a new section to chapter 41.32 RCW; and declaring an emergency.
Referred to Committee on Ways and Means.

SB 6384 by Senators Jacobsen, Spanel and Gardner

AN ACT Relating to marine finfish aquaculture; and adding a new chapter to Title 75 RCW.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6385 by Senators Hargrove and Rasmussen

AN ACT Relating to specialized forest products; amending RCW 76.48.085; adding new sections to chapter 76.48 RCW; and repealing RCW 76.48.080.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6386 by Senators Haugen, Hargrove, Swecker, Brown, Patterson, Sheahan, Morton, Long, Costa and Rasmussen

AN ACT Relating to funds appropriated for representation of indigent parents and children; and amending RCW 2.70.020.
Referred to Committee on Human Services and Corrections.

SB 6387 by Senators Haugen, Hargrove, Swecker, Brown, Patterson, Sheahan, Morton, Long and Costa

AN ACT Relating to using funds to improve the legal representation of indigent parents and children; and amending RCW 2.70.020.
Referred to Committee on Human Services and Corrections.

SB 6388 by Senators Haugen, Sheahan, Patterson, Shin, Snyder, Oke, Horn, Morton and Costa

AN ACT Relating to the department of transportation and local traffic control and roadway illumination; and amending RCW 19.28.010, 19.28.070, 19.28.200, and 19.28.360.
Referred to Committee on Transportation.

SB 6389 by Senators Stevens, Hargrove and Long

AN ACT Relating to court jurisdiction over permanency planning matters in dependency proceedings; amending RCW 26.10.030 and 13.34.145; reenacting and amending RCW 13.04.030; and adding a new section to chapter 13.34 RCW.
Referred to Committee on Human Services and Corrections.

SB 6390 by Senators Goings, McCaslin, Heavey, Long, Costa, Fairley, Roach, Kline and Winsley

AN ACT Relating to a state-wide jail booking and reporting system; adding new sections to chapter 36.28A RCW; and creating a new section.
Referred to Committee on Judiciary.

SB 6391 by Senators Thibaudeau, Deccio and Kohl-Welles

AN ACT Relating to primary health care providers; and creating new sections.
Referred to Committee on Health and Long-Term Care.

SB 6392 by Senators Stevens, Long, Swecker, Hochstatter, Morton, Rossi, Johnson, Honeyford, Hale and Benton

AN ACT Relating to the state patrol academy; adding a new section to chapter 43.43 RCW; and creating a new section.
Referred to Committee on Transportation.

SB 6393 by Senators Stevens, Swecker, Sheahan and Hochstatter

AN ACT Relating to requiring informed consent in order to obtain fetal tissue; adding a new section to chapter 70.54 RCW; and prescribing penalties.
Referred to Committee on Health and Long-Term Care.

SB 6394 by Senators Hargrove, Patterson, Swecker, Morton, Snyder and Spanel

AN ACT Relating to locating off-site mitigation of wetlands impacts; adding new sections to chapter 90.74 RCW; and creating a new section.
Referred to Committee on Environmental Quality and Water Resources.

SB 6395 by Senators Franklin, Hochstatter, Fairley, Swecker and Winsley

AN ACT Relating to the use of DNA; and creating new sections.
Referred to Committee on Human Services and Corrections.

SB 6396 by Senators Patterson, Prentice, Hale, Winsley, Deccio, Roach, Sheahan, T. Sheldon, Bauer, Rasmussen, Gardner, Thibaudeau and Oke (by request of Governor Locke)

AN ACT Relating to splitting the department of community, trade, and economic development and reestablishing the department of community development and the department of trade and economic development; amending RCW 43.330.020, 43.63A.021, 43.330.040, 43.330.050, 43.330.070, 43.330.125, 43.330.135, 43.63A.066, 43.63A.115, 43.63A.155, 43.63A.275, 43.63A.400, 43.63A.410, 43.63A.440, 43.63A.460, 43.63A.600, 43.330.152, 43.330.155, 43.330.156, 43.330.904, 41.06.072, 43.63A.230, 43.330.065, 43.330.080, 43.31.057, 43.31.093, 43.31.205, 43.31.409, 43.31.422, 43.31.504, 43.31.522, 43.31.524, 43.31.641, 43.31.830, 43.31.840, 43.31.960, 43.17.065, 28A.515.320, 24.46.010, 28B.20.283, 28B.20.289, 28B.20.293, 28B.30.537, 28B.30.900, 28B.50.262, 28B.65.040, 28B.65.050, 28B.65.060, 28B.109.020, 28C.18.060, 36.01.120, 36.110.030, 39.86.110, 43.07.360, 43.21A.510, 43.21A.515, 43.21F.025, 43.21F.090, 43.21G.010, 43.23.035, 43.31.504, 43.88.093, 43.88.094, 43.160.020, 43.160.115, 43.160.180, 43.163.020, 43.163.120,

43.170.020, 43.172.011, 43.210.030, 43.210.050, 43.210.060, 43.330.092, 43.330.094, 50.67.030, 50.72.030, 70.95H.007, 70.95H.050, 74.13.090, 76.09.030, 76.56.020, 77.12.710, 79A.60.480, 81.80.450, 82.35.080, 41.06.070, 41.06.072, 43.06.115, 43.17.020, 19.02.050, 43.160.030, 43.163.060, 47.39.090, 47.76.230, 50.38.030, 80.50.030, 19.27.070, 27.34.020, 27.53.030, 28A.215.110, 28A.215.120, 36.27.100, 36.70A.030, 36.70A.040, 36.70A.131, 39.84.090, 43.08.260, 43.21A.612, 43.21C.110, 43.63B.010, 43.132.030, 43.155.020, 43.168.020, 43.168.031, 43.168.040, 43.168.050, 43.180.040, 43.180.200, 43.180.220, 43.185.020, 43.185A.010, 43.185B.010, 43.190.030, 43.280.020, 43.280.060, 43.280.080, 43.280.090, 43.330.110, 43.330.130, 43.330.210, 46.12.295, 54.16.285, 54.52.010, 54.52.020, 57.46.010, 57.46.020, 59.18.440, 59.21.010, 59.22.020, 59.22.090, 59.28.040, 59.28.050, 59.28.060, 70.94.537, 70.114A.070, 70.119A.170, 70.125.030, 70.164.020, 70.190.010, 80.28.010, 82.14.330, 82.14.335, and 90.71.020; reenacting and amending RCW 43.17.010; reenacting RCW 48.50.040; adding new sections to chapter 43.330 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 41.06 RCW; creating new sections; recodifying RCW 43.63A.021, 43.63A.066, 43.63A.067, 43.63A.075, 43.63A.105, 43.63A.115, 43.63A.125, 43.63A.150, 43.63A.155, 43.63A.190, 43.63A.215, 43.63A.240, 43.63A.245, 43.63A.247, 43.63A.249, 43.63A.265, 43.63A.270, 43.63A.275, 43.63A.400, 43.63A.410, 43.63A.420, 43.63A.440, 43.63A.460, 43.63A.465, 43.63A.4651, 43.63A.470, 43.63A.475, 43.63A.480, 43.63A.485, 43.63A.490, 43.63A.500, 43.63A.510, 43.63A.550, 43.63A.600, 43.63A.610, 43.63A.620, 43.63A.630, 43.63A.640, 43.63A.650, 43.63A.660, 43.63A.670, 43.63A.680, 43.63A.720, 43.63A.725, 43.63A.730, 43.63A.735, 43.63A.740, 43.63A.900, 43.63A.901, 43.63A.902, 43.63A.903, 43.330.150, 43.330.152, 43.330.155, 43.330.156, 43.330.190, 43.330.200, 43.330.210, 43.330.220, 43.330.230, 43.63A.230, 43.63A.700, 43.63A.710, 43.63A.715, 43.330.060, 43.330.065, 43.330.080, 43.330.090, 43.330.092, 43.330.094, 43.330.095, 43.330.096, 43.63A.690, and 43.330.180; repealing RCW 43.330.005, 43.330.007, 43.330.010, 43.330.900, and 43.31.800; providing an effective date; and providing expiration dates.
Referred to Committee on State and Local Government.

SB 6397 by Senators Hargrove, Long, Swecker, Winsley and Costa (by request of Governor Locke)

AN ACT Relating to partial confinement in sentences of one year or less; and amending RCW 9.94A.380.
Referred to Committee on Human Services and Corrections.

SB 6398 by Senators Costa and Winsley (by request of Governor Locke)

AN ACT Relating to boarding homes; amending RCW 18.20.020, 18.20.040, 18.20.050, 18.20.110, 18.20.120, 18.20.130, and 18.20.190; amending 1998 c 272 s 24 (uncodified); creating a new section; repealing RCW 18.20.060 and 18.20.100; and providing an effective date.
Referred to Committee on Health and Long-Term Care.

SB 6399 by Senators Eide, Haugen, Swecker and Winsley (by request of Office of Financial Management)

AN ACT Relating to the commute trip reduction tax credit; amending RCW 82.04.4453, 82.16.048, 82.04.4454, and 82.16.049; repealing 1996 c 128 s 7 (uncodified); repealing 1996 c 128 s 6 and 1994 c 270 s 6 (uncodified); providing expiration dates; and declaring an emergency.
Referred to Committee on Transportation.

SB 6400 by Senators Wojahn, Costa, Kohl-Welles, Winsley, Rasmussen and McAuliffe (by request of Governor Locke)

AN ACT Relating to domestic violence; amending RCW 10.31.100, 10.99.020, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, 26.50.070, 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.50.150, 26.50.160, 26.52.070, 70.123.050, and 74.34.130; reenacting and amending RCW 9.94A.320; adding a new section to chapter 3.62 RCW; adding a new section to chapter 26.50 RCW; adding a new section to chapter 74.34 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.
Referred to Committee on Judiciary.

SB 6401 by Senators Kohl-Welles, Costa, Hargrove, Winsley, Rasmussen and McAuliffe (by request of Governor Locke)

AN ACT Relating to protecting vulnerable adults; amending RCW 43.20A.710, 74.39A.050, 74.34.095, and 74.39A.095; and adding new sections to chapter 74.34 RCW.
Referred to Committee on Health and Long-Term Care.

SB 6402 by Senators Fairley, Winsley, Fraser, Goings, Kohl-Welles, McAuliffe, Gardner, Bauer, Costa, Shin, Kline, Franklin, Spanel, Snyder, Prentice, Hargrove, Brown, Patterson, Eide, Wojahn, Thibaudeau, Jacobsen, Rasmussen and B. Sheldon (by request of Governor Locke)

AN ACT Relating to personnel; amending RCW 41.06.030, 41.06.150, 41.06.150, 41.06.022, 41.06.070, 41.06.110, 41.06.160, 41.06.167, 41.06.170, 41.06.186, 41.06.196, 41.06.270, 41.06.350, 41.06.400, 41.06.410, 41.06.450, 41.06.475, 41.06.490, 28B.12.060, 34.05.030, 34.12.020, 41.50.804, 43.06.425, 43.33A.100, 43.131.090, 49.46.010, 41.06.340, 13.40.320, 39.29.006, 41.04.385, 47.46.040, 72.09.100, 41.06.079, 41.06.152, 41.06.152, 41.06.500, 41.06.500, 43.21I.010, 43.23.010, 49.74.030, 49.74.030, 49.74.040, 49.74.040, and 41.56.201; reenacting and amending RCW 41.04.340; adding new sections to chapter 41.06 RCW; adding a new chapter to Title 41 RCW; creating new sections; repealing RCW 41.06.163, 41.06.165, 41.06.140, 41.50.804, 41.06.520, 41.06.380, 41.06.382, 41.56.023, 41.56.201, 28B.16.015, 41.64.010, 41.64.020, 41.64.030, 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, and 41.64.910; providing effective dates; and providing an expiration date.
Referred to Committee on Labor and Workforce Development.

SB 6403 by Senators Bauer and Zarelli

AN ACT Relating to the capital budget; amending 1999 c 379 ss 106, 107, 215, 252, 305, 307, 308, 331, 335, 361, 383, 388, 390, 931, 373, 502, 603, 604, 605, 634, 641, 642, 686, 794, and 905 (uncodified); adding new sections to 1999 c 379; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.
Referred to Committee on Ways and Means.

SB 6404 by Senators Loveland and Rossi (by request of Governor Locke)

AN ACT Relating to fiscal matters; amending 1999 c 309 ss 108, 110,112, 113, 115, 116, 117, 120, 123, 124, 127, 129, 131, 136, 137, 142, 143, 145, 148, 149, 151, 154, 201, 202, 203, 205, 206, 208, 209, 211, 212, 213, 214, 217, 218, 222, 224, 225, 302, 303, 306, 307, 308, 309, 401, 402, 501, 502, 503, 504, 505, 507, 509, 510, 512, 513, 514, 515, 516, 517, 519, 603, 605, 606, 607, 609, 610, 611, 612, 613, 701, 702, 703, 705, 711, 713, 720, 723, 727, 801, and 907 (uncodified); 1999 c 376 s 3 (uncodified); 1999 c 392 s 2 (uncodified); 1999 sp.s. c 12 s 4 (uncodified); adding a new section to chapter 43.79 RCW; adding new sections to 1999 c 309 (uncodified); repealing 1999 c 309 s 908; making appropriations; and declaring an emergency.
Referred to Committee on Ways and Means.

SB 6405 by Senators Kline, Brown, Thibaudeau, Bauer, Franklin, Kohl-Welles and Benton

AN ACT Relating to damage awards for unfair business practices; and amending RCW 19.86.090.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6406 by Senators Rossi, Horn, Deccio, McDonald, Zarelli, Honeyford, McCaslin, Morton, Long, Hochstatter, Johnson, Sheahan, Patterson, Hale, T. Sheldon, Stevens and Benton

AN ACT Relating to high-occupancy vehicle lanes; and amending RCW 46.61.165.
Referred to Committee on Transportation.

SB 6407 by Senators Swecker, Eide, Zarelli, T. Sheldon, Stevens, Deccio, Johnson, Hale, Honeyford, Morton, McCaslin, Hochstatter, Rasmussen and Oke

AN ACT Relating to clarifying forest practices; and amending RCW 76.09.020.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6408 by Senators Kohl-Welles, Heavey, Costa, Shin, Thibaudeau, Kline, Prentice, McAuliffe, Winsley, Fairley, Patterson, Wojahn and Jacobsen

AN ACT Relating to the sale of firearms at gun shows and flea markets; amending RCW 9.41.010; and declaring an emergency.
Referred to Committee on Judiciary.

SB 6409 by Senators Swecker, Hargrove, Johnson, Zarelli, Deccio, Morton, Honeyford, McCaslin, Horn, Hochstatter and Oke

AN ACT Relating to requiring the posting of a bond in order for third parties to appeal decisions by boards administered by the environmental hearings office; and adding a new section to chapter 34.05 RCW.
Referred to Committee on Environmental Quality and Water Resources.

SB 6410 by Senators Spanel, Gardner, Brown, Franklin, Haugen, Bauer, Shin, B. Sheldon, Fraser, Kline, Costa, Eide, Fairley, Patterson, Rasmussen, Kohl-Welles, McAuliffe, Jacobsen, Prentice, Thibaudeau and Goings

AN ACT Relating to siting of pipelines and other energy facilities; amending RCW 80.50.010, 80.50.040, 80.50.060, 80.50.071, 80.50.090, 80.50.105, and 80.50.110; reenacting and amending RCW 80.50.150; adding new sections to chapter 80.50 RCW; creating a new section; providing an effective date; and declaring an emergency.
Referred to Committee on Energy, Technology and Telecommunications.

SB 6411 by Senators Spanel, Gardner, Brown, Fairley, Franklin, B. Sheldon, Shin, Kline, Patterson, Haugen, Kohl-Welles, Costa, Thibaudeau, Prentice, Fraser and Goings

AN ACT Relating to studying the energy facility siting process; amending RCW 80.50.060; creating a new section; providing an expiration date; and declaring an emergency.
Referred to Committee on Energy, Technology and Telecommunications.

SB 6412 by Senators Haugen and Morton (by request of Department of Transportation)

AN ACT Relating to civil service exemptions in the department of transportation; and amending RCW 41.06.079.
Referred to Committee on Transportation.

SB 6413 by Senators Haugen, Morton, Rasmussen and Oke (by request of Department of Transportation)

AN ACT Relating to recognition of volunteer pilots; and amending RCW 47.68.233.
Referred to Committee on Transportation.

SB 6414 by Senators Wojahn, Deccio, Rasmussen, Stevens and Winsley

AN ACT Relating to optometric physician assistants; amending RCW 18.71A.060; and adding a new chapter to Title 18 RCW.
Referred to Committee on Health and Long-Term Care.

SB 6415 by Senators Patterson, Horn, McCaslin, Johnson and Haugen

AN ACT Relating to water-sewer districts; amending RCW 57.12.015; and repealing RCW 57.08.110.
Referred to Committee on State and Local Government.

SB 6416 by Senators Thibaudeau, Deccio, Wojahn, Rasmussen, Johnson, Franklin, B. Sheldon, Costa, Prentice, Sheahan, Fraser, Swecker, McAuliffe, Winsley, Kohl-Welles, Haugen, Benton, Spanel, McDonald and Oke

AN ACT Relating to needlesticks and sharps protections; adding a new section to chapter 49.17 RCW; and creating a new section.
Referred to Committee on Health and Long-Term Care.

SB 6417 by Senators McAuliffe, Eide, Loveland, Patterson, Costa, Prentice, Fraser, Kline, Rasmussen, Brown, Kohl-Welles, Bauer, B. Sheldon, Winsley and Goings

AN ACT Relating to the education help line; and amending RCW 28A.300.130.
Referred to Committee on Education.

SB 6418 by Senators McAuliffe, Eide, Brown, Rasmussen, Bauer, Goings, Costa, Kohl-Welles and Wojahn

AN ACT Relating to establishing a process and a date for determining when the high school assessment is valid and reliable and shall lead to a certificate of mastery; adding a new section to chapter 28A.655 RCW; and creating a new section.
Referred to Committee on Education.

SB 6419 by Senators Swecker, Gardner, Fraser, T. Sheldon, Goings, Rasmussen and Oke

AN ACT Relating to abandoned vehicles; amending RCW 46.55.085, 46.55.105, 46.55.110, 46.63.030, 46.63.060, 46.63.070, and 46.63.110; and prescribing penalties.
Referred to Committee on Transportation.

SB 6420 by Senators Spanel, Thibaudeau, Gardner and Kohl-Welles

AN ACT Relating to regulation of tobacco products; and adding a new section to chapter 70.160 RCW.
Referred to Committee on Health and Long-Term Care.

SB 6421 by Senators Costa, Sheahan, Kohl-Welles, Long, Hargrove, Winsley and Rasmussen

AN ACT Relating to domestic violence fatality reviews; and adding a new chapter to Title 43 RCW.
Referred to Committee on Judiciary.

SB 6422 by Senators Gardner and Winsley

AN ACT Relating to local planning and zoning of social card game activities; amending RCW 9.46.295; and adding a new section to chapter 9.46 RCW.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SCR 8423 by Senators Kohl-Welles, Jacobsen, Prentice, Gardner, Winsley, Costa, Kline and Long

Resolving to create a commission on the evaluation of the legislature.

Referred to Committee on State and Local Government.

SCR 8424 by Senators Swecker, Eide, Honeyford, Morton, McAuliffe, Hale, Winsley, Rasmussen and Oke

Creating the joint select committee on unfunded federal mandates relating to environmental protection.

Referred to Committee on Environmental Quality and Water Resources.

MOTION

On motion of Senator Betti Sheldon, the follow bills, which were in the Committee on Rules, were referred to the Committees as designated

SENATE BILLS - THIRD READING

Bill No.	Description	Sponsors	Requested By	Referred *
SSB 5094	f Personal flotation devices	Oke, Jacobsen,etc.		NRPR
ESB 5097	f Archaeology/historic preservation	Haugen,Honeyford,etc.		SLG
ESSB 5111	Genetic info/health insurance	Franklin,Winsley,etc.		HEA
SSB 5280	f Vehicle liability insurance	Franklin,Winsley,etc.		TRAN
ESSB 5447	f Guardian ad litem	Franklin,Long,etc.		HSC
SSB 5634	Student retention/promotion	Finkbeiner,Zarelli,etc.	.	EDU
SB 5913	School district employment	McAuliffe, Hochstatter,etc.		EDU

* COMMITTEE ACRONYMS

ARED - Agriculture and Rural Economic Development
CTHF - Commerce, Trade, Housing and Financial Institutions
EDU - Education
ETT - Energy, Technology and Telecommunications
EQWR - Environmental Quality and Water Resources
HEA - Health and Long-Term Care
HIE - Higher Education
HSC - Human Services and Corrections
JUD -Judiciary
LWD -Labor and Workforce Development
NRPR -Natural Resources, Parks and Recreation
SLG -State and Local Government
TRAN -Transportation
WM -Ways and Means

MOTION

At 10:09 a.m. on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 10:37 a.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5019, by Senate Committee on Human Services and Corrections (originally sponsored by Senators Patterson, Thibaudeau and McAuliffe)

Changing provisions relating to opiate substitution treatment programs.

The bill was read the third time.

Senators Patterson and Long spoke to Engrossed Substitute Senate Bill No. 5019.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5019.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5019 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45. Excused: Senators Finkbeiner, Kline, McDonald and Prentice - 4. ENGROSSED SUBSTITUTE SENATE BILL NO. 5019, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5027, by Senate Committee on Judiciary (originally sponsored by Senators Goings and Swecker)

Providing for control of dangerous dogs.

The bill was read the third time.

Senator Goings spoke to Substitute Senate Bill No. 5027.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5027.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5027 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45. Excused: Senators Finkbeiner, Kline, McDonald and Prentice - 4. SUBSTITUTE SENATE BILL NO. 5027, having

received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SENATE BILL NO. 5053, by Senators Fairley, Goings, Oke and Costa

Including parents under the age of eighteen in the crime of assault against a child.

The bill was read the third time.

Senator Fairley spoke to Senate Bill No. 5053.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5053.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5053 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45. Excused: Senators Finkbeiner, Kline, McDonald and Prentice - 4. SENATE BILL NO. 5053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Zarelli was excused

THIRD READING

SUBSTITUTE SENATE BILL NO. 5065, by Senate Committee on Judiciary (originally sponsored by Senators Rasmussen, Goings, Deccio, Honeyford, Winsley, Rossi, Hochstatter, Oke and Costa)

Revoking driving privileges for alcohol violations until the person is age twenty-one.

The bill was read the third time.

Senator Rasmussen spoke to Substitute Senate Bill No. 5065.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5065.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5065 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 44. Excused: Senators Finkbeiner, Kline, McDonald, Prentice and Zarelli - 5. SUBSTITUTE SENATE BILL NO. 5065, having

received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SENATE BILL NO. 5084, by Senators Hargrove and Long

Modifying the procedure for determining the administrative costs allowed for the community public health and safety networks.

The bill was read the third time.

Senator Hargrove spoke to Senate Bill No. 5084.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5084.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5084 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 44. Excused: Senators Finkbeiner, Kline, McDonald, Prentice and Zarelli - 5. SENATE BILL NO. 5084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SENATE BILL NO. 5100, by Senators Haugen, Sellar, Spanel, Gardner, Heavey, Benton, Oke, B. Sheldon and Kohl-Welles

Regulating ferry queues.

The bill was read the third time.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5100.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5100 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 43. Voting nay: Senator Hargrove - 1. Excused: Senators Finkbeiner, Kline, McDonald, Prentice and Zarelli - 5. SENATE BILL NO. 5100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5103, by Senate Committee on Environmental Quality and Water Resources (originally sponsored by Senators Haugen, Swecker, Jacobsen, Fraser, Spanel, Morton and Rasmussen)

Changing provisions relating to the state's coastal zone program.

The bill was read the third time.

Senator Haugen spoke to Substitute Senate Bill No. 5103.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5103.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5103 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 44. Excused: Senators Finkbeiner, Kline, McDonald, Prentice and Zarelli - 5. SUBSTITUTE SENATE BILL NO. 5103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5112, by Senate Committee on Health and Long-Term Care (originally sponsored by Senators Franklin, Winsley, Thibaudeau, Wojahn, McAuliffe, Deccio, Prentice, Costa, Rasmussen, Fraser, Brown, McCaslin, Patterson, Spanel, Eide, Kline, Bauer, Loveland, Jacobsen, Goings, Hale, Swecker, Haugen, Fairley, Gardner, B. Sheldon, Rossi, Johnson and Kohl-Welles)

Regulating health insurance benefits for mastectomies.

The bill was read the third time.

Senator Franklin spoke to Substitute Senate Bill No. 5112.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5112.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5112 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 43. Absent: Senator Hargrove - 1. Excused: Senators Finkbeiner, Kline, McDonald, Prentice and Zarelli - 5. SUBSTITUTE SENATE BILL NO. 5112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

Senator Betti Sheldon moved that Senate Bill No. 5117 be referred to Committee on State and Local Government.

POINT OF ORDER

Senator Johnson: "A point of order, Mr. President. Under the rules, I believe that motion must be made under the ninth order of business. We are not under the ninth order of business at this time."

Debate ensued.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Johnson, the President believes the point is well taken since the bill has not been read at this point. Should the bill be read in on third reading, the motion would be in order."

MOTION

Senator Johnson moved that the Senate advance to the ninth order of business.

Senator Snyder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Johnson to advance to the ninth order of business.

ROLL CALL

The Secretary called the roll and the motion to advance to the ninth order of business failed by the following vote: Yeas, 19; Nays, 25; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West and Winsley - 19. Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kohl-Welles, Loveland, McAuliffe, Patterson, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 25. Excused: Senators Finkbeiner, Kline, McDonald, Prentice and Zarelli - 5.

THIRD READING

SENATE BILL NO. 5117, by Senator Bauer

Allowing the parking commission to have more than five members.

The bill was read the third time.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5117 was referred to the Committee on State and Local Government.

MOTION

At 11:16 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Monday, January 17, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 17, 2000

The Senate was called to order at 12:00 noon by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Finkbeiner, McCaslin, Morton, Roach, Sellar, Stevens and Zarelli. On motion of Senator Deccio, Senators Finkbeiner, McCaslin, Morton, Sellar and Stevens were excused. On motion of Senator Franklin, Senator Bauer was excused.

The Sergeant at Arms Color Guard, consisting of Pages Juliet Ladenburg and Patrick LaValla, presented the Colors. Reverend Howard Ullery, Jr., pastor of the Lacey Community Church, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORT OF STANDING COMMITTEE

January 13, 2000

ESB 5881 Prime Sponsor, Senator Thibaudeau: Regulating youth access to tobacco products. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5881 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Referred to Committee on Ways and Means.

MESSAGES FROM THE HOUSE

January 14, 2000

MR. PRESIDENT:

The Co-Speakers have signed HOUSE CONCURRENT RESOLUTION NO. 4424, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

January 14, 2000

MR. PRESIDENT:

The Co-Speakers have signed:

SENATE CONCURRENT RESOLUTION NO. 8419,
SENATE CONCURRENT RESOLUTION NO. 8420,
SENATE CONCURRENT RESOLUTION NO. 8421, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4424.

INTRODUCTION AND FIRST READING

SB 6423 by Senators Patterson, Gardner, Costa, Winsley, Spanel, Hale, Sellar, Shin, Haugen and Wojahn

AN ACT Relating to funding for implementation of capital facilities plans by counties and cities under the growth management act; and adding a new section to chapter 82.14 RCW.
Referred to Committee on State and Local Government.

SB 6424 by Senators Jacobsen, T. Sheldon, Oke, Morton, Winsley, Haugen, Sellar, Rossi and Rasmussen

AN ACT Relating to encouraging public and private landowners to make land and water areas available to the public for recreational purposes; amending RCW 4.24.210; and creating a new section.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6425 by Senators McAuliffe, Kohl-Welles, Sheahan, Winsley, Rasmussen and Bauer (by request of Committee on Advanced College Tuition Payment, Higher Education Coordinating Board and State Treasurer Murphy)

AN ACT Relating to the advanced college tuition payment program; and amending RCW 28B.95.020, 28B.95.025, 28B.95.030, 28B.95.050, 28B.95.060, 28B.95.070, 28B.95.100, and 28B.95.110.
Referred to Committee on Higher Education.

SB 6426 by Senators Prentice, Winsley, Deccio, Shin, McDonald, T. Sheldon and Rasmussen

AN ACT Relating to the definition of investment adviser; and amending RCW 21.20.005.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6427 by Senators Long, Haugen, Costa, Eide, Oke, Benton, Rasmussen and Gardner

AN ACT Relating to identifying rebuilt vehicles; amending RCW 46.12.005 and 46.12.075; and creating a new section.
Referred to Committee on Transportation.

SB 6428 by Senators Prentice, Benton, T. Sheldon, Winsley, Shin, Hale, Deccio and Costa (by request of Pollution Liability Insurance Agency)

AN ACT Relating to pollution liability insurance; and amending RCW 70.148.900, 70.149.900, and 82.23A.902.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6429 by Senators Patterson and Horn (by request of Secretary of State Munro)

AN ACT Relating to state employees' suggestion awards and incentive pay; and amending RCW 41.60.015 and 41.60.150.
Referred to Committee on State and Local Government.

SB 6430 by Senators Fraser, Spanel, Eide, Fairley, Kline, Jacobsen, McAuliffe and Kohl-Welles

AN ACT Relating to oil spill prevention measures for oil tankers; amending RCW 88.16.190; creating a new section; providing an effective date; and declaring an emergency.
Referred to Committee on Environmental Quality and Water Resources.

SB 6431 by Senators Heavey, West, Prentice, Hale, Winsley, Horn, Gardner and Roach (by request of Horse Racing Commission)

AN ACT Relating to dissemination of criminal history record information to the Washington horse racing commission; and adding a new section to chapter 67.16 RCW.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6432 by Senators B. Sheldon, Horn, Haugen, Winsley, Sheahan, T. Sheldon, McAuliffe, Jacobsen and Gardner

AN ACT Relating to authorizing the preservation and development of national historic towns outside of urban growth areas; and adding a new section to chapter 36.70A RCW.
Referred to Committee on State and Local Government.

SB 6433 by Senators Snyder, Hargrove, Swecker, T. Sheldon, Eide, Morton, Rasmussen, Gardner, Bauer, Haugen, Winsley and Honeyford

AN ACT Relating to county excise tax on harvesters of timber; amending RCW 84.33.051, 84.33.035, 84.33.040, 84.36.473, and 84.33.077; creating a new section; and providing an effective date.
Referred to Committee on Ways and Means.

SB 6434 by Senators Patterson, Costa, McCaslin, Heavey, Rossi, Hale, Goings, Winsley, McAuliffe, Benton, Gardner, Oke, Roach and Bauer

AN ACT Relating to driving while under the influence of alcohol or any drug; amending RCW 46.61.502, 46.61.504, 46.61.524, 10.05.010, and 46.01.260; reenacting and amending RCW 46.61.5055, 9.94A.320, and 9.94A.360; and prescribing penalties.
Referred to Committee on Judiciary.

SB 6435 by Senators Brown, Rossi, B. Sheldon, Hochstatter, Rasmussen, T. Sheldon, Roach, Goings, Zarelli, Sheahan and West

AN ACT Relating to clarifying the taxation of electrical energy sales; amending RCW 82.16.050 and 82.04.310; and declaring an emergency.
Referred to Committee on Energy, Technology and Telecommunications.

SB 6436 by Senators Patterson, Prentice, Kohl-Welles, Fairley, Heavey, Brown, Kline and Costa

AN ACT Relating to the display of wild and exotic animals for public entertainment or amusement; adding a new section to chapter 16.52 RCW; and prescribing penalties.
Referred to Committee on Agriculture and Rural Economic Development.

SB 6437 by Senators Prentice and Winsley (by request of Department of Licensing)

AN ACT Relating to trade name registrations; and amending RCW 19.80.005, 19.80.010, and 19.80.025.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6438 by Senators Hargrove, Long and Sheahan (by request of Department of Social and Health Services)

AN ACT Relating to records that are accessible by the department of social and health services; amending RCW 71.34.200 and 70.02.050; reenacting and amending RCW 26.44.030; adding a new section to chapter 26.44 RCW; and adding a new section to chapter 74.13 RCW.
Referred to Committee on Human Services and Corrections.

SB 6439 by Senators Long, Hargrove and Sheahan (by request of Department of Social and Health Services)

AN ACT Relating to consistent use of terms regarding state hospital patient status; amending RCW 71.05.020, 71.05.025, 71.05.050, 71.05.120, 71.05.170, 71.05.210, 71.05.325, 71.05.340, 71.05.390, 71.05.425, 71.05.480, 71.05.490, 71.05.640, 10.77.025, 10.77.110, 10.77.120, 10.77.200, 10.77.205, and 49.19.010; and reenacting and amending RCW 10.77.010.
Referred to Committee on Human Services and Corrections.

SB 6440 by Senators Hargrove, Long and Sheahan (by request of Department of Social and Health Services)

AN ACT Relating to licensing of and sanctions for violating conditions of the juvenile offender basic training camp program; amending RCW 13.40.320, 13.40.210, and 74.15.020; and prescribing penalties.
Referred to Committee on Human Services and Corrections.

SB 6441 by Senators Spanel, Gardner, Oke, Franklin, Costa, Kline, Bauer, B. Sheldon, Shin, Eide, Patterson, Haugen, Swecker, Kohl-Welles, Goings, Rasmussen, Fairley, McAuliffe, Prentice, Fraser and Thibaudeau

AN ACT Relating to oil and gas pipeline safety; amending RCW 19.02.100, 19.122.050, and 19.122.070; adding a new section to chapter 19.122 RCW; adding a new section to chapter 48.48 RCW; adding a new chapter to Title 70 RCW; repealing RCW 81.88.040; and prescribing penalties.
Referred to Committee on Environmental Quality and Water Resources.

SB 6442 by Senators Spanel, Winsley, Prentice, Gardner, Kline and Haugen

AN ACT Relating to the affordable housing program; and amending RCW 43.185A.010.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6443 by Senators Patterson, Horn, Gardner, B. Sheldon, Fraser and Hochstatter (by request of Department of General Administration)

AN ACT Relating to interagency transfers of state surplus personal property; and amending RCW 43.19.1919 and 43.09.210.
Referred to Committee on State and Local Government.

SB 6444 by Senators Prentice, Benton, Shin, Winsley, Honeyford and Rasmussen

AN ACT Relating to the furnishing of wine or beer to nonprofit charitable organizations; and reenacting and amending RCW 66.28.040.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6445 by Senators Gardner, Hale and Costa (by request of Attorney General Gregoire)

AN ACT Relating to ballot titles; amending RCW 29.27.060, 29.79.040, 29.79.055, and 29.79.060; adding a new section to chapter 29.79 RCW; adding a new section to chapter 29.27 RCW; recodifying RCW 29.79.055; and repealing RCW 29.79.310 and 29.79.320.

Referred to Committee on State and Local Government.

SB 6446 by Senators Patterson and Oke (by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to extension of the September 1, 2002, deadline for comprehensive plan review and amendment; and amending RCW 36.70A.130.
Referred to Committee on State and Local Government.

SB 6447 by Senators Brown, Fairley, Kline, Fraser and Franklin

AN ACT Relating to disclosure of attributes of electricity products; amending RCW 19.29A.010; adding new sections to chapter 19.29A RCW; and creating a new section.
Referred to Committee on Energy, Technology and Telecommunications.

SB 6448 by Senators T. Sheldon, Hale, Gardner, Sellar, Haugen and Rasmussen

AN ACT Relating to creating an education and training program for port district officials; amending RCW 53.06.060; adding new sections to chapter 53.06 RCW; and adding a new section to chapter 39.84 RCW.
Referred to Committee on Labor and Workforce Development.

SB 6449 by Senator Jacobsen

AN ACT Relating to master wildlife-viewing guides; and adding a new section to chapter 77.12 RCW.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6450 by Senator Jacobsen

AN ACT Relating to the wildlife publications account; adding a new section to chapter 77.12 RCW; and repealing RCW 77.12.185.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6451 by Senators Costa, Kline, Winsley, Swecker, Jacobsen, Haugen, B. Sheldon, Fraser, Kohl-Welles and Spanel (by request of Washington State Patrol and Department of General Administration)

AN ACT Relating to firearms in state capitol buildings; adding a new section to chapter 9.41 RCW; and prescribing penalties.
Referred to Committee on Judiciary.

SB 6452 by Senators Kohl-Welles, Thibaudeau, Jacobsen, Kline and Fairley

AN ACT Relating to a motor vehicle fuel tax adjustment; reenacting and amending RCW 82.36.025; and providing for submission of this act to a vote of the people.
Referred to Committee on Transportation.

SB 6453 by Senators Kohl-Welles, Loveland, Brown, McAuliffe, Fraser, Fairley, Prentice, Costa, Thibaudeau, Kline, Jacobsen and Franklin

AN ACT Relating to state spending and fee increase limitations; amending RCW 43.135.010 and 43.135.025; and creating a new section.
Referred to Committee on Ways and Means.

SB 6454 by Senators Loveland, Brown and Jacobsen

AN ACT Relating to obsolete natural resources accounts; creating a new section; repealing RCW 79A.20.020, 75.58.020, 70.95H.800, 70.95.520, 70.95.800, 43.21J.020, 43.83C.030, 79A.05.365, 75.52.140, and 77.21.080; and providing an effective date.
Referred to Committee on Ways and Means.

SB 6455 by Senators Gardner, Winsley, Fraser, Shin, Kohl-Welles, Brown, Costa, Fairley and Jacobsen

AN ACT Relating to the regulation of geologists; adding a new chapter to Title 18 RCW; prescribing penalties; providing effective dates; and providing for submission of a certain section of this act to a vote of the people.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6456 by Senators Roach, Rasmussen, T. Sheldon, Costa, Stevens, Johnson, Shin, Zarelli, Hale, Gardner, Honeyford, Benton, Goings, Winsley, Wojahn, Oke, Swecker, Franklin, McCaslin, McAuliffe and Rossi

AN ACT Relating to lake management districts; and amending RCW 36.61.020.
Referred to Committee on Environmental Quality and Water Resources.

SB 6457 by Senators Roach, Swecker, Johnson, Sheahan, Hale, Rossi, Morton, McCaslin, McDonald, Hochstatter, Benton and Zarelli

AN ACT Relating to designating lottery proceeds for common school construction; and amending RCW 67.70.040 and 67.70.240.
Referred to Committee on Ways and Means.

SB 6458 by Senators Roach, Swecker, Honeyford, Benton, McCaslin and Horn

AN ACT Relating to the time for signing and receipt of absentee and mail ballots; and amending RCW 29.36.045, 29.36.060, 29.36.126, and 29.36.139.
Referred to Committee on State and Local Government.

SB 6459 by Senators Bauer and Rasmussen

AN ACT Relating to use of identifying information; amending RCW 9.35.020; and prescribing penalties.
Referred to Committee on Judiciary.

SB 6460 by Senators Fraser, Snyder, Kline, McAuliffe, Kohl-Welles, Haugen, Deccio, Franklin, Rasmussen, Winsley and Bauer

AN ACT Relating to enrollment in the uniform medical plan by retired, disabled, or separated public employees; and amending RCW 41.05.080.
Referred to Committee on Ways and Means.

SB 6461 by Senators B. Sheldon, Winsley, Costa, Patterson, Hargrove, Kline, McAuliffe, Kohl-Welles, Spanel, Rasmussen and Gardner

AN ACT Relating to work activities for recipients of temporary assistance for needy families; amending RCW 74.08A.250; and creating new sections.
Referred to Committee on Higher Education.

SB 6462 by Senators McAuliffe, Kohl-Welles, Eide, Brown, Rasmussen, Bauer, Goings, Patterson, Winsley and Jacobsen (by request of Governor Locke)

AN ACT Relating to salary bonuses for teachers attaining certification by the national board for professional teaching standards; adding a new section to chapter 28A.405 RCW; and creating a new section.
Referred to Committee on Education.

SB 6463 by Senators McAuliffe, Kohl-Welles, Fairley, Goings, Eide, Patterson, Kline and Rasmussen

AN ACT Relating to health screening in schools; amending RCW 28A.210.020; and creating a new section.
Referred to Committee on Education.

SB 6464 by Senators McAuliffe, Kohl-Welles, Goings, Eide, Patterson and Kline

AN ACT Relating to early learning; and adding a new section to chapter 28A.300 RCW.
Referred to Committee on Education.

SB 6465 by Senator McCaslin

AN ACT Relating to regulation of electric cooperatives by the utilities and transportation commission; amending RCW 23.86.035 and 80.04.010; adding a new section to chapter 23.86 RCW; adding a new section to chapter 80.28 RCW; repealing RCW 23.86.400; and providing an effective date.
Referred to Committee on Energy, Technology and Telecommunications.

SB 6466 by Senator McCaslin

AN ACT Relating to liability for the conduct of another; and amending RCW 9A.08.020.
Referred to Committee on Judiciary.

SB 6467 by Senators Goings, Haugen, Eide, Sellar and Winsley

AN ACT Relating to vehicle, vessel, and aircraft license fraud; amending RCW 46.16.010, 46.16.0101, 47.68.255, 82.48.020, 82.49.010, and 88.02.118; and reenacting and amending RCW 46.16.240.
Referred to Committee on Transportation.

SB 6468 by Senators Snyder, Patterson and Rasmussen (by request of Governor Locke)

AN ACT Relating to defining incentive savings for purposes of the savings incentive account; and amending RCW 43.79.460.
Referred to Committee on Ways and Means.

SB 6469 by Senators Snyder, Hale, Kline, Winsley, Patterson, Rasmussen, B. Sheldon and Gardner (by request of Governor Locke)

AN ACT Relating to providing a revenue neutral tax credit in regards to ad valorem taxation of real property occupied by senior citizens and retired persons; amending RCW 84.36.381, 84.36.387, 84.52.080, and 84.56.050; and creating a new section.
Referred to Committee on Ways and Means.

SB 6470 by Senators Snyder, Kline, Patterson, Rasmussen and Bauer (by request of Governor Locke)

AN ACT Relating to authorizing a local school district regular levy for the purpose of enhancing kindergarten through twelfth grade education by reducing class sizes and improving educational programs, to be allowed as a credit against the state property tax levy; adding a new section to chapter 84.52 RCW; and creating a new section.
Referred to Committee on Education.

SB 6471 by Senators Snyder and Rasmussen (by request of Governor Locke)

AN ACT Relating to reducing property taxes by reducing the total state property tax levy amount by 6.2 percent; adding a new section to chapter 84.55 RCW; and creating a new section.
Referred to Committee on Ways and Means.

SB 6472 by Senators Swecker, Zarelli, Stevens, Hochstatter, Roach, Sheahan, Rossi, Morton, McCaslin and Hargrove

AN ACT Relating to constitutional guarantees; and adding a new section to chapter 1.20 RCW.
Referred to Committee on Judiciary.

SB 6473 by Senators Jacobsen, Honeyford and Hale

AN ACT Relating to allowing a licensed distiller to hold a class H spirits, beer, and wine restaurant license; and reenacting and amending RCW 66.28.010.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6474 by Senators Hargrove, McCaslin, Long, Costa, Sheahan, Patterson, Kline, Winsley, Haugen, Franklin and Gardner

AN ACT Relating to improving foster care services and the foster care rate structure; adding new sections to chapter 43.20A RCW; adding new sections to chapter 74.13 RCW; and providing an effective date.
Referred to Committee on Human Services and Corrections.

SB 6475 by Senators Heavey and Patterson

AN ACT Relating to designating a lead agency for public proposals under the state environmental policy act; and adding a new section to chapter 43.21C RCW.
Referred to Committee on Environmental Quality and Water Resources.

SB 6476 by Senators Zarelli and Benton

AN ACT Relating to siting outdoor amphitheaters on public land; adding a new section to chapter 36.70A RCW; and declaring an emergency.
Referred to Committee on State and Local Government.

SB 6477 by Senators B. Sheldon, Oke, Haugen, T. Sheldon, Gardner and Winsley

AN ACT Relating to establishing a public/private partnership to manage and operate a passenger-only vessel system; amending RCW 81.84.005, 81.84.010, 81.84.020, 81.84.030, 81.84.060, 81.104.050, and 81.104.070; adding a new section to chapter 81.104 RCW; and repealing 1995 c 361 s 4 (uncodified).
Referred to Committee on Transportation.

SB 6478 by Senators McAuliffe, Kohl-Welles, Goings, Eide, Patterson and Rasmussen

AN ACT Relating to food safety standards in schools; adding a new section to chapter 28A.235 RCW; and creating a new section.
Referred to Committee on Education.

SB 6479 by Senators Eide, McAuliffe, Goings, Brown, Patterson, Costa, Fraser, Jacobsen, Kline, Rasmussen and Kohl-Welles

AN ACT Relating to addressing concerns about pesticide use in schools; amending RCW 17.21.020 and 17.21.400; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 74.15 RCW; and creating a new section.

Referred to Committee on Education.

SB 6480 by Senators Jacobsen, Rasmussen, Kline, Fairley, Fraser, Haugen and Spanel (by request of Commissioner of Public Lands Belcher)

AN ACT Relating to establishing a program to compensate for state trust lands with high recreational values; reenacting and amending RCW 43.84.092, 43.84.092, and 43.84.092; adding a new chapter to Title 79 RCW; creating a new section; making appropriations; providing effective dates; and providing an expiration date.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 6481 by Senator Bauer

AN ACT Relating to independent commissions to set salaries for city and town mayors and councilmembers; amending RCW 35.22.200; adding a new section to chapter 35.21 RCW; creating a new section; and declaring an emergency.

Referred to Committee on State and Local Government.

SJM 8017 by Senators Spanel, Gardner, Oke, Brown, Swecker, Franklin, Kline, B. Sheldon, Shin, Bauer, Eide, Patterson, Haugen, Costa, Kohl-Welles, Rasmussen, Fairley, McAuliffe, Prentice, Fraser, Goings, Hale and Winsley

Requesting federal assistance in ensuring pipeline safety.

Referred to Committee on Environmental Quality and Water Resources.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6479 was referred to the Committee on Education.

MOTION

On motion of Senator Franklin, the following resolution was adopted:

SENATE RESOLUTION 2000-8694

By Senators Franklin, Eide, Sheldon, B, Snyder, Goings, Winsley, Spanel, Wojahn, Shin, Kohl-Welles, Thibaudeau, Long, Rasmussen, Loveland, Brown, Bauer, Gardner, Sheldon, T, Haugen, Hargrove, Fairley, Fraser, Jacobsen, Costa, McAuliffe, Oke, Hale, Sheahan, and Prentice

WHEREAS, We celebrate today the all-too-brief life, the courageous accomplishments, and the timeless ideals of the late Reverend Martin Luther King Jr.; and

WHEREAS, An important legacy of his efforts was to show that government, as advocate for the people, has a moral responsibility to act in ways that help to unite our people; and

WHEREAS, One of the ways we live up to that legacy in Washington is through our commitment to the commissions that serve as liaisons between the majority community and various public and private entities reflecting the minority community; and

WHEREAS, This day is an opportunity for us to recommit ourselves to the unity of our diverse population by seeking to reassure the Commissions on African-American Affairs, Asian Pacific-American Affairs, and Hispanic Affairs of our support for their work and their continued existence; and

WHEREAS, The Twenty-first century, a time of technology and a changing workforce, will require us to think in new ways in order to reach out to all of our communities and extend the opportunity of prosperity to each citizen; and

WHEREAS, In a democratic society, it is incumbent upon legislative bodies to not only voice but to practice inclusiveness; and

WHEREAS, America is built upon the contributions of all of its people, hailing from many different backgrounds, races, faiths, and ethnicities; and

WHEREAS, By recognizing all of her contributors equally, and telling their stories, we can face the challenges of the new century as a unified people; and

WHEREAS, The challenges of the new century require of us unity, not disunity; respect for differences, not disrespect; and that we be problem solvers, not problem makers; and risk takers, not status quo seekers;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize the important work done by the Commissions on African-American Affairs, Asian Pacific-American Affairs, and Hispanic Affairs; that those commissions help to illuminate specific barriers faced by communities seeking to enter the mainstream of American life; and that their work plays a major role in helping us to address many public policy issues that might not otherwise be a focus of our attention; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate do hereby immediately transmit copies of this resolution to the Commissions on African-American Affairs, Asian Pacific-American Affairs, and Hispanic Affairs.

Senators Franklin, Wojahn, Oke, Prentice and McAuliffe spoke to Senate Resolution 2000-8694.

MOTION

At 12:23 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Tuesday, January 18, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTH DAY, JANUARY 17, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 18, 2000

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

January 13, 2000

SSB 5465 Prime Sponsor, Committee on Health and Long-Term Care: Authorizing implementation of a waiver for the department of social and health services to provide family planning services to eligible persons.. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Franklin and Winsley.

Passed to Committee on Rules for second reading.

January 17, 2000

SB 6115 Prime Sponsor, Senator Loveland: Reinstating the property tax exemption for motor vehicles, travel trailers, and campers. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6115 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Honeyford, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Thibaudeau, West, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

January 17, 2000

SB 6174 Prime Sponsor, Senator Jacobsen: Extending the tenure of the winter recreation advisory committee. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Morton, Oke, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

January 17, 2000

SJR 8212 Prime Sponsor, Senator Loveland: Providing a tax credit on owner-occupied residential property. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Long, McDonald, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 17, 2000

GA 9218 BOB BAVASI, appointed May 11, 1999, for a term ending April 3, 2003, as a member of the State Board for Community and Technical Colleges.

Reported by Committee on Higher Education

. MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules.

January 17, 2000

GA 9225 JUDITH BUTLER, reappointed July 9, 1999, for a term ending March 26, 2003, as a member of the Higher Education Facilities Authority.

Reported by Committee on Higher Education

. MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules.

January 17, 1999

GA 9230 DR. ELIZABETH CHEN, reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Highline Community College District No 9.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan, B. Sheldon and West.

Passed to the Committee on Rules.

January 17, 2000

GA 9237 JAMES R. FAULSTICH, reappointed May 24, 1999, for a term ending June 30, 2003, as a member of the Higher Education Coordinating Board.

Reported by Committee on Higher Education

. MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules.

January 17, 2000

GA 9240 CHARLES W. FROMHOLD, reappointed August 16, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Clark Community College District No. 14.

Reported by Committee on Higher Education

. MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules.

January 17, 2000

GA 9248 ERIKA HENNINGS, reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Big Bend Community College District No. 18.
Reported by Committee on Higher Education

. MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules.

January 17, 2000

GA 9256 BARBARA A. KOERBER, reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Peninsula Community College District No. 1.
Reported by Committee on Higher Education

. MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules.

January 17, 2000

GA 9269 EDWARD MAYEDA, reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.
Reported by Committee on Higher Education

. MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan. B. Sheldon and West.

Passed to Committee on Rules.

January 17, 2000

GA 9270 TOM McKERN, reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Spokane and Spokane Falls Community Colleges District No. 17.
Reported by Committee on Higher Education

. MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules.

January 17, 2000

GA 9273 JAMES V. MEDZEGIAN, reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Renton Technical College District No. 27.
Reported by Committee on Higher Education

. MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules.

January 17, 2000

GA 9292 JACK G. SKANES, reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Bates Technical College District No. 28.
Reported by Committee on Higher Education

. MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules.

January 17, 2000

GA 9295 MARY GRANT TOMPKINS, reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Walla Walla Community College District No. 20.
Reported by Committee on Higher Education

. MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 6482 by Senators T. Sheldon, Swecker, Benton, Roach and Oke

AN ACT Relating to capital projects; and adding a new section to chapter 39.04 RCW.
Referred to Committee on Ways and Means.

SB 6483 by Senators Patterson, Johnson and Costa

AN ACT Relating to charter public schools; amending RCW 41.59.080; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new chapter to Title 28A RCW; creating a new section; and declaring an emergency.
Referred to Committee on Education.

SB 6484 by Senators Prentice, Benton, T. Sheldon, Deccio, Swecker and Gardner

AN ACT Relating to the redemption of vehicles through credit cards and checks drawn on financial institutions; and reenacting and amending RCW 46.55.120.
Referred to Committee on Transportation.

SB 6485 by Senators T. Sheldon, Swecker, Roach, Hale, Zarelli, Oke, Honeyford, Rasmussen, Benton, Sheahan, McCaslin, Rossi, Sellar, Hochstatter, Morton, Horn and Long

AN ACT Relating to adopting rules on workplace ergonomics; adding a new section to chapter 49.17 RCW; and declaring an emergency.
Referred to Committee on Labor and Workforce Development.

SB 6486 by Senators Costa, Hargrove, Long, Patterson and Sheahan

AN ACT Relating to contempt of court penalties in juvenile proceedings; and amending RCW 13.32A.250.
Referred to Committee on Human Services and Corrections.

SB 6487 by Senators Long, Hargrove, Sheahan and Winsley (by request of Department of Social and Health Services and Department of Corrections)

AN ACT Relating to information concerning mental health services; amending RCW 71.05.630, 71.05.390, and 71.34.200; reenacting and amending RCW 9.94A.110; adding a new section to chapter 71.34 RCW; adding a new section to chapter 71.05 RCW; and creating a new section.
Referred to Committee on Human Services and Corrections.

SB 6488 by Senator McCaslin

AN ACT Relating to special levies for school counselors; and amending RCW 84.52.0531.
Referred to Committee on Education.

SB 6489 by Senators Eide, McAuliffe, Fraser and Jacobsen

AN ACT Relating to prohibiting the use of mixing zones for persistent bioaccumulative toxic pollutants; amending RCW 90.48.010, 90.48.020, and 90.48.080; adding a new section to chapter 90.48 RCW; and creating a new section.
Referred to Committee on Environmental Quality and Water Resources.

SB 6490 by Senators Hochstatter, Swecker, Morton and McCaslin

AN ACT Relating to a moratorium on administrative rule making; adding a new section to chapter 34.05 RCW; creating a new section; and declaring an emergency.
Referred to Committee on State and Local Government.

SB 6491 by Senators Hochstatter, Swecker, Stevens, Zarelli, Morton and McCaslin

AN ACT Relating to administrative rule making; amending RCW 34.05.335; and creating a new section.
Referred to Committee on State and Local Government.

SB 6492 by Senators Hochstatter, Swecker, Zarelli, Morton, McCaslin, Horn, Stevens and Oke

AN ACT Relating to the effective date of rules that obligate the expenditure of taxpayer funds; amending RCW 34.05.380, 34.05.356, and 34.05.350; adding a new section to chapter 34.05 RCW; and creating a new section.
Referred to Committee on State and Local Government.

SB 6493 by Senator Heavey

AN ACT Relating to review of local governmental actions under the state environmental policy act; and adding a new section to chapter 43.21C RCW.
Referred to Committee on Environmental Quality and Water Resources.

SB 6494 by Senators Gardner, Benton, Costa, Winsley, Haugen and Roach

AN ACT Relating to small claims court; and amending RCW 12.40.010.
Referred to Committee on Judiciary.

SB 6495 by Senators Gardner, Thibaudeau, Wojahn, Heavey, Costa, Spanel and Fairley

AN ACT Relating to changing the date of the primary; amending RCW 29.13.070, 29.13.010, 29.13.020, 29.15.020, 29.15.150, 29.15.170, 29.15.180, 29.15.190, 29.15.230, 29.19.030, 29.24.020, 29.30.075, 29.62.020, 42.12.040, 42.17.710, 42.52.185, 27.12.355, 27.12.370, 35.06.070, 35.13.1821, 35.61.360, 35A.14.299, 36.93.030, 52.02.080, 52.04.056, 52.04.071, 53.04.110, 54.08.010, 54.08.070, 57.04.050, and 70.44.235; repealing RCW 29.01.160; and providing an effective date.
Referred to Committee on State and Local Government.

SB 6496 by Senator Deccio

AN ACT Relating to the investigation of conditions by a control officer; and amending RCW 70.94.200.
Referred to Committee on Environmental Quality and Water Resources.

SB 6497 by Senators Franklin, Winsley, Costa, Wojahn and Deccio

AN ACT Relating to health; requiring registration of a school health aide; and adding a new chapter to Title 18 RCW.
Referred to Committee on Health and Long-Term Care.

SB 6498 by Senators McCaslin, Franklin and Costa

AN ACT Relating to DNA testing of evidence; and adding a new section to chapter 72.09 RCW.
Referred to Committee on Human Services and Corrections.

SB 6499 by Senators Haugen, Goings, Gardner and Patterson (by request of Governor Locke)

AN ACT Relating to transportation funding and appropriations; amending 1999 1st sp.s. c 1 ss 103, 203, 204, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 303, 401, 402, 403, and 407 (uncodified); adding new sections to 1999 1st sp.s. c 1 (uncodified); making appropriations; and declaring an emergency.
Referred to Committee on Transportation.

SB 6500 by Senators Brown and Rossi (by request of Department of Information Services)

AN ACT Relating to providing information services to public benefit nonprofit corporations; amending RCW 43.105.052; and adding a new section to chapter 39.24 RCW.
Referred to Committee on Energy, Technology and Telecommunications.

SB 6501 by Senators Eide, Winsley, Kohl-Welles, Rasmussen and Goings

AN ACT Relating to a middle school after-school youth grant program; adding a new section to chapter 28A.215 RCW; and creating a new section.
Referred to Committee on Education.

SB 6502 by Senators Winsley, Thibaudeau and Kohl-Welles (by request of Department of Social and Health Services)

AN ACT Relating to long-term care training; amending RCW 18.20.010, 70.128.005, 70.128.120, 70.128.130, 74.39A.005, and 74.39A.050; adding a new section to chapter 18.20 RCW; and adding a new section to chapter 70.128 RCW.
Referred to Committee on Health and Long-Term Care.

SB 6503 by Senators Rossi, Kline, McCaslin, Roach and Winsley

AN ACT Relating to penalties for alcohol violators; reenacting and amending RCW 46.61.5055; and prescribing penalties.
Referred to Committee on Judiciary.

SB 6504 by Senators Rossi, Kline, McCaslin, Oke and Costa

AN ACT Relating to access to criminal history and driving record information by alcoholism and drug assessment and treatment agencies; and amending RCW 46.52.130 and 46.61.5056.
Referred to Committee on Judiciary.

SB 6505 by Senators Hale, Loveland, Honeyford and Snyder

AN ACT Relating to the restoration and redevelopment of unfinished nuclear power project sites for purposes of economic development, providing for sufficient water supply for restoration and redevelopment of such sites; and amending RCW 80.50.300.
Referred to Committee on Energy, Technology and Telecommunications.

SB 6506 by Senators Morton and Sellar

AN ACT Relating to prevailing wages in small counties; amending RCW 39.12.020; and declaring an emergency.
Referred to Committee on Labor and Workforce Development.

SB 6507 by Senators Morton and Sellar

AN ACT Relating to day labor limits; amending RCW 36.77.065; and declaring an emergency.
Referred to Committee on State and Local Government.

SB 6508 by Senators Morton and Stevens

AN ACT Relating to off-road vehicles used on forest or park roads; and amending RCW 46.09.050.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6509 by Senators Winsley and Fairley (by request of Department of Social and Health Services)

AN ACT Relating to jurisdiction in child support matters; amending RCW 26.09.175, 26.23.130, 74.20A.055, and 74.20A.056; adding a new section to chapter 26.23 RCW; adding a new section to chapter 74.20A RCW; and repealing RCW 74.20A.058.
Referred to Committee on Labor and Workforce Development.

SB 6510 by Senators Winsley and Fairley (by request of Department of Social and Health Services)

AN ACT Relating to child support technical amendments necessary to implement the federal personal responsibility and work opportunity reconciliation act of 1996; amending RCW 26.18.055, 26.18.170, 26.18.180,

26.23.060, 67.16.020, 74.20.330, 74.20A.030, 74.20A.080, 74.20A.095, and 74.20A.180; and adding a new section to chapter 74.20A RCW.
Referred to Committee on Labor and Workforce Development.

SB 6511 by Senators Thibaudeau, Winsley and Kohl-Welles (by request of Department of Social and Health Services)

AN ACT Relating to the protection of patients in state hospitals; amending RCW 72.23.010, 72.23.020, 70.124.060, 70.124.070, 70.124.090, and 70.124.100; amending 1992 c 230 s 3 (uncodified); adding new sections to chapter 72.23 RCW; recodifying RCW 70.124.060, 70.124.070, 70.124.090, 70.124.100, and 70.124.900; and repealing RCW 70.124.010, 70.124.020, 70.124.030, 70.124.040, 70.124.050, and 70.124.080.
Referred to Committee on Health and Long-Term Care.

SB 6512 by Senators Bauer, Horn, Kohl-Welles, Sheahan and Winsley

AN ACT Relating to the tuition recovery trust fund; and amending RCW 28C.10.084.
Referred to Committee on Higher Education.

SB 6513 by Senators Prentice, McCaslin, Kline, Gardner, Winsley, Kohl-Welles, Spanel and Costa (by request of Attorney General Gregoire)

AN ACT Relating to the privacy of personal information in commercial transactions involving financial institutions and others who maintain and transfer information; amending RCW 19.16.250; adding a new section to chapter 9.35 RCW; adding a new chapter to Title 19 RCW; creating a new section; and prescribing penalties.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6514 by Senators T. Sheldon and Kohl-Welles

AN ACT Relating to a review of liquor control board functions; and creating a new section.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6515 by Senators Heavey, McCaslin and Kline

AN ACT Relating to mandatory arbitration; and amending RCW 7.06.010 and 36.18.016.
Referred to Committee on Judiciary.

SB 6516 by Senators Heavey and Kline

AN ACT Relating to civil courts; amending RCW 3.66.020, 36.18.016, and 3.62.060; and reenacting and amending RCW 7.06.020.
Referred to Committee on Judiciary.

SB 6517 by Senators Patterson, Hargrove, Snyder and Goings

AN ACT Relating to authorizing the use of hotel and motel tax proceeds for law enforcement or fire protection efforts directed toward tourism areas; and amending RCW 67.28.1815.
Referred to Committee on State and Local Government.

SB 6518 by Senators Wojahn, Winsley, Thibaudeau and Kohl-Welles (by request of Department of Health)

AN ACT Relating to in-home services; amending RCW 70.127.010, 70.127.020, 70.127.030, 70.127.040, 70.127.050, 70.127.080, 70.127.085, 70.127.090, 70.127.100, 70.127.120, 70.127.125, 70.127.140, 70.127.150, 70.127.170, 70.127.180, 70.127.190, 70.127.200, 70.127.210, and 70.38.025; adding new sections to chapter 70.127 RCW; adding a new section to chapter 70.38 RCW; repealing RCW 70.127.060, 70.127.070, 70.127.110,

70.127.220, 70.127.230, 70.127.240, 70.127.250, 70.127.260, and 70.127.270; prescribing penalties; and providing an effective date.
Referred to Committee on Health and Long-Term Care.

SB 6519 by Senators Patterson, Eide, Haugen, Goings, Kline, Gardner and Heavey

AN ACT Relating to planning by general purpose and special purpose local governments; and amending RCW 36.70A.103 and 36.70A.210.
Referred to Committee on State and Local Government.

SB 6520 by Senators Kline, Haugen, Fairley, Gardner, Jacobsen, Shin, Thibaudeau and Costa

AN ACT Relating to the time at which rights vest in land use permit applications; amending RCW 19.27.095, 58.17.033, and 58.17.170; and adding a new section to chapter 36.70B RCW.
Referred to Committee on State and Local Government.

SB 6521 by Senators Fraser, Jacobsen and Snyder (by request of Department of Fish and Wildlife)

AN ACT Relating to hydraulic projects; and amending RCW 75.20.106 and 77.15.300.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6522 by Senators Thibaudeau, Deccio, Costa, Gardner and Winsley

AN ACT Relating to physical therapy; amending RCW 18.74.005, 18.74.010, and 18.74.012; adding new sections to chapter 18.74 RCW; repealing RCW 18.74.085; and providing an expiration date.
Referred to Committee on Health and Long-Term Care.

SB 6523 by Senators Jacobsen and Gardner

AN ACT Relating to clarifying what constitutes a gift to a state officer or state employee; amending RCW 42.52.140, 42.17.170, and 42.17.180; and adding a new section to chapter 42.17 RCW.
Referred to Committee on State and Local Government.

SB 6524 by Senators Hale, Patterson and Honeyford

AN ACT Relating to financial assurance requirements for landfill disposal facilities; and amending RCW 70.95.215.
Referred to Committee on Environmental Quality and Water Resources.

SB 6525 by Senators Fraser, Swecker, Jacobsen, Eide, McAuliffe and Gardner

AN ACT Relating to prioritizing the processing of applications for water rights changes and transfers; adding a new section to chapter 90.03 RCW; and creating new sections.
Referred to Committee on Environmental Quality and Water Resources.

SB 6526 by Senators Kohl-Welles and Sheahan (by request of University of Washington)

AN ACT Relating to bargaining units for employees of institutions of higher education governed by chapter 41.56 RCW; and amending RCW 41.56.030 and 41.56.201.
Referred to Committee on Higher Education.

SB 6527 by Senators Jacobsen and Kline

AN ACT Relating to housing assistance for school district employees; adding a new section to chapter 43.330 RCW; creating a new section; and making an appropriation.
Referred to Committee on Education.

SB 6528 by Senator Jacobsen

AN ACT Relating to leaves of absence for peace corps volunteers; and adding a new section to chapter 28A.400 RCW.
Referred to Committee on Education.

SB 6529 by Senator Jacobsen

AN ACT Relating to compensation systems for educational employees; and creating a new section.
Referred to Committee on Education.

SB 6530 by Senators Fraser, Long, Snyder, Franklin, Bauer, Honeyford, Jacobsen, Fairley, Haugen, Roach, Zarelli, Rasmussen, Goings, McAuliffe, Patterson, Eide, Winsley, Hale, Costa, Kohl-Welles, Stevens, B. Sheldon, Gardner and Spanel (by request of Joint Committee on Pension Policy)

AN ACT Relating to plans 2 and 3 of the state retirement systems; amending RCW 41.40.005, 41.40.010, 41.40.042, 41.40.054, 41.40.057, 41.40.062, 41.40.088, 41.40.092, 41.34.020, 41.34.030, 41.34.060, 41.34.080, 41.34.100, 41.31A.010, 41.31A.020, 41.45.010, 41.45.050, 41.45.061, 41.50.075, 41.50.500, 41.05.011, 43.33A.190, 41.26.005, and 41.26.450; reenacting and amending RCW 41.45.020, 41.45.060, 41.45.070, 41.50.088, 43.84.092, and 41.26.030; adding new sections to chapter 41.40 RCW; adding a new section to chapter 41.31A RCW; adding a new section to chapter 41.45 RCW; adding new sections to chapter 41.26 RCW; creating new sections; decodifying RCW 41.40.094; repealing RCW 41.40.650; and providing effective dates.
Referred to Committee on Ways and Means.

SB 6531 by Senators Long, Fraser, Winsley, Honeyford, Fairley, McAuliffe, Franklin, Bauer, Goings, Haugen, Hale, Rasmussen, Patterson, Eide, Kohl-Welles, Snyder, Stevens, B. Sheldon, Gardner, Spanel and Zarelli (by request of Joint Committee on Pension Policy)

AN ACT Relating to the Washington school employees' retirement system plan 2 and plan 3; amending RCW 41.35.630, 41.45.061, and 41.05.011; and providing an effective date.
Referred to Committee on Ways and Means.

SB 6532 by Senators Honeyford, Winsley, Long, Fraser, Bauer, Kohl-Welles, Costa, Hale, Stevens, B. Sheldon, Gardner and Zarelli (by request of Joint Committee on Pension Policy)

AN ACT Relating to decreasing the employee contribution rate for the Washington state patrol retirement system until June 30, 2001; amending RCW 43.43.300; and providing an expiration date.
Referred to Committee on Ways and Means.

SB 6533 by Senators Franklin, Winsley, Bauer, Honeyford, Jacobsen, Long, Haugen, Fairley, Goings, Rasmussen, Patterson, Eide, Kohl-Welles, Stevens, B. Sheldon, Gardner, Spanel and Zarelli (by request of Joint Committee on Pension Policy)

AN ACT Relating to options for payment of retirement allowances; amending RCW 41.26.460, 41.32.530, 41.32.785, 41.32.851, 41.35.220, 41.40.188, and 41.40.660; and providing an effective date.
Referred to Committee on Ways and Means.

SB 6534 by Senators Bauer, Winsley, Long, Franklin, Honeyford, Fairley, Haugen, Rasmussen, Jacobsen, McAuliffe, Goings, Patterson, Eide, Kohl-Welles, Stevens, B. Sheldon, Gardner and Spanel (by request of Joint Committee on Pension Policy)

AN ACT Relating to the employee attendance incentive program; and amending RCW 28A.400.210.
Referred to Committee on Ways and Means.

SB 6535 by Senators Winsley, Fraser, Long, Franklin, Bauer, Honeyford, Jacobsen, Fairley, Goings, Rasmussen, Patterson, Eide, Kohl-Welles, Stevens, B. Sheldon, Gardner and Costa (by request of Joint Committee on Pension Policy)

AN ACT Relating to increasing member involvement in and knowledge of the retirement systems; amending RCW 41.50.075; adding new sections to chapter 41.50 RCW; creating a new section; and providing an effective date.
Referred to Committee on Ways and Means.

SB 6536 by Senators Fraser, Winsley, Bauer, Franklin, Kohl-Welles, Snyder, Costa, Kline, Gardner and Spanel (by request of Governor Locke)

AN ACT Relating to providing for early retirement in the plan 2 and plan 3 pension systems; amending RCW 41.26.430, 41.26.470, 41.35.680, 41.35.420, 41.40.630, 41.32.765, and 41.32.875; and providing an effective date.
Referred to Committee on Ways and Means.

SB 6537 by Senators Fraser, Winsley, Bauer, Franklin, Jacobsen, Patterson, Kohl-Welles, Snyder, Costa and Gardner (by request of Governor Locke)

AN ACT Relating to early retirement under the public employees' retirement system for affected employees of specific state agencies specifically designated for a reduction in staffing; adding a new chapter to Title 41 RCW; and declaring an emergency.
Referred to Committee on Ways and Means.

SB 6538 by Senators Benton, Oke, Rossi, Roach, Morton, Sheahan, Honeyford, Zarelli, Horn, West, Hochstatter, Swecker, Stevens, Johnson, Hale and Deccio

AN ACT Relating to traffic congestion; amending RCW 82.08.020; adding a new section to chapter 82.08 RCW; and making an appropriation.
Referred to Committee on Transportation.

SB 6539 by Senators Brown, Winsley, B. Sheldon, Kohl-Welles, Fairley, Hargrove, Wojahn, Jacobsen and Kline

AN ACT Relating to earned income training credits; and adding new sections to chapter 28B.50 RCW.
Referred to Committee on Higher Education.

SJM 8018 by Senators Jacobsen, Kline and Spanel

Requesting the passage of the conservation and reinvestment act.

Referred to Committee on Natural Resources, Parks and Recreation.

SJM 8019 by Senators Eide, Patterson, Johnson, Kohl-Welles, Rasmussen, McDonald, McAuliffe, Sellar, Roach, Kline, B. Sheldon and Gardner

Petitioning Congress to consider formula grants for gifted and talented education programs in its reauthorization of the Elementary and Secondary Education Act.

Referred to Committee on Education.

SJM 8020 by Senators Loveland, Hale, Roach and B. Sheldon

Requesting full funding for a vitrification treatment plant at the Hanford site.

Referred to Committee on Energy, Technology and Telecommunications.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6524 was referred to the Committee on Environmental Quality and Water Resources.

MOTION

At 12:03 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, January 19, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 19, 2000

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator Sellar. On motion of Senator Honeyford, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Pages Erin Donnelly and Donovan Olson, presented the Colors. Reverend Howard Ullery, Jr., pastor of the Lacey Presbyterian Church, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

INTRODUCTION AND FIRST READING

SB 6540 by Senators Shin, Prentice, Hale, Jacobsen, Gardner, Heavey, B. Sheldon, Rasmussen, Oke, Costa, Winsley and Kohl-Welles (by request of Lieutenant Governor Owen)

AN ACT Relating to the development of a state-wide strategic plan for economic development; adding a new chapter to Title 43 RCW; and creating a new section.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6541 by Senators Kline, Costa, Heavey, Loveland, Gardner, Hochstatter and Winsley

AN ACT Relating to subsidy disclosure; adding new sections to chapter 42.17 RCW; creating a new section; and prescribing penalties.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6542 by Senators Kline, Costa, Heavey and Kohl-Welles

AN ACT Relating to citizen enforcement of health and environmental laws; adding a new chapter to Title 4 RCW; and prescribing penalties.
Referred to Committee on Judiciary.

SB 6543 by Senators Kline, Heavey, Costa, Hargrove, Gardner and Kohl-Welles

AN ACT Relating to administering job skills grants; and amending RCW 28C.04.420.
Referred to Committee on Labor and Workforce Development.

SB 6544 by Senators Patterson, Eide, Kline, Heavey, Shin, Gardner, Costa, Thibaudeau, Prentice, Fairley, Kohl-Welles and B. Sheldon (by request of Secretary of State Munro)

AN ACT Relating to commerce of certain cetaceans and sirenians in Washington state; adding a new section to chapter 77.16 RCW; and prescribing penalties.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6545 by Senators Snyder, Hargrove, Honeyford, Rasmussen, Gardner and Haugen

AN ACT Relating to the current use valuation of agricultural land; and amending RCW 84.34.065.
Referred to Committee on Ways and Means.

SB 6546 by Senators Costa, Winsley, Kohl-Welles, Thibaudeau, Wojahn, Jacobsen, Spanel, Gardner, Goings, Rasmussen, Prentice, McAuliffe and Kline

AN ACT Relating to family caregiver long-term care information and support services; amending RCW 74.41.020, 74.41.030, 74.41.050, and 74.41.070; adding a new section to chapter 74.41 RCW; and making an appropriation.
Referred to Committee on Health and Long-Term Care.

SB 6547 by Senators Costa, Benton, Eide, Shin, Patterson, Haugen, Gardner, Rasmussen, Prentice, Goings, McAuliffe, Winsley, Kline and Kohl-Welles

AN ACT Relating to rights and duties of bicyclists; amending RCW 46.61.235, 46.61.261, and 46.61.755; and adding a new section to chapter 46.61 RCW.
Referred to Committee on Transportation.

SB 6548 by Senator McCaslin

AN ACT Relating to vehicle sales by consignment at wholesale motor vehicle auctions; and amending RCW 46.70.028.
Referred to Committee on Transportation.

SB 6549 by Senators Horn, Haugen, Benton, Oke and Winsley

AN ACT Relating to repeal of outdated railway regulations; and repealing RCW 81.44.091, 81.44.092, 81.44.093, 81.44.094, 81.44.095, 81.44.096, 81.44.097, 81.44.0971, 81.44.0972, 81.44.098, 81.44.0981, 81.44.0982, 81.44.099, 81.44.100, 81.56.010, 81.56.020, 81.56.030, 81.56.040, 81.56.050, 81.56.060, 81.56.070, 81.56.080, 81.56.100, 81.56.110, 81.56.120, 81.56.130, 81.56.140, 81.56.150, 81.56.160, 81.64.010, 81.64.020, 81.64.030, 81.64.040, 81.64.050, 81.64.060, 81.64.070, 81.64.080, 81.64.090, 81.64.100, 81.64.110, 81.64.120, 81.64.130, 81.64.140, 81.64.150, 81.64.160, and 81.64.170.
Referred to Committee on Transportation.

SB 6550 by Senators Kline, Johnson, Patterson, Prentice, Thibaudeau, McCaslin, Deccio, Long, Oke, Hargrove, Goings, Bauer, Winsley, Shin, Rasmussen, Roach, Kohl-Welles, Hochstatter, T. Sheldon and Haugen

AN ACT Relating to the equal access to justice act; amending RCW 4.84.340, 4.84.350, and 4.84.360; and adding new sections to chapter 4.84 RCW.
Referred to Committee on Judiciary.

SB 6551 by Senator Prentice

AN ACT Relating to cause for eviction under the landlord-tenant act; and amending RCW 59.18.180.
Referred to Committee on Judiciary.

SB 6552 by Senators Jacobsen, Oke, Kohl-Welles, Fraser and Spanel

AN ACT Relating to parks and recreation in the west slope of the Cascade foothills; creating new sections; making appropriations; providing an effective date; and declaring an emergency.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6553 by Senators Thibaudeau, Deccio, Prentice and Winsley (by request of Washington Health Care Facilities Authority)

AN ACT Relating to public health facilities; and amending RCW 70.37.020.
Referred to Committee on Health and Long-Term Care.

SB 6554 by Senators Long, Hargrove, Costa and Winsley

AN ACT Relating to less restrictive alternative mental health commitments; amending RCW 71.05.285; and adding a new section to chapter 71.05 RCW.
Referred to Committee on Human Services and Corrections.

SB 6555 by Senators Long, Hargrove, Patterson, Costa, Eide, Winsley and Kohl-Welles

AN ACT Relating to the evaluations of foster children for long-term needs; and amending RCW 74.14A.050.
Referred to Committee on Human Services and Corrections.

SB 6556 by Senators Horn, Bauer and McDonald

AN ACT Relating to authorizing cities over one hundred thousand in population to use design-build and general contractor/construction manager procedures; and amending RCW 39.10.020, 39.10.050, and 39.10.060.

Referred to Committee on State and Local Government.

SB 6557 by Senators Prentice, Winsley, Shin, Benton, Roach, Kohl-Welles and T. Sheldon

AN ACT Relating to credit union raffles; and amending RCW 9.46.0209.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6558 by Senator Kohl-Welles

AN ACT Relating to public assistance recipients participating in higher education programs; and amending RCW 74.08A.250.
Referred to Committee on Higher Education.

SB 6559 by Senators Kohl-Welles, Swecker, McAuliffe, Finkbeiner, Eide, Hochstatter, Bauer, Zarelli, Goings, Rasmussen, Oke, Winsley and Roach

AN ACT Relating to notifying parents of high school students of the availability of courses leading to college credit; and adding a new section to chapter 28A.320 RCW.
Referred to Committee on Education.

SB 6560 by Senators Jacobsen, Finkbeiner, Patterson, Kline, Rossi, McDonald, Heavey, Haugen and Fraser

AN ACT Relating to motor vehicle fuel tax revenue allocations, distributions, and uses for nonhighway roads and off-road vehicles; amending RCW 46.09.020, 46.09.170, 46.09.240, and 46.09.280; and adding a new section to chapter 46.09 RCW.
Referred to Committee on Transportation.

SB 6561 by Senators Rossi, Patterson, Horn, Loveland, Heavey, Deccio, Rasmussen, Winsley, T. Sheldon and Haugen

AN ACT Relating to the Washington national guard; and amending RCW 43.17.150.
Referred to Committee on State and Local Government.

SB 6562 by Senators Patterson, Kline, McCaslin, Rasmussen, Oke, Kohl-Welles, Fraser, Jacobsen, Shin, Prentice, Goings, Swecker, Winsley and Roach

AN ACT Relating to growth management housing goals; amending RCW 36.70A.210, 36.70A.215, and 84.14.010; adding a new section to chapter 82.14 RCW; and providing an effective date.
Referred to Committee on State and Local Government.

SB 6563 by Senators Finkbeiner, Hochstatter, Stevens, Oke, Johnson, Swecker, McDonald, Zarelli, Roach and Benton

AN ACT Relating to alternate teacher certification; amending RCW 28A.410.025 and 28A.150.410; adding new sections to chapter 28A.410 RCW; creating new sections; and declaring an emergency.
Referred to Committee on Education.

SB 6564 by Senators Finkbeiner, Stevens, Johnson and Winsley

AN ACT Relating to opportunity scholarships; and amending RCW 28A.655.050.
Referred to Committee on Education.

SB 6565 by Senators Horn, Haugen, Oke and Winsley

AN ACT Relating to motorcycles; amending RCW 46.20.515 and 46.30.020; and adding a new section to chapter 82.12 RCW.
Referred to Committee on Transportation.

SB 6566 by Senators Kohl-Welles, Long, Swecker, Kline, Hale, Costa, Thibaudeau, Prentice, Spanel, Gardner, Bauer, Shin, Jacobsen, B. Sheldon, Patterson, McAuliffe and Winsley

AN ACT Relating to local parks and recreation; amending RCW 35.61.010 and 84.52.010; and adding a new chapter to Title 35 RCW.
Referred to Committee on State and Local Government.

SB 6567 by Senators Swecker, Roach and McCaslin

AN ACT Relating to fluoridation of public water systems; amending RCW 70.119A.060; and creating a new section.
Referred to Committee on Health and Long-Term Care.

SB 6568 by Senators Swecker, Hale, Rasmussen, Oke and Morton

AN ACT Relating to requiring the treatment of biomedical waste cultures prior to disposal; amending RCW 70.95K.010; and adding a new section to chapter 70.95K RCW.
Referred to Committee on Environmental Quality and Water Resources.

SB 6569 by Senator Morton

AN ACT Relating to allotments for school plant facilities by the state board of education; and amending RCW 28A.525.168.
Referred to Committee on Education.

SB 6570 by Senators Hargrove, Costa and Long

AN ACT Relating to judicial authority in truancy petitions; and amending RCW 28A.225.090.
Referred to Committee on Human Services and Corrections.

SB 6571 by Senators Rasmussen, Swecker, Gardner, Snyder, T. Sheldon, B. Sheldon, Morton, Honeyford, Stevens, Oke, Bauer, Goings, Benton, Roach, Hale, Wojahn, Patterson, McAuliffe, Deccio, Winsley, Zarelli and Kohl-Welles

AN ACT Relating to national recognition of World War II veterans; adding a new section to chapter 73.40 RCW; and creating a new section.
Referred to Committee on State and Local Government.

SB 6572 by Senators Rasmussen, Swecker, Stevens and Oke

AN ACT Relating to protecting and enhancing aquatic habitat through the use of tax incentives; and amending RCW 84.34.020 and 84.34.055.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6573 by Senators Rasmussen and Swecker

AN ACT Relating to salmon and steelhead roe harvesting; adding a new section to chapter 77.15 RCW; creating a new section; and prescribing penalties.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6574 by Senators Rasmussen, Swecker, T. Sheldon, Morton, Snyder, Honeyford, Bauer, Stevens and Oke

AN ACT Relating to shoreline planning; amending RCW 90.58.060 and 90.58.080; adding new sections to chapter 90.58 RCW; creating a new section; providing an expiration date; and declaring an emergency.
Referred to Committee on Environmental Quality and Water Resources.

SB 6575 by Senators Haugen and Horn

AN ACT Relating to prevailing wages on public works; and amending RCW 39.12.020.
Referred to Committee on Labor and Workforce Development.

SB 6576 by Senators Horn, Haugen and McAuliffe

AN ACT Relating to prevailing wages on public works; and amending RCW 39.12.010.
Referred to Committee on Labor and Workforce Development.

SB 6577 by Senators Haugen, McCaslin, Gardner, Patterson, Horn, Kline, Winsley and Kohl-Welles

AN ACT Relating to emergency powers of the governor; amending RCW 43.06.010; and declaring an emergency.
Referred to Committee on State and Local Government.

SB 6578 by Senators Haugen, McCaslin and Gardner

AN ACT Relating to lawful vehicle combinations; and amending RCW 46.44.037.
Referred to Committee on Transportation.

SB 6579 by Senators Prentice, Haugen and Hale

AN ACT Relating to cosmetology, barbering, manicuring, and esthetics; amending RCW 18.16.010, 18.16.020, 18.16.030, 18.16.060, 18.16.080, 18.16.090, 18.16.100, 18.16.110, 18.16.140, 18.16.170, 18.16.175, 18.16.200, 18.16.210, 18.16.240, and 18.16.900; reenacting and amending RCW 18.16.050; adding new sections to chapter 18.16 RCW; repealing RCW 18.16.165, 18.16.180, and 18.16.190; prescribing penalties; and providing an effective date.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6580 by Senators Horn, Haugen, McCaslin, Johnson, Deccio and T. Sheldon

AN ACT Relating to the prevailing wage exemption for cities with a population of under five thousand; and amending RCW 39.12.030 and 39.12.040.
Referred to Committee on Labor and Workforce Development.

SB 6581 by Senators Haugen, Gardner, Prentice and Spanel

AN ACT Relating to payment for improvements to regional transportation systems and facilities; and adding a new chapter to Title 47 RCW.
Referred to Committee on Transportation.

SB 6582 by Senators Haugen, Gardner, Prentice, Kline and Spanel

AN ACT Relating to exclusion of on and off-ramps of interstate highways from transportation facilities of state-wide significance; and amending RCW 47.06.140.
Referred to Committee on Transportation.

SB 6583 by Senators Haugen, Patterson, Goings and Prentice

AN ACT Relating to county representation on the regional growth management policy board; and amending RCW 36.70A.210.
Referred to Committee on State and Local Government.

SB 6584 by Senators Haugen, McCaslin, Gardner, Patterson, Kline, Oke, Costa, Deccio, Winsley, Kohl-Welles and Spanel

AN ACT Relating to property tax exemptions for persons confined in adult family homes and certain boarding homes; and amending RCW 84.36.381 and 84.36.383.
Referred to Committee on Ways and Means.

SB 6585 by Senators Kline and Fairley

AN ACT Relating to contractor surety bonds; and amending RCW 18.27.040.
Referred to Committee on Labor and Workforce Development.

SB 6586 by Senators Prentice, Hale, Winsley, Goings, Oke and Gardner (by request of Attorney General Gregoire)

AN ACT Relating to the prohibition of chain letters, pyramid schemes, gifting clubs, and pyramid sales schemes; adding a new chapter to Title 9A RCW; repealing RCW 19.102.010 and 19.102.020; prescribing penalties; and declaring an emergency.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6587 by Senators T. Sheldon, McCaslin, Haugen and Hale

AN ACT Relating to the merger of water-sewer districts into cities; amending RCW 35.13A.070, 36.93.090, and 36.93.105; adding a new chapter to Title 35 RCW; creating a new section; recodifying RCW 35.13A.010, 35.13A.070, 35.13A.090, and 35.13A.100; and repealing RCW 35.13A.020, 35.13A.030, 35.13A.0301, 35.13A.040, 35.13A.050, 35.13A.060, 35.13A.080, and 35.13A.900.
Referred to Committee on State and Local Government.

SB 6588 by Senators Bauer, Deccio and Prentice

AN ACT Relating to bingo games and licenses; amending RCW 9.46.0205; adding a new section to chapter 9.46 RCW; and providing an expiration date.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6589 by Senators Prentice, Hale, Deccio, Rasmussen, Loveland, B. Sheldon, West, McAuliffe and Kohl-Welles

AN ACT Relating to domestic wineries; and amending RCW 66.24.170.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6590 by Senators Fraser, Swecker, Jacobsen, Oke, Sheahan, Rossi, Fairley, Morton, Rasmussen, Winsley, Kline and Kohl-Welles

AN ACT Relating to anadromous salmonid fishing; adding new sections to chapter 77.12 RCW; creating a new section; and making an appropriation.
Referred to Committee on Natural Resources, Parks and Recreation.

SJM 8021 by Senators Spanel, Haugen, Gardner and Kline

Requesting the designation of the Paul N. Luvera, Sr. Memorial Highway.

Referred to Committee on Transportation.

SJM 8022 by Senators Rasmussen, Swecker, Bauer, Roach, Goings, Benton, B. Sheldon, Snyder, Hale, Oke, Gardner, Johnson, Long, McAuliffe, Deccio, Winsley, Zarelli, Kohl-Welles, T. Sheldon and Haugen

Recognizing America's World War II veterans.

Referred to Committee on State and Local Government.

MOTION

On motion of Senator Hale, the following resolution was adopted:

SENATE RESOLUTION 2000-8695

By Senator Hale

WHEREAS, The Richland High School Bombers won the Class 4A State Football Championship on December 4, 1999; and

WHEREAS, The Bombers have won sixteen of their last seventeen games including the last ten games of the 1999 season; and

WHEREAS, The long hours of preparation and intense efforts of all the members of the Richland High School Bombers and their coaching staff are worthy of our respect and recognition; and

WHEREAS, Coach Lonnie Pierson provided inspirational leadership and instilled in the team a sense of sportsmanship while courageously battling cancer; and

WHEREAS, Assistant Coaches Nate Holdren, Marc Olson, Mike Neidhold, Joe Neidhold, John Mecham, Brian Stadelman, and Scott Woodward contributed immeasurably to the development of a winning team; and

WHEREAS, Rance Reed, Jared Goplen, Aaron Cox, Eric McGarrah, Landon Kafentzis, Jason McShane, Joey Chacon, Ricardo Dovalle, Michael Richardson, David Hall, Jeremy Bohannon, Derek Mitchell, Adam Oakes, Josh Artis, Matt Wiser, Bryan Fitzpatrick, Ryan Lukson, Brian Hodgson, Scott Pippo, Lance Rae, David Russie, Chet Ferguson, Joey Strasser, Ryan Richardson, David Whitt, Ryan Brooks, Kai Jones, Kevin Neill, Jeff Stowe, and Travis Brett have distinguished themselves as high school athletes;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and honor the Richland High School Bombers for their dedication and perseverance in the face of all manner of adversity, and for the pride that their achievement brings to their school and community; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Richland High School, to Coach Pierson and his staff, and to each member of the Bombers' championship team.

Senators Hale and Johnson spoke to Senate Resolution 2000-8695.

MOTION

At 10:09 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:32 a.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6115, by Senators Loveland, Brown, Bauer, Snyder, Rasmussen, Haugen, B. Sheldon, Eide, Jacobsen, McAuliffe, Gardner, Heavey, Franklin, Patterson, Prentice, T. Sheldon, Costa, Goings, McCaslin, Swecker and Winsley (by request of Governor Locke)

Reinstating the property tax exemption for motor vehicles, travel trailers, and campers.

MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 6115 was substituted for Senate Bill No. 6115 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Loveland, the rules were suspended, Substitute Senate Bill No. 6115 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6115.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6115 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6115, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 8212, by Senators Loveland, Winsley, Fairley, Haugen, Snyder, Fraser, Patterson, Bauer, Wojahn, Spanel, B. Sheldon, Rasmussen, Oke, Gardner, Thibaudeau and Goings

Providing a tax credit on owner-occupied residential property.

The joint resolution was read the second time.

MOTION

Senator Rossi moved that the following amendment be adopted:

On page 1, line 8, after "(1)" strike all material down through "section." on page 2, line 6, and insert "Notwithstanding any other provision of this Constitution, there shall be a credit against property taxes levied for state purposes on each parcel of real property. The amount of the credit shall be two hundred dollars for taxes payable in 2001. The credit shall increase each year thereafter by the change in state personal income for the previous fiscal year. The credit is in addition to any tax relief under Article VII, section 10. No credit may exceed the amount of state tax due.

(2) The legislature may, by statute, increase the amount of the credit that is otherwise provided in subsection (1) of this section.

(3) This section is self-executing, and no legislation is necessary to implement this section."

Debate ensued.

Senator Johnson demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Rossi on page 1, line 8, to Senate Joint Resolution No. 8212.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 21.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27.

Excused: Senator Sellar - 1.

MOTION

Senator Roach moved that the following amendments by Senators Roach, Stevens, Honeyford and Benton be considered simultaneously and be adopted:

On page 1, line 11, after "shall be" strike "two hundred dollars for" and insert "seventy percent of the state portion of"

On page 1, line 12, after "2001." strike everything through "year." on line 13

Debate ensued.

Senator Finkbeiner demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Roach, Stevens, Honeyford and Benton on page 1, lines 11 and 12, to Senate Joint Resolution No. 8212.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, West and Zarelli - 20.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 28.

Excused: Senator Sellar - 1.

MOTION

Senator Benton moved that the following amendments by Senators Benton, Morton, McCaslin, Horn, Oke, Hochstatter, Johnson, Swecker, Roach, Stevens, Honeyford, Sheahan, Zarelli, Hale and Deccio be considered simultaneously and be adopted:

On page 1, line 17, after "qualifications," strike "application procedures,"

On page 1, line 20, after "this section." insert the following:

"However, the credit shall be automatically applied, and no application shall be required."

Debate ensued.

Senator Johnson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Benton, Morton, McCaslin, Horn, Oke, Hochstatter, Johnson, Swecker, Roach, Stevens, Honeyford, Sheahan, Zarelli, Hale and Deccio on page 1, lines 17 and 20, to Senate Joint Resolution No. 8212.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 22.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 26.

Excused: Senator Sellar - 1.

MOTION

Senator Benton moved that the following amendment by Senators Benton, Stevens, Hochstatter, Roach, Zarelli and Johnson be adopted:

On page 2, after line 6, insert the following:

"Article VII, section 2. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one percent of the ((~~true and~~)) fair value of such property in money: *Provided, however,* That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. The term "fair value" means the assessed value of property on January 1, 1999, modified each year thereafter by the lesser of two percent or the rate of inflation. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only as follows:

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of voters voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy when the number of voters voting on the proposition exceeds forty percent of the number of voters voting in such taxing district in the last preceding general election: *Provided,* That notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools may provide such support for a period of up to four years and any proposition to levy an additional tax to support the construction, modernization, or remodelling of school facilities may provide such support for a period not exceeding six years;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the voters of the taxing district voting on the proposition to issue such bonds and to pay the principal and interest thereon by annual tax levies in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of voters voting on the proposition shall constitute not less than forty percent of the total number of voters voting in such taxing district at the last preceding general election: *Provided,* That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, *And provided further,* That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

Article VII, section 11. Nothing in this Article VII as amended shall prevent the legislature from providing, subject to such conditions as it may enact, that the ((~~true and~~)) fair value in money (a) of farms, agricultural lands, standing timber and timberlands, and (b) of other open space lands which are used for recreation or for enjoyment of their scenic or natural beauty shall be based on the use to which such property is currently applied, and such values shall be used in computing the assessed valuation of such property in the same manner as the assessed valuation is computed for all property."

Debate ensued.

MOTION

On motion of Senator Honeyford, Senator Roach was excused.

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton, Stevens, Hochstatter, Roach, Zarelli and Johnson on page 2, afer line 6, to Senate Joint Resolution No. 8212.

The motion by Senator Benton failed and the amendment was not adopted.

MOTION

Senator Benton moved that the following amendment by Senators Benton, Stevens, Hochstatter, McDonald, Finkbeiner, Zarelli, Swecker, Johnson, Roach, Honeyford, Hale and Deccio be adopted:

On page 2, line 5, after "(4)", insert the following:

"Notwithstanding any other provision of this Constitution or law, the rate of state property tax shall be as follows:

(a) Three dollars and sixty cents per thousand dollars of assessed value for taxes levied for collection in 2000, and before;

(b) Three dollars and twenty-four cents per thousand dollars of assessed value for taxes levied for collection in 2001;

(c) Two dollars and eighty-eight cents per thousand dollars of assessed value for taxes levied for collection in 2002;

(d) Two dollars and fifty-two cents per thousand dollars of assessed value for taxes levied for collection in 2003;

(e) Two dollars and sixteen cents per thousand dollars of assessed value for taxes levied for collection in 2004; and

(f) One dollar and eighty cents per thousand dollars of assessed value for taxes levied for collection in 2005; and

(g) One dollar and forty-four cents per thousand dollars of assessed value for taxes levied for collection in 2006; and

(h) One dollar and eight cents per thousand dollars of assessed value for taxes levied for collection in 2007; and

(i) Seventy-two cents per thousand dollars of assessed value for taxes levied for collection in 2008; and

(j) Thirty-six cents per thousand dollars of assessed value for taxes levied for collection in 2009; and

(k) No tax may be levied under this section for taxes levied for collection in 2010 and thereafter.

(5)"

Debate ensued.

POINT OF INQUIRY

Senator West: "Senator Brown, from your statements, I want to be clear. I understand your principle objection to this is that it has an arbitrary schedule in it. Is that correct?"

Senator Brown: "That is not correct, Senator. That is one of my objections to it. My principle objection is that we crafted a careful package in the underlying measure that allows us to achieve multiple goals--giving a targeted tax cut to home owners and preserving our commitment in the state budget to education, public health and other things that are important to us on this side of the aisle. So, that is one of my objections, the arbitrariness and the way that it obligates future Legislatures to arbitrary kinds of cuts--thirty six cents per thousand in 2009. I don't think that is the appropriate way to create a tax cut. I think the appropriate way is to create it today in the underlying measure."

Senator West: "Thank you, Senator. I am not sure that we needed the length, but that is excellent. If I might inquire further; now I am really confused. Are you for or against, I guess, the total elimination of the state portion of the property tax or are you just simply against this method of totally eliminating the state portion of the property taxes?"

Senator Brown: "Let me be perfectly clear. What I am in favor of today is targeting a tax credit to the home owners. If possible, we will get further tax cuts, but I think this amendment which promises something in 2008, 2009 and 2010--when my son graduates from high school-- is not real tax relief for home owners today. What is real tax relief for home owners, and they will have the chance to validate it at the polls in November, is the underlying measure."

Further debate ensued.

Senator Finkbeiner demanded a roll call and the demand was sustained.

Further debate ensued

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Benton, Stevens, Hochstatter, McDonald, Finkbeiner, Zarelli, Swecker, Johnson, Roach, Honeyford, Hale and Deccio on page 2, line 5, to Senate Joint Resolution No. 8212.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 22.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 26.

Excused: Senator Sellar - 1.

MOTION

Senator West moved that the following amendment by Senators West and Swecker be adopted:

On page 1, after line 7, strike everything and insert the following:

"Article VII, section .... (1) Notwithstanding any other provision of this Constitution, there shall be a credit against property taxes levied for state purposes on owner-occupied residential property. The amount of the credit shall be two hundred dollars for taxes payable in 2001. The credit shall increase each year thereafter by the change in state personal income for the previous fiscal year. The credit is in addition to any tax relief under Article VII, section 10. No credit may exceed the amount of state tax due.

(2) Unless otherwise provided by statute, and to the extent applicable, the definitions, qualifications, application procedures, and other administrative provisions provided by the legislature for property tax relief under Article VII, section 10 apply to the credit under this section. No income or age requirements shall apply to the credit under this section. Any notice to a taxpayer of property taxes due shall indicate the amount of the credit and the tax payable after application of the credit.

(3) The legislature may, by statute, increase the amount of the credit that is otherwise provided in subsection (1) of this section.

(4) The legislature shall phase out the state property tax by 2010.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

Debate ensued.

Senator Johnson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators West and Swecker on page 1, after line 7, to Senate Joint Resolution No. 8212.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 21.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 26.

Excused: Senators Roach and Sellar - 2.

MOTION

On motion of Senator Brown, the rules were suspended, Senate Joint Resolution No. 8212 was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Resolution No. 8212.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8212 and the joint resolution passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senators Hochstatter, Honeyford, Morton, Sheahan and Swecker - 5.

Excused: Senator Sellar - 1.

SENATE JOINT RESOLUTION NO. 8212, having received the constitutional two-thirds majority, was declared passed.

MOTION

At 1:06 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, January 20, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TENTH DAY, JANUARY 19, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

ELEVENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 20, 2000

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

January 19, 2000

SB 6138 Prime Sponsor, Senator Johnson: Modifying disclaimer of interests under the probate and trust laws. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

January 19, 2000

SB 6139 Prime Sponsor, Senator Johnson: Modifying estate tax apportionment. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

January 19, 2000

SB 6140 Prime Sponsor, Senator Johnson: Updating probate and trust laws. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

January 19, 2000

SB 6255 Prime Sponsor, Senator Rasmussen: Prescribing penalties for unlawful possession and storage of anhydrous ammonia. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6255 be substituted therefor, and the substitute bill do pass and be referred to Committee on Judiciary. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder, Stevens and Swecker.

Referred to Committee on Judiciary.

January 18, 2000

SB 6335 Prime Sponsor, Senator Shin: Modifying unemployment insurance. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 6591 by Senators Prentice and Benton (by request of Insurance Commissioner Senn)

AN ACT Relating to exempting certain insurance documents from the filing requirements; and amending RCW 48.18.100.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6592 by Senators Benton, Zarelli, Roach, Patterson, Honeyford, Sheahan, Sellar, Long, Costa, Hochstatter, Johnson, Swecker, Hale, Stevens, Horn, Finkbeiner and Rasmussen

AN ACT Relating to the replacement of license plates; and amending RCW 46.16.233.
Referred to Committee on Transportation.

SB 6593 by Senators Benton, Rossi, Zarelli, Horn, Johnson, Hochstatter, Deccio, Stevens, Finkbeiner, Oke and Heavey

AN ACT Relating to charges for the collection of the local motor vehicle excise tax; and amending RCW 81.104.160.
Referred to Committee on Transportation.

SB 6594 by Senator Hochstatter

AN ACT Relating to public employee compensation; amending 1999 c 309 ss 601 and 723 (uncodified); making appropriations; and declaring an emergency.
Referred to Committee on Labor and Workforce Development.

SB 6595 by Senator Hochstatter

AN ACT Relating to school "GUN FREE ZONE" signs; and amending RCW 9.41.280.
Referred to Committee on Education.

SB 6596 by Senators Costa, Patterson, Oke and Kohl-Welles

AN ACT Relating to legislative hearings on initiatives and referendums; amending RCW 42.17.130; and adding a new section to chapter 29.79 RCW.
Referred to Committee on State and Local Government.

SB 6597 by Senators Costa and Rasmussen

AN ACT Relating to improving the quality of services for persons with developmental disabilities; adding a new section to chapter 71A.12 RCW; and creating new sections.
Referred to Committee on Health and Long-Term Care.

SB 6598 by Senator Gardner (by request of Secretary of State Munro)

AN ACT Relating to candidates for office; amending RCW 29.24.020, 29.24.030, 29.24.035, 29.24.040, 29.24.060, and 29.71.020; adding a new section to chapter 29.27 RCW; adding a new section to chapter 29.24 RCW; repealing RCW 29.24.055; and declaring an emergency.
Referred to Committee on State and Local Government.

SB 6599 by Senators Stevens and Hargrove

AN ACT Relating to dependent children's support; and amending RCW 13.34.160.
Referred to Committee on Human Services and Corrections.

SB 6600 by Senator Haugen

AN ACT Relating to motorist assault upon department of transportation employees; and adding a new section to chapter 47.04 RCW.
Referred to Committee on Transportation.

SB 6601 by Senators T. Sheldon, Sellar, Swecker, Goings and Rasmussen

AN ACT Relating to the transfer of appointments by subagents of the director of the department of licensing; and amending RCW 46.01.140.
Referred to Committee on Transportation.

SB 6602 by Senators Loveland and Patterson

AN ACT Relating to disability board membership; and amending RCW 41.26.110.
Referred to Committee on Ways and Means.

SB 6603 by Senator Honeyford

AN ACT Relating to clarifying "voluntarily fails" for water rights relinquishment purposes; and amending RCW 90.14.140.
Referred to Committee on Environmental Quality and Water Resources.

SB 6604 by Senator Honeyford

AN ACT Relating to the Roza irrigation district off-stream storage reservoir; creating a new section; and making an appropriation.
Referred to Committee on Environmental Quality and Water Resources.

SB 6605 by Senator Honeyford

AN ACT Relating to classification, jurisdiction, and use of irrigation district conveyance and drainage facilities; amending RCW 75.20.100; and adding a new section to chapter 90.48 RCW.
Referred to Committee on Environmental Quality and Water Resources.

SB 6606 by Senators Honeyford and Stevens

AN ACT Relating to petitions for mergers of minor irrigation districts with other special purpose districts; and amending RCW 87.03.845 and 85.08.850.
Referred to Committee on State and Local Government.

SB 6607 by Senators Hargrove and Fairley

AN ACT Relating to assuring accountability in delivery of human services; adding new sections to chapter 7.16 RCW; and creating a new section.
Referred to Committee on Human Services and Corrections.

SB 6608 by Senators Hargrove and Fairley

AN ACT Relating to assuring accountability in delivery of human services; adding new sections to chapter 7.16 RCW; and creating a new section.
Referred to Committee on Human Services and Corrections.

SB 6609 by Senators Heavey, Benton and Patterson

AN ACT Relating to governance of the department of transportation; amending RCW 47.01.021, 47.01.031, 47.01.071, and 47.01.250; reenacting and amending RCW 47.01.101; adding a new section to chapter 47.01 RCW; and repealing RCW 47.01.041, 47.01.051, and 47.01.061.
Referred to Committee on Transportation.

SB 6610 by Senators Wojahn, Oke, Kline, Hochstatter, Fairley and Franklin

AN ACT Relating to the job training services credit; and amending RCW 82.04.4333.
Referred to Committee on Labor and Workforce Development.

SB 6611 by Senators Fairley and Oke

AN ACT Relating to the sale of antifreeze; adding new sections to chapter 70.54 RCW; creating a new section; and prescribing penalties.
Referred to Committee on Environmental Quality and Water Resources.

SB 6612 by Senators Rasmussen, Haugen and Horn

AN ACT Relating to use of local option transportation revenues; and amending RCW 82.80.070.
Referred to Committee on Transportation.

SB 6613 by Senators Costa, Long, Haugen, Oke, Winsley, Thibaudeau and Kohl-Welles

AN ACT Relating to child passenger restraint systems; amending RCW 46.61.687 and 46.61.688; and adding new sections to chapter 46.61 RCW.
Referred to Committee on Transportation.

SB 6614 by Senators Hargrove, Long, Sheahan and Kohl-Welles (by request of Department of Social and Health Services)

AN ACT Relating to criminal history background checks; and amending RCW 74.15.030.
Referred to Committee on Human Services and Corrections.

SB 6615 by Senators Bauer, Prentice and B. Sheldon (by request of Lieutenant Governor Owen)

AN ACT Relating to increasing work-based training at state educational institutions; and creating new sections.
Referred to Committee on Higher Education.

SB 6616 by Senators Bauer, Prentice, B. Sheldon and Rasmussen (by request of Lieutenant Governor Owen)

AN ACT Relating to increasing technical training at state educational institutions; and creating new sections.
Referred to Committee on Higher Education.

SB 6617 by Senators Prentice, Hale and Rasmussen (by request of Lieutenant Governor Owen)

AN ACT Relating to local economic development capacity; and amending RCW 43.330.070.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6618 by Senators Prentice, Shin, Hale and Rasmussen (by request of Lieutenant Governor Owen)

AN ACT Relating to cluster-based economic development; amending RCW 43.330.090; adding a new section to chapter 43.330 RCW; and creating a new section.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6619 by Senators Prentice, Shin and Oke (by request of Lieutenant Governor Owen)

AN ACT Relating to economic analysis; and adding a new section to chapter 43.330 RCW.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6620 by Senators McAuliffe, Kohl-Welles, Thibaudeau, Eide, Winsley, Sheahan, B. Sheldon, Bauer, Finkbeiner, Spanel, Haugen, Kline, McCaslin, Rossi, Stevens, T. Sheldon, Patterson, Franklin, Hochstatter, Jacobsen, Oke and Rasmussen

AN ACT Relating to conditional scholarships for classified employees; and adding a new chapter to Title 28B RCW.
Referred to Committee on Higher Education.

SB 6621 by Senators Costa, McCaslin, Kline, Long, Heavey, Haugen, Hargrove, Thibaudeau, Zarelli, Oke, Rasmussen and Kohl-Welles

AN ACT Relating to adult offender supervision; and creating new sections.
Referred to Committee on Human Services and Corrections.

SB 6622 by Senators Shin, Rasmussen, Kohl-Welles, Sheahan, McAuliffe, Prentice, B. Sheldon, Winsley, Finkbeiner, Benton, Fairley, Eide, Goings, Bauer, Franklin, Haugen, Gardner, Loveland, T. Sheldon, Jacobsen, Hargrove, Kline, Fraser, Heavey, Patterson, Hale and Roach

AN ACT Relating to the designation of May as Asian Pacific American Heritage Month; amending RCW 43.117.010 and 43.117.070; adding a new section to chapter 43.117 RCW; and providing an effective date.
Referred to Committee on State and Local Government.

SB 6623 by Senators Thibaudeau, Deccio, Kohl-Welles, Kline, Fairley and Rasmussen

AN ACT Relating to community services programs for persons with developmental disabilities; adding a new section to chapter 71A.12 RCW; creating a new section; and providing an effective date.
Referred to Committee on Health and Long-Term Care.

SB 6624 by Senators Roach, Heavey, Stevens, Johnson, Honeyford, Zarelli, Benton, Swecker, Hale and Rasmussen

AN ACT Relating to driving under the influence; amending RCW 46.61.502 and 46.61.504; and reenacting and amending RCW 46.61.503.
Referred to Committee on Judiciary.

SB 6625 by Senators Roach, Benton, Rossi, Stevens, Johnson, Morton and Finkbeiner

AN ACT Relating to high-occupancy vehicle lanes; and amending RCW 46.61.165.
Referred to Committee on Transportation.

SB 6626 by Senators Roach, Benton, Swecker, Johnson, Stevens, Zarelli, Honeyford, Morton, Finkbeiner, Hochstatter and Hale

AN ACT Relating to the conditional employment of teachers with lapsed certificates; and reenacting and amending RCW 28A.410.010.
Referred to Committee on Education.

SB 6627 by Senators Eide, Winsley, Prentice, Kohl-Welles, Fairley, Patterson, Kline, Fraser and Zarelli

AN ACT Relating to the use of animals in schools; adding a new section to chapter 28A.600 RCW; and adding a new section to chapter 28A.320 RCW.
Referred to Committee on Education.

SB 6628 by Senators Kohl-Welles, Thibaudeau, Goings and Prentice

AN ACT Relating to egg-laying hens; adding a new section to chapter 69.25 RCW; and creating a new section.
Referred to Committee on Agriculture and Rural Economic Development.

SB 6629 by Senators Rasmussen, Thibaudeau, Stevens, Oke, Kohl-Welles and Roach

AN ACT Relating to dependent children and the manufacture of methamphetamine; amending RCW 26.44.020; and creating a new section.
Referred to Committee on Human Services and Corrections.

SB 6630 by Senators Haugen, Oke, Gardner, Horn, Goings, Heavey, Morton, Costa and Rasmussen

AN ACT Relating to traffic safety improvement; amending RCW 46.61.440, 46.63.110, and 46.68.041; reenacting and amending RCW 43.59.150; adding a new section to chapter 43.59 RCW; adding a new section to chapter 46.64 RCW; creating a new section; repealing RCW 46.68.260; prescribing penalties; and providing an effective date.
Referred to Committee on Transportation.

SB 6631 by Senators Rasmussen, Heavey and Goings

AN ACT Relating to franchises for the use of streets and public ways of code cities; and amending RCW 35A.47.040.
Referred to Committee on State and Local Government.

SJM 8023 by Senators Benton, Rossi, Morton, Zarelli, Honeyford, Deccio, Sellar, Hochstatter, Swecker, Stevens, Johnson, Sheahan and Oke

Requesting open public lands for small scale prospecting and mining.

Referred to Committee on Natural Resources, Parks and Recreation.

SJR 8213 by Senators Fairley and Kohl-Welles

Amending Article II, section 40 of the state Constitution.

Referred to Committee on Transportation.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6619 was referred to the Committee on Commerce, Trade, Housing and Financial Institutions.

MOTION

At 12:03 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, January 21, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

ELEVENTH DAY, JANUARY 20, 2000

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TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 21, 2000

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Deccio, Finkbeiner, Hale and Sellar. On motion of Senator Honeyford, Senators Deccio, Finkbeiner, Hale and Sellar were excused. On motion of Senator Eide, Senator Brown was excused.

The Sergeant at Arms Color Guard, consisting of Pages Clark Butler and Jesse Studt, presented the Colors. Reverend Howard Ullery, Jr., pastor of the Lacey Community Church, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORT OF STANDING COMMITTEE

January 20, 2000

SB 5953 Prime Sponsor, Senator Kohl-Welles: Creating the public interest attorney loan repayment and scholarship program. Reported by Committee on Ways and Means

MAJORITY Recommendation: Refer the bill to the Committee on Higher Education without recommendation. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Honeyford, Kohl-Welles, Long, Rossi, B. Sheldon, Snyder, Thibaudeau and Wojahn.

Referred to Committee on Higher Education.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 20, 2000

GA 9226 RUSS CAHILL, reappointed December 3, 1999, for a term ending December 31, 2000, as a member of the Fish and Wildlife Commission.

Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to the Committee on Rules.

January 20, 2000

GA 9227 FRANK L. CASSIDY, appointed July 15, 1999, for a term ending July 15, 2003, as a member of the Salmon Recovery Funding Board.

Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to the Committee on Rules.

January 20, 2000

GA 9271 BRENDA P. McMURRAY, appointed July 15, 1999, for a term ending July 15, 2001, as a member of the Salmon Recovery Funding Board.

Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to the Committee on Rules.

January 20, 2000

GA 9280 JAMES L. PETERS, appointed July 15, 1999, for a term ending July 15, 2002, as a member of the Salmon Recovery Funding Board.

Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to the Committee on Rules.

January 20, 2000

GA 9287 JOHN ROSKELLEY, appointed July 15, 1999, for a term ending July 15, 2001, as a member of the Salmon Recovery Funding Board.

Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to the Committee on Rules.

January 20, 2000

GA 9288 BILL RUCKELSHAUS, appointed July 15, 1999, for a term ending July 15, 2003, as Chair of the Salmon Recovery Funding Board.

Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to the Committee on Rules.

January 20, 2000

GA 9303 VICKIE L. WALLEN, reappointed December 15, 1999, for a term ending December 15, 2002, as Director Ombudsman of the Office of Family and Children's Ombudsman.

Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Patterson, Sheahan and Stevens.

Passed to the Committee on Rules.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

December 7, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Vera Chan-Ing, appointed for a term to begin December 13, 1999, and ending January 15, 2001, as a member of Liquor Control Board.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Commerce, Trade, Housing and Financial Institutions.

January 4, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Margaret M. Martinez, appointed for a term to begin January 18, 2000, and ending April 15, 2000, as a member of the Indeterminate Sentence Review Board.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Judiciary.

January 13, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

David K. Hamry, appointed January 13, 2000, for a term ending September 30, 2004, as a member of the Board of Trustees for Pierce Community College District No. 11.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Higher Education.

MESSAGE FROM STATE ACTUARY

WASHINGTON STATE LEGISLATURE
OFFICE OF THE STATE ACTUARY
Gerald B. Allard, State Actuary

January 13, 2000

Senator Valoria Loveland, Chair, Senate Ways and Means
Representative Tom Huff, Co-Chair, House Appropriations
Representative Helen Sommers, Co-Chair, House Appropriations
Mr. Tony Cook, Secretary of the Senate
Mr. Dean Foster, Co-Chief Clerk of the House of Representatives
Mr. Tim Martin, Co-Chief Clerk of the House of Representatives

On behalf of the Joint Committee on Pension Policy (JCPP), I am pleased to submit the enclosed "Early Retirement Actuarial Reduction Factors" report in satisfaction of the legislative directive contained in Section 721 of Engrossed Substitute Senate Bill No. 5180 (Chapter 309, Laws of 1999).

This report is the culmination of a year's study of the reduction factors applied to early retirement benefits in the Plan 2 and Plan 3 retirement systems. Consideration was given to state and local government fiscal capacity; patterns of public employment; and cost-shifting between employees of different age groups. The cost of extending reduction changes to disability retirees and recipients of death benefits was also studied. While the proposal contained in this report does not include changes for these two groups, the JCPP intends to continue study of the issue in the future.

Sincerely,

GERALD B. ALLARD, State Actuary

The State Actuary Report from the Joint Committee on Pension Policy regarding Early Retirement Actuarial Reduction Factors is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE ACTUARY

WASHINGTON STATE LEGISLATURE
OFFICE OF THE STATE ACTUARY
Gerald B. Allard, State Actuary

January 13, 2000

Senator Valoria Loveland, Chair, Senate Ways and Means
Representative Tom Huff, Co-Chair, House Appropriations
Representative Helen Sommers, Co-Chair, House Appropriations
Mr. Tony Cook, Secretary of the Senate
Mr. Dean Foster, Co-Chief Clerk of the House of Representatives
Mr. Tim Martin, Co-Chief Clerk of the House of Representatives

On behalf of the Joint Committee on Pension Policy (JCPP), I am pleased to submit the enclosed "Washington State Patrol Contribution Rates" study to the Legislature. This report is in response to the legislative directive contained in Section 614 of Engrossed Substitute House Bill No. 1125 (Chapter 1, Laws of 1999, 1st Ex. Sess).

This study reviewed the present status of the Washington State Patrol Retirement System (WSP) in light of the level of benefits it provides members and the funding those benefits require. The future funding needs of the system were also considered. Five alternatives to current funding levels were ultimately explored. The option

recommended by the JCPP proposes a temporary reduction in member contribution rates and further study of the WSP system during the 2000 Interim. Legislation implementing the Joint Committee's recommendation is contained in Appendix B of the study.

Sincerely,

GERALD B. ALLARD, State Actuary

The State Actuary Report from the Joint Committee on Pension Policy regarding Washington State Patrol Contribution Rates is on file in the Office of the Secretary of the Senate.

PERSONAL PRIVILEGE

Senator Fraser: "A point of personal privilege, Mr. President. I would like to take note today that Hazel Wolf, who many of us knew, died yesterday. She had a very active life spanning three centuries. She died at the age of one hundred and one and was very active in promoting environmental awareness and improvement in our state. She is one of the people who Governor Locke recognized last year as a special citizen of the state. So, I would like the members of the Senate to please take note."

INTRODUCTION AND FIRST READING

SB 6632 by Senators Roach and Goings

AN ACT Relating to the taxation of gambling activities; amending RCW 9.46.110 and 9.46.113; and providing an effective date.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6633 by Senators McCaslin and Winsley

AN ACT Relating to reconveying mortgages and deeds of trust; and amending RCW 61.16.020, 61.16.030, and 61.24.110.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6634 by Senators Sheahan, T. Sheldon, Finkbeiner, Oke, Swecker, Honeyford, Hale, Deccio, Morton, McCaslin, Roach, Rasmussen and Gardner

AN ACT Relating to tax credits for employment in counties adjacent to rural counties; and amending RCW 82.04.4456.

Referred to Committee on Agriculture and Rural Economic Development.

SB 6635 by Senators Sheahan, Winsley, Benton, Finkbeiner, Swecker, Johnson, Zarelli, Hale, Deccio, Morton and McCaslin

AN ACT Relating to a sales and use tax exemption for clothing and footwear; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6636 by Senators Costa, Prentice and Kohl-Welles

AN ACT Relating to mandatory vehicle liability insurance; amending RCW 48.22.005, 48.22.020, and 46.30.020; adding new sections to chapter 48.14 RCW; making an appropriation; and providing expiration dates.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6637 by Senators Hochstatter, Finkbeiner, Oke, Swecker, Stevens, Honeyford, Deccio, Rossi, Morton and Horn

AN ACT Relating to prevailing wages; amending RCW 39.12.020; and creating a new section.
Referred to Committee on Labor and Workforce Development.

SB 6638 by Senators B. Sheldon, Prentice, Shin, Franklin, Sheahan, Bauer, Eide, Patterson, Heavey, Hale, Rasmussen and Oke (by request of Lieutenant Governor Owen)

AN ACT Relating to a conditional scholarship for vocational-technical education; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 28B RCW.
Referred to Committee on Higher Education.

SB 6639 by Senators Prentice, Gardner, Shin and Oke

AN ACT Relating to youth education awareness on problem gambling; and making appropriations.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6640 by Senators Swecker, Bauer, Jacobsen and Rasmussen

AN ACT Relating to regular property tax levies for school districts; amending RCW 84.52.010, 84.52.043, and 28A.500.030; adding a new section to chapter 84.52 RCW; and providing for submission of this act to a vote of the people.
Referred to Committee on Education.

SB 6641 by Senators Kline, McCaslin, Heavey, Costa, Goings and Johnson (by request of Criminal Justice Training Commission)

AN ACT Relating to certification of peace officers; amending RCW 43.101.010; adding new sections to chapter 43.101 RCW; and providing an effective date.
Referred to Committee on Judiciary.

SB 6642 by Senators Benton, Heavey, Shin and Oke

AN ACT Relating to grounds for disciplinary action against a licensed or certified real estate appraiser; and amending RCW 18.140.160.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6643 by Senators Hargrove, Snyder, Rasmussen and Oke

AN ACT Relating to growth management; and amending RCW 36.70A.040.
Referred to Committee on State and Local Government.

SB 6644 by Senators Goings, Prentice, Fairley, Rasmussen, Haugen and Costa

AN ACT Relating to technical corrections to fire protection laws; amending RCW 48.50.050 and 48.50.070; reenacting RCW 48.50.020 and 48.50.040; and adding a new section to chapter 48.50 RCW.
Referred to Committee on State and Local Government.

SB 6645 by Senators Eide, Swecker, Brown, Rasmussen, McAuliffe, Goings, Patterson, Hochstatter, Zarelli, Kohl-Welles, Finkbeiner, Shin and Bauer (by request of Governor Locke and Superintendent of Public Instruction Bergeson)

AN ACT Relating to the future teachers conditional scholarship; amending RCW 28B.102.010, 28B.102.020, 28B.102.030, 28B.102.040, 28B.102.050, and 28B.102.060; reenacting and amending RCW 43.79A.040; and adding a new section to chapter 28B.102 RCW.
Referred to Committee on Higher Education.

SB 6646 by Senators Sheahan, Eide, Kline, Haugen, Heavey, McCaslin, Gardner, Costa and Oke

AN ACT Relating to enforcement of court-ordered financial obligations; and adding a new section to chapter 3.66 RCW.
Referred to Committee on Judiciary.

SB 6647 by Senators Heavey, Sheahan, Eide, Kline, Haugen, McCaslin and Johnson

AN ACT Relating to requiring new courts to report their establishment to the supreme court; and amending RCW 3.50.060.
Referred to Committee on Judiciary.

SB 6648 by Senators Heavey, Eide, Kline, Haugen, Sheahan, McCaslin, Johnson and Costa

AN ACT Relating to clarifying when a defendant must appear; and amending RCW 46.61.50571.
Referred to Committee on Judiciary.

SB 6649 by Senators Kline, Sheahan, Heavey and McCaslin

AN ACT Relating to appointment of judges pro tempore; and amending RCW 3.50.090 and 35.20.200.
Referred to Committee on Judiciary.

SB 6650 by Senators Kline, Sheahan, Eide, Haugen, Heavey and McCaslin

AN ACT Relating to the transfer of cases from commissioners to judges; and amending RCW 3.42.030.
Referred to Committee on Judiciary.

SB 6651 by Senators Heavey, Eide, Kline and Haugen

AN ACT Relating to deferred findings and collection of an administrative fee in an infraction case; and amending RCW 46.63.070.
Referred to Committee on Judiciary.

SB 6652 by Senators Franklin and Kohl-Welles

AN ACT Relating to youths who are parties to at-risk youth or child in need of services petitions; and creating a new section.
Referred to Committee on Human Services and Corrections.

SB 6653 by Senators Honeyford, Zarelli, Benton, Morton, Finkbeiner, Hochstatter, Swecker, Stevens and Johnson

AN ACT Relating to public art; amending RCW 43.17.200 and 28A.335.210; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6654 by Senator Honeyford

AN ACT Relating to clarifying vocabulary used with regard to relinquishment of water rights; amending RCW 90.14.140; adding a new section to chapter 90.14 RCW; and creating a new section.
Referred to Committee on Environmental Quality and Water Resources.

SB 6655 by Senators Thibaudeau, Sheahan, Roach, T. Sheldon, Deccio, B. Sheldon, Franklin, Wojahn, Winsley, Benton, Hochstatter, Morton, Patterson, Long, Costa, Prentice, McAuliffe, Stevens, Rasmussen, Kohl-Welles and Oke

AN ACT Relating to a residential habilitation governing board; amending RCW 71A.20.060; adding a new section to chapter 71A.20 RCW; creating a new section; and providing an effective date.
Referred to Committee on Health and Long-Term Care.

SB 6656 by Senators Eide, Kohl-Welles, Finkbeiner, Brown, Rasmussen, Goings, Patterson, Haugen, Gardner, Shin, Heavey, Jacobsen and Costa

AN ACT Relating to the educational needs of children and youth in foster care; creating new sections; making an appropriation; and providing an expiration date.
Referred to Committee on Education.

SB 6657 by Senators Deccio, Thibaudeau, Patterson, Prentice, Costa and Kohl-Welles

AN ACT Relating to prescription medication prices for medicare beneficiaries; and adding a new section to chapter 74.09 RCW.
Referred to Committee on Health and Long-Term Care.

SB 6658 by Senators Deccio, Thibaudeau, Gardner, Patterson, Winsley, Prentice, Costa and Kohl-Welles

AN ACT Relating to reducing the cost of prescription drugs to qualifying residents of the state; reenacting and amending RCW 43.84.092, 43.84.092, and 43.84.092; adding new sections to chapter 74.09 RCW; providing effective dates; and providing an expiration date.
Referred to Committee on Health and Long-Term Care.

SB 6659 by Senators Deccio, Thibaudeau, Gardner, Patterson, Winsley, Prentice, Costa and Kohl-Welles

AN ACT Relating to prescription drug benefits; reenacting and amending RCW 74.09.510; and adding a new section to chapter 74.09 RCW.
Referred to Committee on Health and Long-Term Care.

SB 6660 by Senators Deccio, Thibaudeau, Gardner, Patterson, Winsley, Prentice, Costa and Kohl-Welles

AN ACT Relating to assisting eligible persons to pay for prescription drugs; and adding a new chapter to Title 74 RCW.
Referred to Committee on Health and Long-Term Care.

SB 6661 by Senators Snyder, Fraser, West, Spanel, Winsley and Bauer (by request of Lieutenant Governor Owen, State Treasurer Murphy and Secretary of State Munro)

AN ACT Relating to legislative building preservation and renovation; amending RCW 39.42.060; adding a new chapter to Title 43 RCW; making an appropriation; and declaring an emergency.
Referred to Committee on Ways and Means.

SB 6662 by Senators Patterson, Eide, Heavey and McAuliffe

AN ACT Relating to aircraft noise abatement; amending RCW 53.54.010, 53.54.030, 53.54.040, 53.36.020, 14.08.020, and 14.08.100; adding new sections to chapter 53.54 RCW; and creating a new section.
Referred to Committee on State and Local Government.

SB 6663 by Senators Wojahn, Prentice, Winsley and Kohl-Welles

AN ACT Relating to preserving federally assisted housing and minimizing the involuntary displacement of tenants residing in such housing; amending RCW 59.28.020, 59.28.030, 59.28.040, 59.28.060, 59.28.080, and 59.28.100; adding new sections to chapter 59.28 RCW; adding a new section to chapter 59.18 RCW; adding a new section to chapter 49.60 RCW; and declaring an emergency.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6664 by Senators Costa and Kohl-Welles

AN ACT Relating to victims' compensation; and amending RCW 7.68.060.
Referred to Committee on Judiciary.

SB 6665 by Senators Thibaudeau, Winsley, Wojahn and Kohl-Welles

AN ACT Relating to the prevention of infectious dental disease; amending RCW 70.119A.060; creating a new section; and declaring an emergency.
Referred to Committee on Health and Long-Term Care.

SB 6666 by Senators Gardner, Swecker, Haugen, Morton and Sellar

AN ACT Relating to household goods carriers operating without a permit; and adding new sections to chapter 81.80 RCW.
Referred to Committee on Energy, Technology and Telecommunications.

SB 6667 by Senators Haugen, Swecker, Gardner, Morton, Sellar, Sheahan, Benton and Winsley

AN ACT Relating to the replacement of license plates for certain commercial vehicles; and amending RCW 46.16.233.
Referred to Committee on Transportation.

SB 6668 by Senators McAuliffe, Finkbeiner, Eide, Rasmussen, Goings, Kohl-Welles, B. Sheldon and Patterson (by request of Governor Locke)

AN ACT Relating to standards for educator quality; amending RCW 28A.410.020, 28A.410.040, 28A.410.050, 28A.410.060, 28A.410.100, 28A.410.120, and 28A.305.130; reenacting and amending RCW 28A.410.010; adding new sections to chapter 28A.410 RCW; creating new sections; repealing RCW 28A.410.020; and declaring an emergency.
Referred to Committee on Education.

SB 6669 by Senators Finkbeiner, Brown, Rossi, Shin and Jacobsen

AN ACT Relating to timelines for businesses ordering telecommunications service; amending RCW 80.36.090; and prescribing penalties.
Referred to Committee on Energy, Technology and Telecommunications.

SB 6670 by Senator Jacobsen

AN ACT Relating to a local real estate excise tax for maintenance and operations; amending RCW 82.46.010; and reenacting and amending RCW 82.46.035.
Referred to Committee on State and Local Government.

SB 6671 by Senators Jacobsen, Winsley, Bauer, McAuliffe, Kline, Eide, Goings, Rasmussen and Kohl-Welles

AN ACT Relating to retirement benefits; and amending RCW 41.32.4986 and 41.40.191.
Referred to Committee on Ways and Means.

SB 6672 by Senators Kohl-Welles, Horn, T. Sheldon, Winsley, Prentice, Hale, Patterson, Eide, Brown and Shin

AN ACT Relating to agency advertisements; and amending RCW 43.330.092.
Referred to Committee on State and Local Government.

SB 6673 by Senators Kohl-Welles and Prentice

AN ACT Relating to the Washington state clinical depression in poverty study; creating new sections; and making an appropriation.
Referred to Committee on Health and Long-Term Care.

SB 6674 by Senators Goings, Winsley, Fairley, Kline, Gardner, Rasmussen, Franklin, Prentice, Long, Wojahn, Eide, Heavey, Thibaudeau, Roach, Spanel, T. Sheldon, Fraser, Snyder, Jacobsen, McAuliffe and Kohl-Welles

AN ACT Relating to providing a death benefit for members of the Washington public employees' retirement system; and adding a new section to chapter 41.40 RCW.
Referred to Committee on Ways and Means.

SB 6675 by Senators Brown, Hochstatter, Hargrove, Costa and Sheahan (by request of Governor Locke)

AN ACT Relating to the provision of telecommunications services by public utility districts and rural port districts; adding new sections to chapter 54.16 RCW; adding new sections to chapter 53.08 RCW; adding a new section to chapter 80.01 RCW; and creating a new section.
Referred to Committee on Energy, Technology and Telecommunications.

SB 6676 by Senators Finkbeiner and Brown (by request of Governor Locke)

AN ACT Relating to the use of city or town rights of way by telecommunications and cable television providers; amending RCW 35.21.860; reenacting and amending RCW 42.17.310; adding a new section to chapter 35A.21 RCW; and adding a new chapter to Title 35 RCW.
Referred to Committee on Energy, Technology and Telecommunications.

SB 6677 by Senators Brown and Finkbeiner (by request of Governor Locke)

AN ACT Relating to new procedures for alternative forms of regulation of telecommunications companies; amending RCW 80.36.135; and adding a new section to chapter 80.36 RCW.
Referred to Committee on Energy, Technology and Telecommunications.

SB 6678 by Senators Rasmussen, Roach, Patterson, West, Heavey, Deccio, Winsley, Honeyford, Snyder, Morton, T. Sheldon, Benton, Johnson, Gardner, McDonald, Stevens, Eide, Kohl-Welles, Bauer, Sheahan, Thibaudeau and Shin

AN ACT Relating to repealing sunset provisions for parimutuel wagering with respect to horse racing; and repealing RCW 43.131.395, 43.131.396, 67.16.095, 67.16.106, and 67.16.171.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6679 by Senator Kohl-Welles

AN ACT Relating to service standards for cable television subscribers; adding a new chapter to Title 19 RCW; and providing an effective date.
Referred to Committee on Energy, Technology and Telecommunications.

SB 6680 by Senators Rasmussen, Winsley, Gardner, Deccio, Heavey, Shin, Prentice, Hale, T. Sheldon, Sheahan, Swecker, Eide, Stevens, Fraser, Morton, Honeyford, Spanel, Jacobsen, B. Sheldon, Patterson and Oke

AN ACT Relating to developing recommendations for continued funding assistance of fairs and youth shows; creating new sections; providing an expiration date; and declaring an emergency.
Referred to Committee on Agriculture and Rural Economic Development.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6662 was referred to the Committee on State and Local Government.

MOTION

On motion of Senator Snyder, the following resolution was adopted:

SENATE RESOLUTION 2000-8699

By Senators Snyder, McAuliffe, Sheldon, B., Wojahn, Haugen, Heavey, Prentice, Costa, Bauer, Spanel, Rasmussen, and Kohl-Welles

WHEREAS, It is the policy of the Washington State Legislature to recognize and honor its past leaders and those individuals who, by their own standards of excellence and dedication to public service, advance the well-being and best interests of the citizens of the state of Washington; and

WHEREAS, Today marks the 90th anniversary of the birth of Governor Albert Dean Rosellini; and

WHEREAS, Governor Rosellini was born in Tacoma, Washington, graduating from that city's Stadium High School, going on to graduate from the University of Washington with a bachelor of arts degree and later graduating from that institution's school of law; and

WHEREAS, Governor Rosellini was appointed Deputy Prosecutor of King County in 1935 and held that office for three years achieving the highest record of convictions of any deputy; and

WHEREAS, In 1938, Governor Rosellini was elected to the office of State Senator to represent the 33rd Legislative District, a position he held for eighteen years, serving as Democratic floor leader for twelve years; and

WHEREAS, In 1956, Governor Rosellini was first elected Governor, an office he would hold for eight years; and

WHEREAS, During Governor Rosellini's two terms in office, he achieved substantial budget reform that increased accountability while decreasing inefficiencies and redundancies in government; and

WHEREAS, He achieved meaningful reform of the state's prisons, mental hospitals, and juvenile homes to modernize, upgrade, and humanize our state's treatment of convicts, the mentally ill, persons with developmental disabilities, the blind, and the deaf; and

WHEREAS, Governor Rosellini, during his terms as Governor, championed efforts to expand both of Washington's major institutions for higher education, established a sound community college system, and supported financing of higher education, be it vocational, liberal, or scientific; and

WHEREAS, The Governor was dedicated to the economic development of Washington and helped bring the World's Fair to Seattle in 1962; and

WHEREAS, The Governor has continued his public service as an appointee to the Washington State Transportation Commission from 1979 to 1991; chairing that body from 1990 to 1991; continuing his chairmanship, which began in 1979, of the Washington State Olympic Committee; and becoming Director of the Washington State Trade and Convention Center in 1993; and

WHEREAS, Governor Rosellini's experience, shared through stories, provides us with a treasured heritage as we continue to enact the laws of our state; and

WHEREAS, Governor Rosellini, through his many years of devoted public service, truly deserves to be recognized as "One of America's Great Governors";

NOW THEREFORE BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and honor Albert Dean Rosellini for his dedication to public service and innumerable contributions to the health and well-being of the people of the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Governor Albert Dean Rosellini.

Senators Snyder, McAuliffe, Prentice, Morton, Wojahn, Rasmussen and Kohl-Welles spoke to Senate Resolution 2000-8699.

MOTION

On motion of Senator Snyder, the following resolution was adopted:

SENATE RESOLUTION 2000-8696

By Senators Snyder, Spanel, Sheldon, B., West, Hale, Johnson, Costa, and Kohl-Welles

WHEREAS, Lynda Ann Ostrom was a highly regarded member of the community of Olympia, the community of public employees, the community of the Legislature, of our community; and

WHEREAS, Lynda was born August 5, 1951, in Downers Grove, Illinois, to Wilbert "Bill" and Henrietta "Henri" Ehlers; and

WHEREAS, Lynda grew up in the farmlands of northwestern Illinois, where she had many pets, including her favorite palomino, Sheba, who made the trip west with the Ehlers family when Lynda was 15; and

WHEREAS, Lynda came to love the mountains and the seas of western Washington, enjoying many shrimping trips on Hood Canal with her father and her brothers; and

WHEREAS, In 1978, Lynda married Bob Ostrom, and together they had many happy times enjoying the outdoor activities offered by our region; and

WHEREAS, Lynda had a long involvement in public service, working with elderly people in a nursing home, going on a medical mission to Jamaica as part of a dental services team, and working in the Code Reviser's Office for 20 years, where she soon rose to the position of Editor of the Washington Administrative Code; and

WHEREAS, Lynda loved all kinds of animals, going beyond ordinary dogs and cats to housebroken rabbits, pygmy goats, and her sister's emus and llamas; and

WHEREAS, Lynda thoroughly enjoyed entertaining at her home, spending a week each summer preparing for her annual theme parties, and even though she claimed to be stressed out by the whole thing, we knew she was in her glory of being a great hostess; and

WHEREAS, Lynda always found time for the really important things in life -- such as hugging the kids who came to visit her or delaying work in favor of going to Point Defiance or picking chanterelles; and

WHEREAS, Lynda brought out the best in people. She always greeted us with a cheerful "Hi ya" and a big smile, and if her greeting didn't brighten your day, her homegrown bouquets would surely catch your eye and remind you of warm sunny days; and

WHEREAS, Lynda loved her family and was very proud of them all, and especially enjoyed seeing her nephews grow and develop and give wisdom and maturity to their parents; and

WHEREAS, Lynda had a great many friends, both here on the hill and throughout the South Sound community, whose lives she touched and enlarged, whose children she influenced, who learned from her the true meaning of friendship -- crying together, laughing together, and sharing joy; and

WHEREAS, Lynda was one of those rare individuals who was a teacher by example. She nurtured the positive in us without judging the negative and her unconditional love of family and friends, of nature, of life, has set an example for all of us to follow; and

WHEREAS, Lynda fought against cancer for the last months of her life, finally passing from this physical world on January 6th, at her home with her family and friends around her;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the great accomplishments and contributions of Lynda Ann Ostrom, and extend its most sincere condolences to her family and friends for their deeply felt loss.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Linda Ostrom's husband, Bob, and her parents, Wilbert and Henrietta Ehlers, who were seated in the gallery.

MOTION

At 10:37 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:26 a.m. by President Owen.

MOTION

On motion of Senator Spanel, the following resolution was adopted:

SENATE RESOLUTION 2000-8692

By Senators Spanel, Gardner, Haugen, Bauer, Sheahan, Sellar, Hargrove, Shin, Sheldon, B, Fraser, Stevens, Jacobsen, Rasmussen, Brown, Kohl-Welles, Fairley, Winsley, McAuliffe, Wojahn, Franklin, Long, Loveland, Kline, Eide, Patterson, Thibaudeau, Johnson, Prentice, Roach, Swecker, Costa, Horn

WHEREAS, In 1893, the Washington State Legislature and Governor John H. McGraw established New Whatcom State Normal School in Bellingham to train future teachers; and

WHEREAS, Economic conditions in the late 1890s constrained state budgets and delayed provision of operating funds to the new school until after the 1898 Yukon Gold Rush; and

WHEREAS, In September of 1899, the first class of eighty-eight future teachers scaled Sehome Hill to begin classes, housed in one building atop a muddy, ten-acre site; and

WHEREAS, The new school, which initially helped students complete high school diplomas and one-year teaching certificates, evolved into a full-fledged college by 1933 when it began awarding bachelor's degrees in education, and four years later was renamed Western Washington College of Education; and

WHEREAS, By Western's fiftieth anniversary in 1949, the college had prepared more than twenty thousand teachers to serve the state's elementary, secondary, and college students and launched what became a half century of growth and change in response to demands of Washington's expanding population and increasing role in the nation's economy; and

WHEREAS, In the next three decades, Western more than tripled its enrollment, constructed fourteen new buildings, created five separate colleges, and developed a comprehensive liberal arts program leading to Western's designation as a university in 1977; and

WHEREAS, The University has grown to serve annually nearly twelve thousand students, taught by five hundred-fifty dedicated faculty in state-of-the-art facilities, including an award-winning science complex completed in 1996 on the southern edge of a 195-acre residential campus; and

WHEREAS, In the past decade, Western has established a national reputation as one of America's top public comprehensive universities for providing an enduring legacy of learning, well-designed to prepare graduates in the Class of 2000 and their successors for the twenty-first century;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the accomplishments of Western Washington University during this centennial academic year be recognized and that the

University and its more than one hundred-forty thousand alumni be honored for past and future contributions to the citizens of the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the President and each member of the Board of Trustees of Western Washington University.

Senators Spanel, Gardner and Kohl-Welles spoke to Senate Resolution 2000-8692.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the President of Western Washington University, Karen Morse, and University Trustees, Natalie Quick and Kevin Raymond, who were seated in the gallery.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the seventh order of business.

MOTION

On motion of Senator Eide, Senator Tim Sheldon was excused.

MOTION

On motion of Senator Honeyford, Senator Rossi was excused.

THIRD READING

SENATE BILL NO. 5542, by Senators B. Sheldon, Oke and T. Sheldon

Allowing counties to vote on an additional sales and use tax for emergency communication systems.

The bill was read the third time.

Senator Loveland spoke to Senate Bill No. 5542.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5542.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5542 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 6; Absent, 1; Excused, 7.

Voting yea: Senators Bauer, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 35.

Voting nay: Senators Benton, Hochstatter, Johnson, Roach, Stevens and Zarelli - 6.

Absent: Senator McCaslin - 1.

Excused: Senators Brown, Deccio, Finkbeiner, Hale, Rossi, Sellar and Sheldon, T. - 7.

SENATE BILL NO. 5542, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Goings was excused.

MOTION

On motion of Senator Honeyford, Senator McCaslin was excused.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5121, by Senate Committee on Natural Resources, Parks and Recreation (originally sponsored by Senator Hargrove)

Establishing a carbon storage program.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5121 was returned to second reading and read the second time.

MOTION

Senator Jacobsen moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) Companies that generate carbon dioxide emissions or manufacture products that emit carbon dioxide are purchasing carbon credits from landowners and from other companies in order to provide carbon credits. Companies that are purchasing carbon credits would benefit from a program to trade and to bank carbon credits. Washington forests are one of the most effective resources that can absorb carbon dioxide from the atmosphere. Forests, and other planted lands and waters, provide "carbon storage." Washington contains the most productive forests in the world and both public and private landowners could benefit from a carbon storage trading and banking program. The state should manage all lands and waters in a manner to allow marketing of those lands for carbon storage credits without negatively affecting the long-term production of public and private lands.

(2) The department of community, trade, and economic development, as lead agency in cooperation with the department of ecology, the department of agriculture, and the department of natural resources, will evaluate other states' and nations' attempts to establish carbon credit programs and will develop, by December 1, 2000, recommendations for the next regular session of the Washington state legislature. The departments shall review methods and scientific programs that are used to implement carbon storage programs. The departments will analyze other programs in the state of Washington, including the conservation reserve enhancement program, that could facilitate a carbon storage program and a stable carbon storage market.

(3) The department of natural resources and the department of community, trade, and economic development will jointly review carbon storage programs and carbon storage requirements world-wide and will prepare appropriate legislative responses as recommendations to the next regular session of the legislature by December 1, 2000.

(4) An advisory group shall be appointed by the agencies listed in subsection (2) of this section. The advisory group shall consist of one representative of the timber industry, one representative of the agricultural community, one representative of the industrial business community, one representative of private landowners, and an expert on carbon sequestration from the University of Washington. The advisory group shall be consulted by, and offer its advice to, the agencies listed in subsection (2) of this section on all matters addressed by this section. The agencies listed in subsection (2) of this section shall consider and include the input of the advisory group in all of their activities under this section.

(5) This section expires December 31, 2000."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Jacobsen to Substitute Senate Bill No. 5121.

The motion by Senator Jacobsen carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute Senate Bill No. 5121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5121.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5121 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 1; Absent, 0; Excused, 8.

Voting yea: Senators Bauer, Benton, Costa, Eide, Franklin, Fraser, Gardner, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 40.

Voting nay: Senator Fairley - 1.

Excused: Senators Brown, Deccio, Finkbeiner, Goings, Hale, McCaslin, Sellar and Sheldon, T. - 8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Oke was excused.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5340, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Benton, Jacobsen, Oke and Gardner (by request of Utilities and Transportation Commission)

Granting the utilities and transportation commission authority to inspect businesses that ship hazardous material by rail.

The bill was read the third time.

Senator Haugen spoke to Substitute Senate Bill No. 5340.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5340.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5340 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Bauer, Benton, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41.

Excused: Senators Brown, Deccio, Finkbeiner, Hale, McCaslin, Oke, Sellar and Sheldon, T. - 8.

SUBSTITUTE SENATE BILL NO. 5340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SENATE BILL NO. 5341, by Senators Haugen, Benton, Goings and Jacobsen (by request of Utilities and Transportation Commission)

Removing the exemptions for certain vehicles from the provisions of chapter 81.80 RCW.

The bill was read the third time.

Senator Haugen spoke to Senate Bill No. 5341.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5341.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5341 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Bauer, Benton, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41.

Excused: Senators Brown, Deccio, Finkbeiner, Hale, McCaslin, Oke, Sellar and Sheldon, T. - 8.

SENATE BILL NO. 5341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5378, by Senate Committee on Labor and Workforce Development (originally sponsored by Senators Wojahn, Fairley and Oke (by request of Department of Social and Health Services)

Changing service of process provisions for divisions of child support documents.

The bill was read the third time.

Senator Wojahn spoke to Substitute Senate Bill No. 5378.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5378.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5378 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Benton, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Excused: Senators Brown, Deccio, Finkbeiner, Hale, McCaslin, Sellar and Sheldon, T. - 7.

SUBSTITUTE SENATE BILL NO. 5378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 12:01 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon , Monday, January 24, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TWELFTH DAY, JANUARY 21, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIFTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 24, 2000

The Senate was called to order at 12:00 noon by President Pro Tempore Wojahn. No roll call was taken.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

January 20, 2000

SB 5152 Prime Sponsor, Senator Kline: Clarifying who are appointed personnel for the purpose of public employees' collective bargaining. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

January 20, 2000

SB 6123 Prime Sponsor, Senator B. Sheldon: Authorizing parking and business improvement areas to sponsor public events. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn and McCaslin.

Passed to Committee on Rules for second reading.

January 20, 2000

SB 6147 Prime Sponsor, Senator Jacobsen: Creating the Washington state parks gift foundation. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 6147 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

January 20, 2000

SB 6149 Prime Sponsor, Senator Jacobsen: Allowing the disposition of state forest lands without public auction. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 6149 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

January 20, 2000

SB 6154 Prime Sponsor, Senator Costa: Allowing county clerks to accept credit cards. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn and McCaslin.

Passed to Committee on Rules for second reading.

January 21, 2000

SB 6159 Prime Sponsor, Senator Fraser: Changing compensation for boards of directors for air pollution control authorities. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6159 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Passed to Committee on Rules for second reading.

January 21, 2000

SB 6168 Prime Sponsor, Senator Fairley: Requiring the department of social and health services to have a phone system that facilitates access to a departmental employee rather than voice mail. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

January 20, 2000

SB 6175 Prime Sponsor, Senator Jacobsen: Allowing the parks and recreation commission to dispose of certain real property without an auction. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 6175 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

January 20, 2000

SB 6176 Prime Sponsor, Senator Rasmussen: Changing warehouse receipts. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

January 19, 2000

SB 6199 Prime Sponsor, Senator Wojahn: Adopting a patient bill of rights. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6199 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Referred to Committee on Ways and Means.

January 21, 2000

SB 6207 Prime Sponsor, Senator Hargrove: Authorizing the secretary of the department of social and health services to take all actions necessary to carry out the purposes of the sexually violent predator law. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6207 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

January 21, 2000

SB 6208 Prime Sponsor, Senator Fraser: Extending the use of high occupancy vehicle lanes to clean-fuel vehicles. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6208 be substituted therefor, and the substitute bill do pass and be referred to Committee on Transportation. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen, Morton and Swecker.

Referred to Committee on Transportation.

January 21, 2000

SB 6209 Prime Sponsor, Senator Fraser: Authorizing a proposal for an environmental quality benchmarks program. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6209 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen, McAuliffe, Morton and Swecker.

Referred to Committee on Ways and Means.

January 21, 2000

SB 6261 Prime Sponsor, Senator Rasmussen: Limiting chlorine in drinking water. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6261 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Passed to Committee on Rules for second reading.

January 20, 2000

SB 6289 Prime Sponsor, Senator Patterson: Excusing political committees from keeping their books open on legal holidays. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6289 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn and McCaslin.

Passed to Committee on Rules for second reading.

January 21, 2000

SB 6349 Prime Sponsor, Senator Eide: Extending the expiration date of the water well delegation program. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6349 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Passed to Committee on Rules for second reading.

January 21, 2000

SB 6382 Prime Sponsor, Senator Thibaudeau: Protecting dependent persons. Reported by Committee on Judiciary

MAJORITY Recommendation: That the bill be referred to Committee on Health and Long-Term Care without recommendation. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Haugen, Johnson, Long, Roach, Thibaudeau and Zarelli.

Referred to Committee on Health and Long-Term Care.

January 20, 2000

SB 6399 Prime Sponsor, Senator Eide: Modifying the commute trip reduction tax credit. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Eide, Jacobsen, Johnson, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Benton and Heavey.

Referred to Committee on Ways and Means.

SB 6515 Prime Sponsor, Senator Heavey: Requiring mandatory arbitration in some counties. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Haugen, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6168 was referred to the Committee on Rules.

INTRODUCTION AND FIRST READING

SB 6681 by Senators T. Sheldon and Hargrove

AN ACT Relating to rural county planning goals under the growth management act; amending RCW 36.70A.320; and adding a new section to chapter 36.70A RCW.
Referred to Committee on State and Local Government.

SB 6682 by Senators Costa, Winsley and Kohl-Welles (by request of Department of Social and Health Services)

AN ACT Relating to workplace safety in state hospitals; amending RCW 72.23.010; adding new sections to chapter 72.23 RCW; creating a new section; and prescribing penalties.
Referred to Committee on Human Services and Corrections.

SB 6683 by Senators Franklin, Kline, Heavey, Thibaudeau and Costa

AN ACT Relating to reporting information on routine traffic enforcement; and adding a new section to chapter 46.63 RCW.
Referred to Committee on Judiciary.

SB 6684 by Senators Thibaudeau, Kline, Roach and Kohl-Welles

AN ACT Relating to the privacy of medical records; amending RCW 70.02.020, 70.02.050, and 70.02.170; and prescribing penalties.
Referred to Committee on Health and Long-Term Care.

SB 6685 by Senators Patterson and Horn (by request of Governor Locke)

AN ACT Relating to reports to the legislature; amending RCW 13.34.803, 13.40.430, 34.05.328, 43.20B.030, 43.63A.230, 70.119A.170, 74.09.310, 74.09.320, 74.13.031, 74.13.036, 74.14C.070, and 74.20A.035; reenacting and amending RCW 26.44.030; and repealing RCW 18.20.230, 43.20A.870, 70.128.210, 71.36.020, 74.14C.080, 74.20A.340, 75.50.030, 75.08.410, and 75.08.530.
Referred to Committee on State and Local Government.

SB 6686 by Senators Patterson, Horn, Oke, Roach and Kline (by request of Governor Locke)

AN ACT Relating to confidentiality of personal financial information; and reenacting and amending RCW 42.17.310.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6687 by Senators Prentice, Winsley, McDonald and T. Sheldon

AN ACT Relating to insurance coverage for port districts; amending RCW 48.30.270; and adding a new section to chapter 53.08 RCW.
Referred to Committee on State and Local Government.

SB 6688 by Senators Goings, Patterson, Haugen and Rasmussen

AN ACT Relating to fire district benefit charges; and amending RCW 52.18.050.
Referred to Committee on State and Local Government.

SB 6689 by Senators Haugen, Patterson, Winsley, Kline, Sheahan, Rasmussen and Kohl-Welles

AN ACT Relating to the use of funds derived from the real estate excise tax; amending RCW 82.46.010; and reenacting and amending RCW 82.46.035.
Referred to Committee on State and Local Government.

SB 6690 by Senators McCaslin and Oke

AN ACT Relating to independent commissions to set salaries for city and town mayors and councilmembers, and county commissioners and councilmembers; amending RCW 35.22.200 and 36.17.020; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.17 RCW; creating a new section; and declaring an emergency.
Referred to Committee on State and Local Government.

SB 6691 by Senators Loveland and Winsley (by request of Health Care Authority)

AN ACT Relating to creating the uniform medical plan trust account; and adding a new section to chapter 41.05 RCW.
Referred to Committee on Ways and Means.

SB 6692 by Senators Goings, Hochstatter, Rossi and Fairley

AN ACT Relating to conditions for transferring electric service from an electrical company; amending RCW 80.28.110; and adding a new section to chapter 80.28 RCW.
Referred to Committee on Energy, Technology and Telecommunications.

SB 6693 by Senators Horn, Haugen, Johnson and Oke

AN ACT Relating to the contracting of department of transportation services; amending RCW 41.06.150 and 41.06.380; adding a new section to chapter 47.04 RCW; and providing an effective date.
Referred to Committee on Labor and Workforce Development.

SB 6694 by Senators Wojahn, Swecker, T. Sheldon, Hargrove, Long, Oke, Winsley and Kohl-Welles

AN ACT Relating to establishing a foster parent retention pilot program; creating new sections; making appropriations; and providing an expiration date.
Referred to Committee on Human Services and Corrections.

SB 6695 by Senators T. Sheldon and Prentice

AN ACT Relating to public facility infrastructure development by Indian tribes; and amending RCW 82.14.370.

Referred to Committee on Ways and Means.

SB 6696 by Senator Patterson (by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to correcting obsolete references to the department of community, trade, and economic development; amending RCW 19.27.150, 19.27.097, 19.27.190, 27.34.310, 28A.300.160, 28B.06.030, 34.05.330, 35.02.260, 35.21.300, 35.21.687, 35.21.779, 36.34.137, 39.44.210, 39.44.230, 43.19.1920, 43.19.19201, 43.20A.037, 43.22.495, 43.70.530, 43.70.540, 43.79.201, 43.133.030, 43.133.050, 43.150.040, 43.280.011, 43.280.070, 43.310.020, 43.330.125, 43.330.135, 47.12.064, 47.50.090, 47.76.230, 53.36.030, 59.24.020, 59.24.050, 59.24.060, 66.08.195, 66.08.198, 67.38.070, 68.60.030, 70.05.125, 70.95.260, 70.95.265, 70.95.810, 70.105.020, 72.09.055, 72.65.210, 74.08A.010, 74.14B.060, 79A.30.050, 79A.50.100, 84.36.560, 88.02.053, 90.03.247, 19.27A.020, 19.29A.010, 28B.38.020, 28B.38.050, 43.17.065, 43.20A.750, 43.31.805, 43.63A.230, 43.88.093, 50.38.030, 67.28.8001, 43.06.115, 43.21J.030, 43.157.010, 43.157.030, 46.16.340, 43.220.070, 90.56.100, and 90.56.280; reenacting and amending RCW 43.105.020; reenacting RCW 48.50.040; creating new sections; decodifying RCW 35.22.660, 35.22.680, 35A.63.149, 35A.63.210, 36.32.520, 36.32.560, 36.70.675, 36.70.755, 70.95H.005, 70.95H.007, 70.95H.010, 70.95H.030, 70.95H.040, 70.95H.050, 70.95H.800, 70.95H.900, and 70.95H.901; repealing RCW 43.31.409, 43.168.010, 43.168.055, 43.168.060, 43.168.070, 43.168.090, 43.168.100, 43.168.110, 43.168.120, 43.168.130, 43.168.140, 43.168.150, and 43.168.900; and providing a contingent effective date.

Referred to Committee on State and Local Government.

SB 6697 by Senators Rossi, Benton, McDonald, Horn, West, Oke, Morton, Zarelli, Finkbeiner, Hale, Hochstatter, Swecker, Roach, Stevens, Johnson, Honeyford, Sheahan, Deccio and T. Sheldon

AN ACT Relating to property tax reform and relief; amending RCW 43.135.045, 84.55.050, 84.55.010, 84.52.067, 84.38.010, and 84.38.050; reenacting and amending RCW 43.84.092, 43.84.092, 43.84.092, and 84.55.005; adding a new section to chapter 84.55 RCW; adding a new section to chapter 84.38 RCW; creating new sections; repealing RCW 84.55.0101; providing effective dates; and providing an expiration date.

Referred to Committee on Ways and Means.

SB 6698 by Senators Thibaudeau, McDonald, Snyder, Winsley, Jacobsen, Rasmussen, Haugen, McAuliffe, Kohl-Welles and Costa

AN ACT Relating to citizen participation in the discussion of public issues; adding new sections to chapter 43.63A RCW; and providing an expiration date.

Referred to Committee on State and Local Government.

SB 6699 by Senators Brown, Fairley, Jacobsen, Patterson, Costa, Kline, Thibaudeau, Kohl-Welles and Eide

AN ACT Relating to leave to care for a child; amending RCW 50.29.020, 49.78.005, and 49.78.070; adding a new section to chapter 50.20 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Labor and Workforce Development.

SB 6700 by Senators Swecker, Rasmussen, Snyder, Eide, Hargrove, Roach, Honeyford, Jacobsen, Sheahan, Zarelli, Oke, Hochstatter, Fraser and Benton

AN ACT Relating to the sales and use tax exemption for coal-fired thermal electric generation facilities; and repealing RCW 82.08.812 and 82.12.812.

Referred to Committee on Energy, Technology and Telecommunications.

SB 6701 by Senators Prentice, Patterson, Benton, Zarelli, Loveland and Honeyford

AN ACT Relating to service contracts; and amending RCW 48.110.015.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6702 by Senators Jacobsen and Oke

AN ACT Relating to liability of volunteers; and adding new sections to chapter 4.24 RCW.

Referred to Committee on Judiciary.

SB 6703 by Senators Costa, Long, Hargrove, Winsley, Kline and Kohl-Welles (by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to defining core services for victims of sexual assault; and amending RCW 70.125.030.

Referred to Committee on Human Services and Corrections.

SB 6704 by Senators Benton, Roach and Finkbeiner

AN ACT Relating to taxation; adding a new section to chapter 43.135 RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Ways and Means.

SB 6705 by Senators Benton, Swecker, Morton and Horn

AN ACT Relating to placing time restrictions on the acceptance of political contributions for all candidates; and amending RCW 42.17.710.

Referred to Committee on State and Local Government.

SB 6706 by Senators Benton, Heavey and Horn

AN ACT Relating to the state patrol; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Transportation.

SB 6707 by Senators Benton, Deccio, Finkbeiner, Stevens, Zarelli, Roach and Hale

AN ACT Relating to the basic education allocation provided to special education students; amending RCW 28A.150.390; and creating new sections.

Referred to Committee on Education.

SB 6708 by Senators Horn, Rossi, Morton, Hochstatter, Swecker, Stevens, Sheahan and Benton

AN ACT Relating to sales and use tax equalization; amending RCW 82.14.030, 82.14.050, 82.14.060, 82.14.200, and 82.14.210; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6709 by Senator Horn

AN ACT Relating to municipal tax fairness; amending RCW 35.21.860; adding a new section to chapter 35.21 RCW; adding a new chapter to Title 35 RCW; creating a new section; recodifying RCW 35.21.717, 35.21.718, 35.21.840, and 35.21.845; and repealing RCW 35.21.706, 35.21.710, 35.21.711, 35.21.712, 35.21.714, 35.21.715, 35.21.850, 35.21.865, 35.21.870, and 35.21.871.

Referred to Committee on State and Local Government.

SB 6710 by Senators Sheahan, Swecker, Stevens, Rossi, Johnson, Zarelli, Morton, Hochstatter and Roach

AN ACT Relating to teacher training pilot programs; amending RCW 28B.80.620 and 28B.80.622; and providing expiration dates.
Referred to Committee on Higher Education.

SB 6711 by Senators Sheahan, Oke, Stevens, Honeyford, Zarelli, Rossi, Johnson, Morton, Long, Hochstatter, Swecker and Roach

AN ACT Relating to a property tax exemption for farm equipment; and adding a new section to chapter 84.36 RCW.
Referred to Committee on Agriculture and Rural Economic Development.

SB 6712 by Senators Sheahan, McCaslin and Morton

AN ACT Relating to railroad rights of way in the Spokane Valley; creating a new section; and providing an expiration date.
Referred to Committee on Transportation.

SB 6713 by Senators Patterson, Horn and Winsley (by request of Secretary of State Munro)

AN ACT Relating to quality awards; amending RCW 43.07.290; adding a new section to chapter 43.06 RCW; recodifying RCW 43.07.290; and repealing RCW 43.07.295.
Referred to Committee on State and Local Government.

SB 6714 by Senator Thibaudeau

AN ACT Relating to continuing education requirements for respiratory care practitioners; and amending RCW 18.89.140.
Referred to Committee on Health and Long-Term Care.

SB 6715 by Senators Eide, Swecker, Fraser, Costa, Rasmussen, Morton, Patterson, Kline, Jacobsen and Kohl-Welles

AN ACT Relating to recycling and waste reduction; amending RCW 43.19A.020, 70.95.010, 70.95.030, 70.95.090, 70.95.280, 70.95.290, and 70.95.810; adding a new section to chapter 43.19A RCW; adding a new section to chapter 39.04 RCW; adding a new section to chapter 81.77 RCW; and prescribing penalties.
Referred to Committee on Environmental Quality and Water Resources.

SJR 8214 by Senators Wojahn, McDonald, Loveland and Winsley

Amending the Constitution to allow certain trust fund moneys to be invested as authorized by the legislature.

Referred to Committee on Health and Long-Term Care.

SJR 8215 by Senators Benton, Johnson and Roach

Amending the Constitution to require voter approval on tax or fee increases.

Referred to Committee on Ways and Means.

SCR 8425 by Senators Kohl-Welles and Sheahan (by request of Higher Education Coordinating Board)

Adopting the recommendations of the higher education coordinating board's year 2000 update of the master plan.

Referred to Committee on Higher Education.

MOTIONS

On motion of Senator Betti Sheldon, Senate Bill No. 6691 was referred to the Committee on Ways and Means.

On motion of Senator Betti Sheldon, Senate Bill No. 6700 was referred to the Committee on Energy, Technology and Telecommunications.

MOTION

At 12:03 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Tuesday, January 25, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTEENTH DAY, JANUARY 24, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

SIXTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 25, 2000

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

January 24, 2000

SB 5150 Prime Sponsor, Senator McCaslin: Authorizing county commissioners to be elected by the voters of each commissioner district. Reported by Committee on State and Local Government

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Horn and McCaslin.

Passed to Committee on Rules for second reading.

January 24, 2000

ESSB 5659 Prime Sponsor, Senate Committee on Judiciary: Changing mandatory arbitration of civil actions. Reported by Committee on Judiciary

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5659 be substituted therefor, and the second substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long and McCaslin.

Passed to Committee on Rules for second reading.

January 24, 2000

SB 6010 Prime Sponsor, Senator West: Creating operating fees waivers not supported by state general fund appropriations. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules for second reading.

January 24, 2000

SB 6106 Prime Sponsor, Senator McCaslin: Providing a procedure to fill temporary vacancies in the legislature due to incapacity. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6106 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen and McCaslin.

Passed to Committee on Rules for second reading.

January 24, 2000

SB 6157 Prime Sponsor, Senator Patterson: Modifying the definition of "city" for the multiple-unit dwellings property tax exemption. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen and Horn.

Referred to Committee on Ways and Means..

January 24, 2000

SB 6186 Prime Sponsor, Senator Heavey: Revising Article 9 of the Uniform Commercial Code. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 6186 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

January 24, 2000

SB 6190 Prime Sponsor, Senator Patterson: Promoting expeditious resolution of public use disputes in eminent domain proceedings. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Long and McCaslin.

Passed to Committee on Rules for second reading.

January 24, 2000

SB 6219 Prime Sponsor, Senator Rasmussen: Authorizing treasurer services for conservation districts. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6219 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 24, 2000

SB 6248 Prime Sponsor, Senator Heavey: Requiring certification of parking meters. Reported by Committee on State and Local Government

MAJORITY Recommendation: That the bill be referred to the Committee on Judiciary without recommendation. Signed by: Senators Patterson, Chair, Gardner, Vice Chair; Hale, Haugen, Horn and McCaslin.

Referred to Committee on Judiciary.

January 24, 2000

SB 6251 Prime Sponsor, Senator Rasmussen: Regulating horticultural plants and facilities. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 24, 2000

SB 6252 Prime Sponsor, Senator Rasmussen: Regulating structural pest inspections. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 24, 2000

SB 6253 Prime Sponsor, Senator Rasmussen: Regulating custom meat slaughter and preparation. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 24, 2000

SB 6254 Prime Sponsor, Senator Rasmussen: Modifying the taxation of natural or manufactured gas. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6254 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder, Stevens and Swecker.

Referred to Committee on Ways and Means.

January 24, 2000

SB 6274 Prime Sponsor, Senator Patterson: Harmonizing procedures for replacement absentee and mail ballots. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn and McCaslin.

Passed to Committee on Rules for second reading.

January 24, 2000

SB 6276 Prime Sponsor, Senator Snyder: Authorizing inclusion of cities and towns within emergency medical service districts. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6276 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn and McCaslin.

Passed to Committee on Rules for second reading.

January 24, 2000

SB 6280 Prime Sponsor, Senator Haugen: Reporting on archaeology and historic preservation. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn and McCaslin.

Passed to Committee on Rules for second reading.

January 24, 2000

SB 6295 Prime Sponsor, Senator Heavey: Changing garnishment proceedings. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 6295 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Costa, Goings, Hargrove, Haugen, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

January 24, 2000

SB 6310 Prime Sponsor, Senator Gardner: Increasing government accountability through the state sunset review process. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6310 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn and McCaslin.

Passed to Committee on Rules for second reading.

January 24, 2000

SB 6379 Prime Sponsor, Senator Heavey: Disallowing financial awards against administrative tribunals. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Johnson, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

January 24, 2000

SB 6436 Prime Sponsor, Senator Patterson: Prohibiting the display of wild and exotic animals for public entertainment or amusement. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: That the bill be referred to Committee on Commerce, Trade, Housing and Financial Institutions Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice and Snyder.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

January 24, 2000

SB 6542 Prime Sponsor, Senator Kline: Providing for citizen enforcement of health and environmental laws. Reported by Committee on Judiciary

MAJORITY Recommendation: That the bill be referred to Committee on Environmental Quality and Water Resources without recommendation. Signed by Senators Heavey, Chair; Kline, Vice Chair; Goings, Costa, Haugen, Johnson, Long, McCaslin, Roach and Thibaudeau.

Referred to Committee on Environmental Quality and Water Resources..

January 24, 2000

SJR 8207 Prime Sponsor, Senator McCaslin: Extending length of legislative terms. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Vice Chair; Hale, Horn and McCaslin.

Passed to Committee on Rules for second reading.

January 24, 2000

SCR 8418 Prime Sponsor, Senator Hargrove: Reviewing state sentencing policy. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Concurrent Resolution No. 8418 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Long, McCaslin and Thibaudeau.

Referred to Committee on Ways and Means.

January 24, 2000

SCR 8422 Prime Senator, Senator T. Sheldon: Creating a committee to improve tribal relations. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Concurrent Resolution No. 8422 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Betti Sheldon, Senate Concurrent Resolution No. 8418 was referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 24, 2000

GA 9215 JOHN AUSTIN, appointed July 26, 1999, for a term ending April 15, 2004, as Chair of the Indeterminate Sentence Review Board.

Reported by Committee on Judiciary

MAJORITY Recommendation: That said appointment b confirmed. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Johnson, Long, McCaslin, Roach and Thibaudeau.

Passed to the Committee on Rules.

January 24, 2000

GA 9304 MARTY BROWN, appointed November 20, 1999, for a term ending at the pleasure of the Governor, as Director of the Office of Financial Management.

Reported by Committee on Ways and Means

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Kohl-Welles, Long, Rasmussen, Rossi, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

Passed to the Committee on Rules.

January 24, 2000

GA 9305 CHARLIE BRYDON, appointed January 3, 2000, for a term ending March 1, 2005, as Chair of the Board of Tax Appeals.

Reported by Committee on Ways and Means

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Kline, Kohl-Welles, Long, Rasmussen, Rossi, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

Passed to the Committee on Rules.

MESSAGE FROM STATE ACTUARY

WASHINGTON STATE LEGISLATURE
OFFICE OF THE STATE ACTUARY
Gerald B. Allard, State Actuary

January 20, 2000

Senator Valoria Loveland, Chair, Senate Ways and Means Committee
Representative Tom Huff, Co-Chair, House Appropriations Committee
Representative Helen Sommers, Co-Chair, House Appropriations Committee
Mr. Tony Cook, Secretary of the Senate
Mr. Tim Martin, Co-Chief Clerk of the House of Representatives
Ms. Cynthia Zehnder, Co-Chief Clerk of the House of Representatives

I am pleased to provide the results of the "Higher Education Retirement Plan Study" to the 2000 Legislature. This report is in response to the legislative directive contained in Section 105 of Engrossed Substitute Senate Bill No. 5180 (Chapter 309, Laws of 1999).

The focus of this study was two-fold. First, to determine the level of retirement benefits which can reasonably be expected in light of contributions currently being made to the state Higher Education Retirement Plans (HERP). Second, to explore the impact of allowing part time faculty to participate in HERP. Specifically, the Legislature directed this office to evaluate whether participants who worked less than full time would be more likely to qualify for the state-funded Supplemental Benefit than full time participants.

We will be pleased to answer any questions and provide additional information if desired.

Sincerely,

GERALD B. ALLARD, State Actuary

The State Actuary Report on the "Higher Education Retirement Plan Study" is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

August 23, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Nancy Truitt Pierce, to be reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Everett Community College District No. 5.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Higher Education.

INTRODUCTION AND FIRST READING

SB 6716 by Senators McCaslin, Patterson, Horn, Haugen, Kline, Benton, Franklin, Oke, Rasmussen, Winsley and Hale

AN ACT Relating to creating the growth management infrastructure account; reenacting and amending RCW 43.84.092; adding a new section to chapter 36.70A RCW; creating a new section; and providing an effective date.

Referred to Committee on State and Local Government.

SB 6717 by Senator Hochstatter

AN ACT Relating to payment of wages; and amending RCW 49.46.020.

Referred to Committee on Labor and Workforce Development.

SB 6718 by Senators Thibaudeau, Horn, Patterson, Costa, Kohl-Welles, Kline and Jacobsen

AN ACT Relating to a sales and use tax for regional transit authorities; adding a new section to chapter 82.14 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Transportation.

SB 6719 by Senator Morton

AN ACT Relating to allotments by the state board of education for school plant facilities; and amending RCW 28A.525.168.

Referred to Committee on Education.

SB 6720 by Senators Rasmussen, Stevens, Honeyford, Swecker, Loveland and Snyder

AN ACT Relating to the Washington state beef commission; amending RCW 16.67.040, 16.67.090, 16.67.100, 16.67.110, 16.67.120, 16.67.122, and 16.67.130; and repealing RCW 16.67.150.

Referred to Committee on Agriculture and Rural Economic Development.

SB 6721 by Senator Patterson (by request of State Board for Community and Technical Colleges)

AN ACT Relating to the office of financial management's budgeting, accounting, and reporting requirements for state agencies; and amending RCW 43.88.160.

Referred to Committee on State and Local Government.

SB 6722 by Senators Hargrove, Snyder, Stevens, Rasmussen and Oke

AN ACT Relating to false reports of child abuse or neglect; amending RCW 26.44.020 and 26.44.031; and adding a new section to chapter 26.44 RCW.

Referred to Committee on Human Services and Corrections.

SB 6723 by Senators Thibaudeau, Costa and Kohl-Welles

AN ACT Relating to assault pay for juvenile rehabilitation community counselors; and amending RCW 72.01.045.
Referred to Committee on Human Services and Corrections.

SB 6724 by Senators Hale, Loveland, Rossi, West, Snyder and Rasmussen

AN ACT Relating to exempting privatization contracts for the treatment of radioactive waste and hazardous substances from property taxes; and adding a new section to chapter 84.36 RCW.
Referred to Committee on Ways and Means.

SB 6725 by Senators Hochstatter, Swecker, Sheahan, Honeyford and Oke.

AN ACT Relating to freezing unemployment insurance benefits and contributions; amending RCW 50.24.010, 50.29.025, and 50.20.120; creating new sections; providing an expiration date; and declaring an emergency.
Referred to Committee on Labor and Workforce Development.

SB 6726 by Senators Honeyford, Jacobsen, Swecker, Hochstatter, Roach, Stevens and Hale

AN ACT Relating to clarifying water right permit processing; adding a new section to chapter 90.03 RCW; and adding a new section to chapter 90.44 RCW.
Referred to Committee on Environmental Quality and Water Resources.

SB 6727 by Senators McCaslin and Horn

AN ACT Relating to payment of benefits for judges; and amending RCW 2.08.092 and 2.06.062.
Referred to Committee on Judiciary.

SB 6728 by Senators T. Sheldon, Morton, Rasmussen and Oke

AN ACT Relating to public utility rights of way on aquatic lands; and amending RCW 79.90.470.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6729 by Senator Finkbeiner

AN ACT Relating to teacher assessment for certification; adding new sections to chapter 28A.410 RCW; creating a new section; repealing RCW 28A.410.020; and providing an effective date.
Referred to Committee on Education.

SB 6730 by Senators Goings, Rossi, Costa, Kohl-Welles, Rasmussen and Oke.

AN ACT Relating to participation in health care authority insurance plans and contracts by surviving spouses and dependent children of emergency service personnel killed in the line of duty; amending RCW 41.05.011, 41.05.011, and 41.05.080; providing an effective date; and providing an expiration date.
Referred to Committee on Ways and Means.

SB 6731 by Senators Spanel and Gardner

AN ACT Relating to Lake Whatcom; and creating a new section.
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6732 by Senators Spanel, Haugen and Sellar

AN ACT Relating to tourism-related facilities; and amending RCW 67.28.080.

Referred to Committee on State and Local Government.

SB 6733 by Senators Goings and Rasmussen

AN ACT Relating to the refusal to take a breathalyzer test; amending RCW 46.63.020; reenacting and amending RCW 46.20.308; adding a new section to chapter 46.61 RCW; and prescribing penalties.
Referred to Committee on Judiciary.

SB 6734 by Senator Costa

AN ACT Relating to coverage of patient costs for participation in clinical trials; adding new sections to chapter 48.43 RCW; and creating a new section.
Referred to Committee on Health and Long-Term Care.

SB 6735 by Senators Fraser, Kline and Thibaudeau

AN ACT Relating to infertility diagnosis and treatment; and adding a new section to chapter 48.43 RCW.
Referred to Committee on Health and Long-Term Care.

SB 6736 by Senators Haugen, Goings, Sheahan, Fairley and Rasmussen (by request of Washington State Patrol)

AN ACT Relating to surplus balance investment earnings; reenacting and amending RCW 43.79A.040, 43.84.092, 43.84.092, and 43.84.092; providing an effective date; and providing an expiration date.
Referred to Committee on Ways and Means.

SB 6737 by Senators Goings, Costa and Rasmussen (by request of Washington State Patrol)

AN ACT Relating to submission of unidentified persons information; and amending RCW 68.50.330.
Referred to Committee on Judiciary.

SB 6738 by Senators Goings and Rasmussen (by request of Washington State Patrol)

AN ACT Relating to fire sprinkler systems; and amending RCW 18.160.030 and 18.160.040.
Referred to Committee on State and Local Government.

SB 6739 by Senators Goings, Sheahan, Winsley and Costa (by request of Washington State Patrol)

AN ACT Relating to missing persons record retention policies; and amending RCW 68.50.320.
Referred to Committee on Judiciary.

SB 6740 by Senators Fraser, Long, Hale, Kohl-Welles and Rasmussen (by request of Washington State Patrol)

AN ACT Relating to service credit for a member of the Washington state patrol retirement system during paid leave of absence; adding a new section to chapter 43.43 RCW; and creating a new section.
Referred to Committee on Ways and Means.

SB 6741 by Senators Horn, Fairley, Winsley and Oke (by request of Washington State Patrol)

AN ACT Relating to the organized crime advisory board; and amending RCW 43.43.858.
Referred to Committee on Judiciary.

SJR 8216 by Senators McCaslin and Horn

Amending the state Constitution with respect to judge salaries and benefits.

Referred to Committee on Judiciary.

MOTION

At 12:04 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, January 26, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTEENTH DAY, JANUARY 25, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 26, 2000

The Senate was called to order at 10:00 a.m. by Vice President Pro Tempore Bauer. The Secretary called the roll and announced to the Vice President Pro Tempore that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Alex Williams and Amy Rose Derby, presented the Colors. Chaplain Christopher Lensch, of the Washington Air National Guard, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

January 24, 2000

SSB 5212 Prime Sponsor, Senate Committee on Education: Providing for school safety plans. Reported by Committee on Education

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5212 be substituted therefor, and the second substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Brown, Finkbeiner, Goings, Kohl-Welles, Rasmussen, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

January 25, 2000

ESB 5881 Prime Sponsor, Senator Thibaudeau: Regulating youth access to tobacco products. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5881 as recommended by the Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Long, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

January 25, 2000

SB 6034 Prime Sponsor, Senator Brown: Restricting information about cable subscribers. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 6034 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser and Roach.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

January 25, 2000

SB 6199 Prime Sponsor, Senator Wojahn: Adopting a patient bill of rights. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6199 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

January 24, 2000

SB 6206 Prime Sponsor, Senator Spanel: Requiring that schools be notified of firearm violations by students. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Brown, Finkbeiner, Goings, Kohl-Welles, Rasmussen and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

January 25, 2000

SB 6210 Prime Sponsor, Senator Fraser: Making technical and clarifying amendments to oil spill prevention and response statutes. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6210 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Passed to Committee on Rules for second reading.

January 24, 2000

SB 6402 Prime Sponsor, Senator Fairley: Enacting the civil service reform act of 2000. Reported by Committee on Labor and Workforce Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Hochstatter and Oke.

Referred to Committee on Ways and Means.

January 24, 2000

SB 6417 Prime Sponsor, Senator McAuliffe: Requiring establishment of a toll-free educational help line. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Brown, Finkbeiner, Hochstatter, Kohl-Welles, Rasmussen, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

January 24, 2000

SB 6478 Prime Sponsor, Senator McAuliffe: Developing training requirements for handlers of food in schools. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6478 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Goings, Kohl-Welles and Rasmussen.

MINORITY Recommendation**:** Do not pass. Signed by Senators Finkbeiner, Hochstatter, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6402 was referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 25, 2000

GA 9125 RICHARD HEMSTAD, appointed January 2, 1999, for a term ending January 1, 2005, as a member of the Utilities and Transportation Commission.
Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser, Hochstatter, Roach and Rossi.

Passed to the Committee on Rules.

January 25, 2000

GA 9200 MARILYN SHOWALTER, appointed February 17, 1999, for a term ending January 1, 2003, as Chair of the Utilities and Transportation Commission.

Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser, Hochstatter, Roach and Rossi.

Passed to the Committee on Rules.

January 25, 2000

GA 9257 STEVE KOLODNEY, appointed October 4, 1999, for a term ending at the Governor's pleasure, as Director of the Department of Information Services.

Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser, Hochstatter, Roach and Rossi.

Passed to the Committee on Rules.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

June 1, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Sinnamon Teirney, appointed June 1, 1999, for a term ending May 31, 2000, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 1, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Lee Kraft Cressman, appointed October 1, 1999, for a term ending September, 30, 2004, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

INTRODUCTION AND FIRST READING

SB 6742 by Senators Costa, Hargrove, Long, Winsley and Patterson

AN ACT Relating to the rights of victims of juvenile offenders; and amending RCW 7.69.020, 13.40.010, 13.40.020, 13.40.070, 13.40.077, 13.40.080, and 13.40.160.
Referred to Committee on Human Services and Corrections.

SB 6743 by Senators Costa, Hargrove, Long and Winsley

AN ACT Relating to limitations on sealing of juvenile offender records; amending RCW 13.50.050; and creating a new section.
Referred to Committee on Human Services and Corrections.

SB 6744 by Senators Goings and Costa

AN ACT Relating to sentencing enhancements for armor piercing ammunition and body armor; amending RCW 9.94A.125; reenacting and amending RCW 9.94A.310; and prescribing penalties.
Referred to Committee on Judiciary.

SB 6745 by Senators Shin, Roach, Kohl-Welles, Finkbeiner, McAuliffe, Jacobsen, Winsley, Stevens, Oke and Rasmussen

AN ACT Relating to enhanced enforcement of the citizenship requirement for voter registration; amending RCW 36.27.020, 29.07.005, 29.07.070, and 29.08.060; and prescribing penalties.
Referred to Committee on State and Local Government.

SB 6746 by Senators Wojahn, Winsley, Thibaudeau, Deccio and Kohl-Welles

AN ACT Relating to immunizations at long-term care facilities; adding a new chapter to Title 70 RCW; and providing an effective date.
Referred to Committee on Health and Long-Term Care.

SB 6747 by Senators Kohl-Welles, Jacobsen, Sheahan, Shin, B. Sheldon, McAuliffe, Horn, Finkbeiner, Winsley, Costa and Rasmussen

AN ACT Relating to establishing a working relationship between the high technology industry and the higher education community; creating a new section; and providing an expiration date.
Referred to Committee on Higher Education.

SB 6748 by Senators Sellar, Patterson, McCaslin and T. Sheldon

AN ACT Relating to increasing a city or town debt limit for purposes of financing capital facilities associated with economic development; amending RCW 39.36.020; and declaring an emergency.
Referred to Committee on State and Local Government.

SB 6749 by Senators Long, Hargrove, Haugen, Stevens, Winsley, McAuliffe and Patterson

AN ACT Relating to chemical dependency; and amending RCW 70.96A.020, 70.96A.050, 70.96A.120, and 70.96A.140.
Referred to Committee on Human Services and Corrections.

SB 6750 by Senator Prentice

AN ACT Relating to boxing, kickboxing, martial arts, and wrestling; and amending RCW 67.08.015.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6751 by Senators Haugen, Goings, Gardner, Patterson, Shin, Costa, Bauer and Prentice

AN ACT Relating to transportation revenue; and creating a new section.
Referred to Committee on Transportation.

SB 6752 by Senators Haugen, Goings, Gardner, Patterson, Shin, Costa, Bauer and Prentice

AN ACT Relating to transportation revenue; and creating a new section.
Referred to Committee on Transportation.

SB 6753 by Senators Haugen, Goings, Gardner, Patterson, Shin, Costa, Eide, Bauer and Prentice

AN ACT Relating to transportation funds and accounts; and creating a new section.
Referred to Committee on Transportation.

SB 6754 by Senators Haugen, Goings, Gardner, Patterson, Shin, Costa, Eide, Bauer and Prentice

AN ACT Relating to transportation funding and appropriations; and creating a new section.
Referred to Committee on Transportation.

SB 6755 by Senators Haugen, Gardner, Patterson, Shin, Costa, Morton, Horn, Bauer, Prentice and Benton

AN ACT Relating to the state patrol highway account; amending RCW 43.43.115, 46.01.140, 46.16.010, 46.32.090, 46.32.100, 46.68.030, 46.68.035, 47.68.255, 63.35.040, 63.35.050, 82.48.020, 82.49.010, and 88.02.118; reenacting and amending RCW 43.84.092 and 46.61.5054; creating a new section; providing an effective date; providing a retroactive effective date; and declaring an emergency.
Referred to Committee on Transportation.

SB 6756 by Senators Gardner, Haugen, Horn, Goings, Patterson, Shin, Costa, Morton, Bauer, Prentice and Benton

AN ACT Relating to disposition of vehicle license fees; amending RCW 46.68.030; providing a retroactive effective date; and declaring an emergency.
Referred to Committee on Transportation.

SB 6757 by Senators Haugen, Gardner, Goings, Shin, Patterson, Costa, Jacobsen, Bauer, Kline, Spanel and Prentice

AN ACT Relating to the multimodal fund; amending RCW 46.68.035 and 46.01.140; adding a new section to chapter 46.68 RCW; providing an effective date; and declaring an emergency.
Referred to Committee on Transportation.

SB 6758 by Senators Haugen, Gardner, Goings, Shin, Patterson, Costa, Eide, Jacobsen, Bauer, Kline, Spanel and Prentice

AN ACT Relating to the multimodal fund for transportation; adding a new chapter to Title 82 RCW; and declaring an emergency.
Referred to Committee on Transportation.

SB 6759 by Senators Jacobsen, Swecker, Bauer, Kline and Rasmussen

AN ACT Relating to school district levies; and amending RCW 84.52.053.
Referred to Committee on Education.

SB 6760 by Senator Prentice (by request of Insurance Commissioner Senn)

AN ACT Relating to the safeguarding of securities of domestic insurance companies, health care service contractors, health maintenance organizations, and health carriers; amending RCW 48.04.010 and 48.04.020; and adding new sections to chapter 48.13 RCW.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6761 by Senator Hargrove (by request of Department of Corrections)

AN ACT Relating to agreements for the operation of correctional facilities and programs in any other state; amending RCW 72.68.010 and 72.68.040; adding a new section to chapter 72.68 RCW; and declaring an emergency.
Referred to Committee on Human Services and Corrections.

SB 6762 by Senators Fraser and Rasmussen

AN ACT Relating to clarifying retirement provisions with respect to employees that provide both police and fire duties; amending RCW 41.26.450; and reenacting and amending RCW 41.26.030.
Referred to Committee on Ways and Means.

SB 6763 by Senators Finkbeiner, Hochstatter, Stevens and Oke

AN ACT Relating to common school and higher education construction and renovation; amending RCW 67.70.040, 67.70.240, 39.42.060, 39.42.070, and 39.12.020; adding a new section to chapter 43.79 RCW; adding a new section to chapter 43.135 RCW; and providing an effective date.
Referred to Committee on Ways and Means.

SB 6764 by Senator Snyder (by request of Office of Financial Management)

AN ACT Relating to the director of financial management; amending RCW 43.88.160, 79.44.040, 79.44.050, 79.44.070, 79.44.080, and 79.44.140; and repealing RCW 79.44.180.
Referred to Committee on State and Local Government.

SB 6765 by Senators Kline, Winsley, Wojahn, McDonald, Bauer and Costa

AN ACT Relating to services and community placement for persons with developmental disabilities; amending RCW 71A.20.080 and 71A.12.010; and creating a new section.
Referred to Committee on Health and Long-Term Care.

SB 6766 by Senator Fairley (by request of Department of Labor and Industries)

AN ACT Relating to employer reporting of claims; amending RCW 51.28.010, 51.28.020, and 51.28.025; adding a new section to chapter 51.28 RCW; creating a new section; and providing an effective date.
Referred to Committee on Labor and Workforce Development.

SB 6767 by Senator Fairley (by request of Department of Labor and Industries)

AN ACT Relating to vocational rehabilitation; amending RCW 51.32.095; adding new sections to chapter 51.32 RCW; providing an effective date; and providing an expiration date.
Referred to Committee on Labor and Workforce Development.

SB 6768 by Senators Prentice and Rasmussen

AN ACT Relating to a central filing system for farm products; amending RCW 62A.9-307; adding new sections to Title 62A RCW; creating a new section; and providing an effective date.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6769 by Senator Sheahan

AN ACT Relating to appropriations for transit systems; and adding a new section to chapter 43.88 RCW.
Referred to Committee on Transportation.

SB 6770 by Senators Kohl-Welles, Sheahan and Costa (by request of State Board for Community and Technical Colleges)

AN ACT Relating to the exceptional faculty awards program; and amending RCW 28B.50.841.
Referred to Committee on Higher Education.

SB 6771 by Senator Prentice (by request of Insurance Commissioner Senn)

AN ACT Relating to the merger, acquisition, rehabilitation, and restructuring of health carriers; and creating a new section.
Referred to Committee on Health and Long-Term Care.

SB 6772 by Senators Johnson, Zarelli, Hargrove, T. Sheldon, Hochstatter, Stevens and Oke

AN ACT Relating to assisting parents in home-based instruction; adding a new section to chapter 28A.300 RCW; and adding a new section to chapter 28A.320 RCW.
Referred to Committee on Education.

SB 6773 by Senators Haugen and Bauer

AN ACT Relating to county road construction projects; and amending RCW 36.77.065.
Referred to Committee on Transportation.

SB 6774 by Senators Haugen and Bauer

AN ACT Relating to railroad right of way trespassing; amending RCW 9A.52.010; adding a new section to chapter 9A.52 RCW; and prescribing penalties.
Referred to Committee on Transportation.

SB 6775 by Senators Patterson, Horn, Haugen, Shin, Prentice, Goings, Gardner and Costa

AN ACT Relating to filing of reports with the public disclosure commission; amending RCW 42.17.065, 42.17.080, 42.17.369, 42.17.3691, and 42.17.461; and adding a new section to chapter 42.17 RCW.
Referred to Committee on State and Local Government.

SB 6776 by Senators Eide, Morton, Jacobsen and Fraser

AN ACT Relating to schedules for the adoption or amendment of shoreline master programs; and amending RCW 90.58.080.
Referred to Committee on Environmental Quality and Water Resources.

SB 6777 by Senator Swecker

AN ACT Relating to impoundment of vehicles violating mandatary insurance laws; amending RCW 46.30.020, 46.55.010, 46.55.080, 46.55.100, 46.55.110, and 46.55.113; and reenacting and amending RCW 46.55.120.

Referred to Committee on Transportation.

SB 6778 by Senator Patterson

AN ACT Relating to the board of commissioners of a water-sewer district; amending RCW 57.12.015; and repealing RCW 57.08.110.

Referred to Committee on State and Local Government.

SB 6779 by Senators Patterson, Swecker, Rasmussen, Spanel, Kline and Jacobsen

AN ACT Relating to wetlands mitigation; adding a new section to chapter 90.74 RCW; adding a new chapter to Title 90 RCW; and creating new sections.

Referred to Committee on Environmental Quality and Water Resources.

SB 6780 by Senators Patterson, Brown, Kohl-Welles, Thibaudeau, Kline, McCaslin, Winsley, McAuliffe and Rasmussen

AN ACT Relating to children with special needs; adding new sections to chapter 74.13 RCW; adding a new section to chapter 70.05 RCW; and creating a new section.

Referred to Committee on Human Services and Corrections.

SJM 8024 by Senators Gardner, Deccio, Haugen, Oke, Shin, Costa and Patterson

Requesting the federal government to maintain current airport tower staffing.

Referred to Committee on Transportation.

MOTION

At 10:12 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:10 a.m. by Vice President Pro Tempore Bauer.

PRESENTATION OF FLAGS

In honor of retiring Major General Gregory P. Barlow and Senate Resolution 2000-8700, the flags were presented again by the National Guard Color Guard, consisting of Sergeant at Arms Douglas Karnitz and Sergeants Kevin Childs, Liz McIntyre, Alicia Burgett and Victoria Tyson. The National Anthem was sung by Staff Sergeant Marvin Shields.

MOTION

On motion of Senator Johnson, the remarks on the adoption of Senate Resolution 2000-8700 will be spread upon the Journal.

SENATE RESOLUTION 2000-8700

By Senator Stevens, Zarelli, Heavey, Rasmussen, McCaslin, West, Hale, Winsley, Shin, Thibaudeau, Long, Jacobsen, McDonald, Kohl-Welles, Sheahan, McAuliffe, Horn, Loveland, Wojahn, Gardner, Hochstatter, Sheldon, T.,

Deccio, Fairley, Rossi, Honeyford, Morton, Johnson, Spanel, Swecker, Snyder, Roach, Haugen, Patterson, Costa, Hargrove, Goings, Sheldon, B., Oke, Franklin, and Eide.

WHEREAS, Major General Greg Barlow has commanded the Washington Army and Air National Guard since September 1, 1989, serving under three governors; and

WHEREAS, General Barlow graduated from Highline High School in Burien, Washington, and Seattle University with a Master of Arts Degree in Administration; and

WHEREAS, He began his military career in 1964, and entered into active duty on March 27, 1966, serving in Vietnam as a Special Forces aviation officer, and completing more than one thousand combat flight hours; and

WHEREAS, General Barlow received an appointment in the Washington Army National Guard in 1970, where he subsequently served in various command and staff assignments including the command of the 803rd Armor Battalion, Commanding General of the 81st Infantry Brigade, and the Assistant Adjutant General for the Army of the Washington National Guard prior to his appointment as the Adjutant General in 1989; and

WHEREAS, General Barlow has an aeronautical rating of Master Aviator and a total of more than three thousand one hundred flying hours, in addition to a thorough military education; and

WHEREAS, The numerous decorations and awards bestowed upon General Barlow include the Silver Star, Legion of Merit, Distinguished Flying Cross, Bronze Star with Oak Leaf Cluster, Purple Heart, Meritorious Service Medal with Oak Leaf Cluster, Air Medal with "V" Device and 24 Oak Leaf Clusters, Army Commendation Medal, Presidential Unit Citation, Combat Infantryman Badge, Parachutist Badge, Vietnamese Parachutist Badge, Master Aviator Badge, Special Forces Tab, and Office of the Secretary of Defense Identification Badge; and

WHEREAS, General Barlow has retired from the National Guard and from his post as the Adjutant General of the Washington National Guard;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor Major General Gregory P. Barlow for his years of service; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Major General Greg Barlow.

MOTION

Senator Stevens: "Mr. President, I move adoption of the resolution."

REMARKS BY SENATOR STEVENS

Senator Stevens: "Thank you, Mr. President. Ladies and gentlemen of the Chamber. It gives me great honor at this time to rise before you to honor a great gentleman--a man who has served our state and nation for over thirty-five years. Though I have known him for many years, I have to say that he has taught me, probably everything I didn't know and needed to know about the National Guard and its role in our state and its role on the national level.

"I was faced with some, if you will--crisis--in the minds of some of the folks in my district when they saw a train coming down the track that they called Y2K. I called the General and asked him if he might be able to help me alleviate some of these fears and put their minds at ease. He very quickly responded to my request by saying, 'I believe that we can do that very quickly and easily by having a preparedness seminar,' if you will. He not only helped us prepare that seminar, which I might add, two hundred people from my district attended. He put it together at the National Guard Armory. Our folks left there feeling like they were being taken care of and the situation was well in hand. In true military fashion, he took charge and put all of our minds at ease. I owe him a great debt for that because, quite frankly, I wasn't sure how to handle it.

"I have come to admire this man and his wife--the wife because she has stood by him all of these years--been there for him. Those of us in this Chamber, who are the wives of men, know that we are the women behind the great men. I honor them both at this time as having served our state and our nation unselfishly. That can be said, as you heard the resolution being read and you heard of the many medals, you know that a great amount of time, energy and commitment went into those medals that were awarded him.

"The one medal that was not mentioned, that many of us fail to recognize often, is the medal that all of our service men wear around their necks. When they receive that medal, at least my husband did and I am assuming that all men in the military do today, they are explained to them of the little notch in that medal that they call their 'dog

tag.' The purpose of that notch is that if they should die on the battlefield, that will be used to hook in their teeth to make certain that their bodies are correctly identified.

"To have a man go forward to serve his nation, knowing that he may not come home standing--he may be in a horizontal position--in my mind is the greatest honor that they pay to our nation. We owe, not only to General and Mrs. Barlow, a great debt of service, but with him, I think that we can all safely say that we owe that honor, as well, to all of our service men who commit their lives to giving us the freedom that we know today.

"With that, Mr. President, I would like to take this opportunity to thank this Chamber for honoring this great man with me. Thank you."

REMARKS BY SENATOR DECCIO

Senator Deccio: "Thank you, Mr. President. Greg and my friendship goes back nearly thirty years, and even then, Greg was a real spit and polished guy even before he became a high ranking officer in the National Guard. Out of all the medals that are listed here, the one that I think is the most prized is the Purple Heart. As you know, the Purple Heart is given to any one who during battle in defense of their country spills their blood. That medal is here; it should be number one.

"Greg, it has been an honor to have you as my friend. When I get home, I am going to tell Joe Morrier about this very great occasion that is taking place in your honor. Good luck."

REMARKS BY SENATOR BETTI SHELDON

Senator Betti Sheldon: "Thank you, Mr. President. I want to take this opportunity to thank General Barlow for all his help for Kitsap County, not only for when we had an emergency and he sent the National Guard to help direct traffic in our area--they were wonderful--but also for his help with our Kitsap Readiness Center. We have truly appreciated your support; it has been a pleasure to work with you and we wish you well."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you, Mr. President, and ladies and gentlemen of the Senate. I, too, would like to rise to honor Adjutant General Barlow. He not only has been a good friend all these years, but he has so well served the state. Many, many years ago when he came in, we had the war on drugs, particularly in Tacoma. Who steps up, but our National Guard, to lend all their troops, whatever we needed to be able to fight this war.

"The little things that he has done in our communities--the National Guard--the people that work for all of us, under his direction has just been astronomical. What a tremendous gift he has been to our state! I rise to say 'Thank you, General Barlow.' You are, indeed, not only a good friend, but it is indeed an honor to be able to recognize you. Thank you."

REMARKS BY SENATOR HEAVEY

Senator Heavey: "Thank you, Mr. President. It is an honor to support this resolution and to commend it for the body's consideration. General Barlow has a great deal of management and leadership skills and as a citizen of this state and as a citizen of this country, we can all be thankful that a man with his abilities has lent himself to the service of the state--Pierce County--and our country. When you are in trouble, whether it be a flood and the National Guard show up, or you are at war--unfortunately-- you want people like General Barlow on your side. I just feel so blessed that we have people like him that serve our country and serve our state. He is a great American and a great Washingtonian. I urge that you support this resolution. Thank you."

REMARKS BY SENATOR HAUGEN

Senator Haugen: "Thank you, Mr. President. I, too, rise in support of this resolution. I want to draw your attention to something else that General Barlow did and that was that he was the lead when we merged our Emergency Services into the National Guard. There were some people who didn't think that would work well. It was

because of his leadership and his ability to work so well with local government that he has built our Emergency Services Department into being one of the leading in the nation now.

"That was one of those government efficiencies that we did. It was something that cost the taxpayers double, because we had two forms of Emergency Services, with our National Guard and our state Emergency Services. Now, we only have one. It was because of his leadership and his administrative skills that that transition went so well. I want to thank you, General Barlow, for that. I wish you well in your retirement."

REMARKS BY SENATOR McDONALD

Senator McDonald: "Well, it turns out that we were in Vietnam at the same time and the same place. Now, there were ten thousand of us in the same place at the time, so I can't say that we were pals back then. He went on to General and I remained a Lieutenant, J.G. So, for the boys and girls of the neighborhood there, we want to congratulate you; you did good."

REMARKS BY SENATOR HOCHSTATTER

Senator Hochstatter: "Thank you, Mr. President. My understanding--and you should never give politicians such a laundry list of commendations that we can pick from to praise a man--but my understanding is that you can wear the combat infantryman's badge with your civies. I suspect that the General is headed for that uniform soon. The General once told me, 'I speak about a lot of things, but whenever I speak about spiritual things, I always get somebody coming back and saying that was a great job.'

"So, I am humbled by a man who has that kind of political moxie and such an esteem for the spiritual side of things, that has borne wounds in the defense of my country. Just as a request, I would ask him if he would ever--once he puts on the civilian uniform--choose to join this august body, would he please stay out of my district? Thank you."

REMARKS BY SENATOR WEST

Senator West: "Thank you Mr. President, and members of the Senate. General Barlow's list of accomplishments is great indeed. General Barlow has served this state in a great manner. Each of us has a story or an incident where we have run across him and called upon him and his troops for assistance in our district or in an area. He has demonstrated his great leadership and, in fact, I think General Barlow is a role model for leaders everywhere. General Barlow should be held up as a role model for young people everywhere.

"What General Barlow has done, I haven't seen many do. He never fails to take the opportunity to remind the person he is working with or remind the person he is speaking with, that it is not his accomplishments alone, but that he is looking out for the welfare of the men and women of the National Guard. He calls them, 'His soldiers,' because he cares about them intensely. A good leader does that; he cares about the people that he is leading. It is only through their efforts that they are able to be as strong as they are. General Barlow has captured that--every chance. He impressed me so much the first time I met him in a hearing, where he made a passionate plea for his soldiers and he was looking out for his people. I can understand how, when he calls these folks out in the dark of night--away from their families, away from their jobs--into danger and difficult situations, that they are more than willing to go. More leaders ought to be like him and understand the values of the people they are leading. Thank you, sir, for that and for the great contributions to the state of Washington--and to the troops that you lead."

REMARKS BY SENATOR OKE

Senator Oke: "Thank you, Mr. President. General Barlow, I consider you, Greg, a good friend. You have been to my home and I have enjoyed the fellowship there. I want to say to those men and women behind you and along side of you, I salute you and God Bless each one of you for the service to this state. I do have a little story, too, about my district. I suspect the General would just as soon that I not share this, but I was listening carefully to all the awards you have received over the many years you have served and I didn't hear any of them for driving ability. I had the General in our district and he was driving and I, as a Retired Senior Chief E8, felt honored to be sitting next to him. Unfortunately, someone pulled out in front of us and we had a little collision. It wasn't the General's fault, but I am going to look to a different driver.

"As has been said, I do hope that you continue your service to this state. I am sure you will; I am sure you will enjoy a few months of retirement, as I did, and then say, 'What's next?' I do hope that what is next brings you to Olympia. God Bless you and your family."

REMARKS BY SENATOR MORTON

Senator Morton: "Thank you, Mr. President. I wish to also rise and congratulate our General. In several ways, he was very adept at raising the morale of the troops and keeping that and sustaining that at a high level. However, he went beyond that many times to the other spelling of the word in the morals as they were addressed both while in uniform and out of uniform. He was very good at transmitting, by his own examples, the standards of conduct that must be retained, not only by the soldier in uniform, but out of uniform. So, by that, he has made us proud to have him as our General and also to have those troops to rise to that level of conduct. I commend him for the quality, Mr. President, of the *esprit de corps* that he developed within the inner soldier. Thank you."

REMARKS BY SENATOR HALE

Senator Hale: "Thank you, Mr. President. I feel that I also have to rise to honor General Barlow. Unfortunately, Senator West stole my comments. That is why he is number one and I am only number two. Anyway, I think that General Barlow epitomizes the best in a leader. You can't help to be impressed by his fierce patriotism, his erect military posture and his absolute loyalty to his men. You are, indeed, a wonderful role model. I am sure that has been extremely valuable to your troops, but it is also valuable to the rest of us who remember what it takes to make a truly great American. Best wishes to you and to Mrs. Barlow."

REMARKS BY SENATOR ROACH

Senator Roach: "Thank you, Mr. President. I, too, want to rise and give a thank you. It has been just a wonderful experience and you do lots of things. I hope all of you have had the opportunity to hear some of the stories he has to tell, because they are just absolutely incredible. Among them, taking the challenge, after years I guess, of driving these all-terrain vehicles and to go down and show his men how to do it and thinking 'Gads, do I still remember how,' and being successful. Everyone was awed by it. Among the things that he does for us--one of the things--he acquaints us with what the National Guard does.

"Many of you here have gone over to the Yakima Firing Range. My first trip--I've had two opportunities--my first trip, I flew over in his aircraft and we got to the Yakima Airport and we were going to get in a Huey and then go over to the Yakima Firing Range. They slammed the doors shut on both sides of the Huey and I turned to the General who was sitting next to me and I said, "Can't we fly with the doors open?' He said, 'Yes, we can do that.' I wasn't thinking at the time. Afterwards, I realized that you had to have some balance in this aircraft. He opened our door and then he got out and went around to the other side and opened the other one up. He got back in and mentioned how windy it was going to be.

"All I know is that then, Representative Eide didn't know that I was the reason her hair was messed up the entire day, because it was windy. It was an exciting trip. You literally had your feet like this and you looked right down into the canyons of Yakima.

"I want to take an opportunity, as I know General Barlow would want me to do, to introduce, sitting to his far right is his replacement Major General Timothy Lowenberg, who is going to be taking the General's place. It has been an honor to meet him and we are all anxious to see how you are going to fill these shoes, but also to let you know that we are here to help you do the job you are doing for us. We really appreciate all of you and all of you that are there. There is a reception later and I hope that all of us will take the opportunity to go and shake hands with the greatest men and women this state has."

REMARKS BY SENATOR WOJAHN

Senator Wojahn: "Thank you, Mr. President, and members of the Senate. General Barlow, I want to congratulate you on your ability to generate funds for the National Guard. The first time that I really noticed this was after you were in position and I had been driving back and forth from Tacoma for about thirty-two years, coming down here for session. All of a sudden, the buildings began to take shape. In other words, there was new paint, new shutters--the dough boy out in front was polished

up. Now he is copper-looking with the green copper base. I noticed that you cleaned up the sort of graveyard--the museum area of the yard--so that you can see the cannon and the aircraft that are too big to go into the military museum down the road. I think you have done a remarkable job in all areas, in addition to working well with people. You have managed to persuade the Legislature to give you the money to correct the problem. Thank you very much."

REMARKS BY SENATOR THIBAUDEAU

Senator Thibaudeau: "Thank you, Mr. President. If I may add to the General's record, because in my community, he has been a very, very important force in the charitable area--helping kids, helping seniors, helping those people that society needs to help. I want you all to know that, because I think, in the final analysis we--obviously his military record is to be commended and has been on this floor--but his other record, he doesn't talk about that too much or at least in this body--is really truly admirable. I would like to commend him for that, too. Thank you."

REMARKS BY SENATOR SWECKER

Senator Swecker: "Thank you, Mr. President. This past interim I've had the great good fortune of co-chairing the Senate Select Committee on Military and Veterans Affairs--with the good Senator from the Second Legislative District. I am sure looking forward to going forth with that effort. One of the big emphases we've had is providing assistance--the state that is--helpful and conducive to our veterans and our retired veterans, so that they will stay on in this state after they retire. Now that our good General is in that status, I am hoping that he will also appear before our committee from time to time and give us insight into the things that we can do.

"I also wanted to say that as the good General indicates he is a master Army aviator. I had the very good fortune to also be an Army aviator and I note that earlier he suggested that he might want to become a member of this body. I do want to reassure you, sir, that being a member of this body is a lot of fun, but it is a little like being an Army aviator. It is hours and hours of sheer boredom interspersed with moments of stark terror, so we would welcome you."

REMARKS BY SENATOR SHIN

Senator Shin: "Thank you, Mr. President. I rise and stand for this resolution. I was twice asked to be a speaker at the Army graduation commencement exercises and there I met General Barlow. My impression of him was that he was not a tough man; he was a loving, kind person and one who cares about the graduating seniors. He went around shaking hands with the students and that touched me very much. What I would like to add to the resolution is that besides all the commendations that he has received, if I could add 'A humble general who cares about education for the troops.' Thank you for this opportunity."

The President declared the question before the Senate to be the adoption of Senate Resolution 2000-8700.
The motion by Senator Stevens carried and the resolution was adopted.

INTRODUCTION OF SPECIAL GUESTS

The Vice President Pro Tempore welcomed and introduced Major General Gregory P. Barlow, the retiring Washington Adjutant General, his wife, and the newly appointed Washington Adjutant General, Timothy J. Lowenberg, who were seated in the gallery.

MOTION

On motion of Senator Winsley, the following resolution was adopted:

SENATE RESOLUTION 2000-8698

By Senators Winsley and Heavey

WHEREAS, It is the policy of the Washington State Legislature to recognize and honor the contributions of individuals and organizations that reflect standards of excellence and enhance the well-being and quality of life of the citizens of the state of Washington; and

WHEREAS, Toastmasters International is a leading movement in making effective oral communication a national and international reality for all persons; and

WHEREAS, Toastmasters International, through its member Toastmaster Clubs, helps men and woman of all ages learn the arts of speaking, listening and thinking, vital skills that promote self-actualization, enhance leadership potential, foster human understanding and contribute to the betterment of all mankind; and

WHEREAS, Toastmasters International, through its member Toastmaster Clubs, provides a mutually supportive and positive learning environment in which every member has the opportunity to develop the communication and leadership skills which foster self-confidence and personal growth; and

WHEREAS, Toastmasters International member Toastmaster Clubs usually meet each week for one to two hours and usually contain three main elements: prepared speeches, impromptu speeches, and evaluations of speeches which provide feedback on the positive aspects of the speeches and friendly suggestions for improvement; and

WHEREAS, Toastmasters International, through its member Toastmaster Clubs, benefits individuals, companies, communities and countries by providing potential leaders in all walks of life, the skills, discipline, and confidence needed to succeed; and

WHEREAS, Toastmasters International currently has over 8,000 member Toastmaster Clubs worldwide made up of approximately 170,000 members with over 3,400 members in the state of Washington, and is growing by approximately 250 new members worldwide each day;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the Toastmasters International during the week of January 31, 2000 through February 6, 2000, and its member Toastmaster Clubs, for the contributions it has provided the citizens of this state; and

BE IT FURTHER RESOLVED, That all persons be encouraged to participate in the beneficial programs Toastmasters International provides through its member Toastmaster Clubs; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Steven J. Kennedy, Public Relations Officer, Toastmasters International, Washington State Toastmasters Club, District 2.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5932, by Senate Committee on Ways and Means (originally sponsored by Senators Loveland, Bauer, Rossi, West, Hale and Rasmussen)

Changing provisions relating to bond debt service payments from the community and technical college capital projects account.

The bill was read the third time.

Senator Loveland spoke to Substitute Senate Bill No. 5932.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5932.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5932 and the bill passed the Senate by the following vote:

Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5932, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6199, by Senators Wojahn, Winsley, Thibaudeau, Snyder, Goings, Kohl-Welles, Jacobsen, Fraser, Prentice, Costa, Rasmussen, Bauer, Spanel, McAuliffe, Gardner, Franklin and Kline

Adopting a patient bill of rights.

MOTION

On motion of Senator Wojahn, Second Substitute Senate Bill No. 6199 was substituted for Senate Bill No. 6199 and the second substitute bill was placed on second reading and read the second time.

MOTION

Senator Deccio moved that the following amendments be considered simultaneously and be adopted:

On page 15, line 24, after "families" insert "except a governmental agency under section 24 of this act"

On page 18, after line 7, insert the following:

"NEW SECTION. **Sec. 24.** This act applies to a self-insured health plan provided under Chapter 48.62 RCW by any county, municipality, or other political subdivision of the state."

On page 18, after line 11 insert the following:

"(3) Section 24 of this act takes effect July 1, 2003."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Finkbeiner demanded a roll call and the demand was sustained.

Further debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Deccio on page 15, line 24, and page 18, lines 7 and 11, to Second Substitute Senate Bill No. 6199.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Rossi, Sellar, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 22.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Shin, Snyder, Span---el, Thibaudeau and Wojahn - 27.

MOTION

Senator Johnson moved that the following amendments by Senator Deccio be considered simultaneously and be adopted:

On page 3, after line 3, strike all of subsection (4) and insert the following:

"(4) The commissioner may adopt rules to implement this section and shall take into consideration health information privacy standards adopted by federal regulatory agencies."

Renumber the sections consecutively and correct any internal references accordingly.

On page 6, after line 31, strike all of (8) and insert the following:

"(8) Every health plan shall meet the standards set forth in this section and carriers must comply with rules adopted by the commissioner to implement this section. To the extent consistent with Washington state law, the commissioner shall align such rules with standards of nationally recognized and impartial accrediting organizations, such as the National Committee on Quality Assurance (NCQA) or other accrediting or certifying bodies recognized by the commissioner to be competent in accrediting health carriers and state agencies that purchase health services."

Renumber the sections consecutively and correct any internal references accordingly.

On page 7, after line 7, strike all of subsection (2) and insert the following:

"(2) The commissioner may adopt, in rule, standards for this section. To the extent consistent with Washington state law, the commissioner shall align such rules with standards of nationally recognized and impartial accrediting organizations, such as the National Committee for Quality Assurance (NCQA) or other accrediting or certifying bodies recognized by the commissioner to be competent in accrediting health carriers in the area of utilization review and state agencies that purchase managed health care services.

Renumber the sections consecutively and correct any internal references accordingly.

On page 7, after line 15, strike all of (2) and insert the following:

"(2) The commissioner may adopt, in rule, standards for this section. To the extent consistent with Washington state law, the commissioner shall align such rules with standards of nationally recognized and impartial accrediting organizations, such as the National Committee for the Quality Assurance (NCQA)or other accrediting or certifying bodies recognized by the commissioner to be competent in accrediting health carriers and the state agencies that purchase managed health care services."

Renumber the sections consecutively and correct any internal references accordingly.

On page 7, after line 23, strike everything down through and including "services" on line 27, and insert: "To the extent consistent with Washington State law, the commissioner shall algin such rules with standards of nationally recognized and impartial accrediting organizations, such as the National Committee on Quality Assurance (NCQA) or other accrediting or certifying bodies recognized by the commissioner to be competent in accrediting health carriers and state agencies that purchase managed health care services"

Renumber the sections consecutively and correct any internal references accordingly.

On page 12, after line 32, strike all of (9) and insert the following:

"(9) In adopting rules for this section, the department, to the extent consistent with Washington state law, shall align its standards with those of nationally recognized and impartial accreditation organizations, such as the National Committee on Quality Assurance (NCQA) or other accrediting or certifying bodies recognized by the department to be competent in examining independent review entities, and shall provide for accelerated review of entities that are certified or accredited by such organizations. Refusal of certification by the department shall not be based solely on lack of accreditation or certification by NCQA or other accrediting bodies."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Deccio on page 3, after line 3; page 6, after line 31; page 7, after line 7; page 7, after line 15; page 7, after line 23; and page 12, after line 32; to Second Substitute Senate Bill No. 6199.

The motion by Senator Johnson failed and the amendments by Senator Deccio were not adopted.

MOTION

On motion of Senator Wojahn, the rules were suspended, Second Substitute Senate Bill No. 6199 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6199.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6199 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin,

McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Voting nay: Senator Hochstatter - 1.

SECOND SUBSTITUTE SENATE BILL NO. 6199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 12:24 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, January 27, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTEENTH DAY, JANUARY 26, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

EIGHTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 27, 2000

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Betti Sheldon, Rule 46 was suspended to permit the Committee on Labor and Workforce Development to continue to meet during the session.

EDITOR'S NOTE: Rule 46 states: 'No committee shall sit during the daily session of the senate unless by special leave.'

REPORTS OF STANDING COMMITTEES

January 26, 2000

ESB 5330 Prime Sponsor, Senator Brown : Treating active duty military personnel as residents for purposes of higher education tuition. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5330 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

MINORITY Recommendation: Do not Substitute. Signed by Senator Horn.

Passed to Committee on Rules for second reading.

January 26, 2000

E2SSB 5598 Prime Sponsor, Senate Committee on Ways and Means: Creating the Washington's promise scholarship program. Reported by Committee on Higher Education

MAJORITY Recommendation: That Third Substitute Senate Bill No. 5598 be substituted therefor, and the third substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Jacobsen, McAuliffe and B. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senators Horn and Sheahan.

Referred to Committee on Ways and Means.

January 24, 2000

SB 6164 Prime Sponsor, Senator Fairley: Removing gender specific references from Title 49 RCW. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

January 25, 2000

SB 6165 Prime Sponsor, Senator Fairley: Requiring overtime pay for high technology workers. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

Passed to Committee on Rules for second reading.

January 25, 2000

SB 6231 Prime Sponsor, Senator Fairley: Regulating telecommunications contractors and installations. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6231 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline, Oke and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Hochstatter.

Referred to Committee on Ways and Means.

January 25, 2000

SB 6235 Prime Sponsor, Senator Fairley: Allowing an employer to request relief of benefit charges within thirty days of notice of the claim being filed. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

January 26, 2000

SB 6287 Prime Sponsor, Senator Snyder: Allowing for the disposal of Mt. St. Helen's dredge soils from public or private lands. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

January 26, 2000

SB 6294 Prime Sponsor, Senator Jacobsen: Creating the aquatic nuisance species committee. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 6294 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

January 26, 2000

SB 6297 Prime Sponsor, Senator Kohl-Welles: Changing graduate student assistants' tuition exemptions. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6297 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

January 26, 2000

SB 6298 Prime Sponsor, Senator Kohl-Welles: Providing a space-available tuition waiver at public institutions of higher education for certain educational employees. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Jacobsen, McAuliffe and B. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Horn.

Passed to Committee on Rules for second reading.

January 26, 2000

SB 6299 Prime Sponsor, Senator Kohl-Welles: Changing student classification status for certain nonimmigrant aliens. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6299 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Horn.

Passed to Committee on Rules for second reading.

January 26, 2000

SB 6664 Prime Sponsor, Senator Costa: Expanding eligibility for victims' compensation to victims interviewed about past offenses. Reported by Committee on Judiciary

MAJORITY Recommendation: That the bill be referred to Committee on Human Services and Corrections without recommendation. Signed by: Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen and Thibaudeau.

Referred to Committee on Human Services and Corrections.

MOTION

On motion of Senator Betti Sheldon, Engrossed Second Substitute Senate Bill No. 5598 and Senate Bill No. 6231 were referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 26, 2000

GA 9212 JAY REICH, appointed April 1, 1999, for a term ending September 30, 2000, as a member of the Board of Trustees for Central Washington University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

January 26, 2000

GA 9223 BERNADETT BUCHANAN, appointed June 1, 1999, for a term ending May 31, 2000, as a member of the Board of Regents for Washington State University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

January 26, 2000

GA 9224 PAUL D. BURTON, reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

January 26, 2000

GA 9236 MELISSA L. DYBBRO, appointed June 1, 1999, for a term ending May 31, 2000, as a member of the Board of Trustees for Eastern Washington University.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

January 26, 2000

GA 9284 NATALIE QUICK, appointed June 1, 1999, for a term ending May 31, 2000, as a member of the Board of Trustees for Western Washington University.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

January 26, 2000

GA 9299 JOHN D. WARNER, appointed April 5, 1999, for a term ending September 30, 2003, as a member of the Board of Trustees for Western Washington University.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

January 26, 2000

GA 9340 REVEREND STEPHEN V. SUNDBORG, S.J., appointed April 5, 1999, for a term ending March 26, 2000, as a member of the Higher Education Facilities Authority.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

MESSAGE FROM LEGISLATIVE PRESERVATION AND RENOVATION COMMISSION

STATE OF WASHINGTON
LEGISLATIVE BUILDING PRESERVATION COMMISSION
REPORT TO LEGISLATURE

January 20, 2000

INTRODUCTION AND BACKGROUND

This Report to the Legislature outlines the work of the Commission and summarizes the recommendations for rehabilitation, a Capitol Addition, and financing. Options and alternatives considered by the Commission during their review are summarized.

LEGISLATIVE CHARGE

House Concurrent Resolution No. 4401 established the Commission on Legislative Building Preservation and Renovation "to identify a plan and resources for the renovation and preservation of the State Legislative Building."

Specifically, the Commission worked to develop:

A rehabilitation plan including an approach, the scope and cost of work, a schedule for accomplishing the work, and a plan to address space and relocation issues.

A financing plan including sources of financing (dedicated, trust, public, private or other), financing method (cash, debt or other) and timeframe for funding (anticipated revenue and expenditures).

The Legislative Building Preservation and Renovation Commission Report is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 6781 by Senators Rasmussen and Morton

AN ACT Relating to dairy nutrients; amending RCW 90.48.020, 90.48.390, 90.64.150, 90.64.026, 90.64.010, 90.64.023, 90.64.050, 90.64.080, 90.64.130, 90.64.140, 90.64.800, and 90.64.005; adding a new section to chapter 90.64 RCW; creating new sections; and providing an expiration date.
Referred to Committee on Agriculture and Rural Economic Development.

SB 6782 by Senators Snyder, Gardner, Oke and Rasmussen

AN ACT Relating to expanding the amount of property that qualifies for property tax relief for senior citizens and persons retired because of physical disability; amending RCW 84.36.383 and 84.38.020; and creating a new section.
Referred to Committee on Ways and Means.

SB 6783 by Senators Horn, Haugen and Gardner

AN ACT Relating to proof of vessel registration; and adding a new section to chapter 88.02 RCW.
Referred to Committee on Transportation.

SB 6784 by Senators Hargrove, T. Sheldon, Hochstatter, Roach, Sheahan and Oke

AN ACT Relating to product liability for use of lawful products; adding a new section to chapter 4.24 RCW; and creating a new section.
Referred to Committee on Judiciary.

SB 6785 by Senators Costa, Goings, Kline and Oke

AN ACT Relating to ignition interlock devices; amending RCW 46.20.720; reenacting and amending RCW 46.20.391 and 46.61.5055; and prescribing penalties.
Referred to Committee on Judiciary.

SB 6786 by Senators Haugen and Horn

AN ACT Relating to federal-aid highway construction projects; and amending RCW 39.12.020.
Referred to Committee on Labor and Workforce Development.

SB 6787 by Senators Haugen and Gardner

AN ACT Relating to penalties for violation of vehicle weight restrictions; and amending RCW 46.44.105.
Referred to Committee on Transportation.

SB 6788 by Senators Haugen and Horn

AN ACT Relating to the contracting of department of transportation maintenance services and establishing pilot projects; amending RCW 41.06.380 and 41.06.150; adding a new section to chapter 47.04 RCW; and creating a new section.
Referred to Committee on Labor and Workforce Development.

SB 6789 by Senators Snyder, McAuliffe, Goings, Bauer, Oke and Rasmussen (by request of Governor Locke)

AN ACT Relating to property tax relief by spreading property tax valuation increases over four years; amending RCW 84.40.0305; and creating a new section.
Referred to Committee on Ways and Means.

SB 6790 by Senators Snyder, Goings and Rasmussen (by request of Governor Locke)

AN ACT Relating to directing excess balances in the emergency reserve fund to specific funds to be used partly for education construction and partly for tax relief for individuals; amending RCW 43.135.045, 81.104.170, and 43.135.035; reenacting and amending RCW 43.84.092, 43.84.092, and 43.84.092; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.14 RCW; providing effective dates; and providing an expiration date.
Referred to Committee on Ways and Means.

SB 6791 by Senators Hale, Loveland, Prentice, Sheahan, B. Sheldon, West, Patterson, Goings and Rasmussen (by request of Lieutenant Governor Owen)

AN ACT Relating to establishing a branch office of the department of community, trade, and economic development in eastern Washington; creating new sections; and declaring an emergency.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6792 by Senators Snyder, Long, Fraser, Loveland, Winsley, Horn, Benton, Franklin, Honeyford, B. Sheldon, Bauer, Kline, Haugen, Rasmussen, McDonald, Gardner, West, Hargrove, Rossi, Kohl-Welles, McAuliffe, Fairley, Prentice, Goings, Jacobsen, Spanel, Oke, Hale, Morton, Roach, Sellar, Finkbeiner, Sheahan, Stevens, Patterson and Johnson

AN ACT Relating to payment of medical benefits provided under chapter 41.26 RCW to law enforcement officers' and fire fighters' retirement system plan 1 retirees; amending RCW 41.26.080; and creating new sections.
Referred to Committee on Ways and Means.

SB 6793 by Senators Roach, Costa, Goings, Hargrove, Stevens, Zarelli, Benton, McCaslin, Swecker, Shin, Patterson, Eide, Brown, Heavey, Haugen, Fairley, Rasmussen, Prentice, Kline, Thibaudeau, B. Sheldon, Snyder, Kohl-Welles, Bauer and Gardner

AN ACT Relating to establishing a contribution rate and a postretirement cost-of-living allowance for Washington state patrol retirement system members; and amending RCW 43.43.260 and 43.43.300.
Referred to Committee on Ways and Means.

SB 6794 by Senators Benton, Goings, Deccio, Patterson, Rossi, Kline, Oke, McCaslin, Shin, Zarelli, Finkbeiner, Hale, Long, Roach, McDonald, Stevens, Hochstatter, Heavey, Swecker, Rasmussen, Sheahan, Honeyford, Jacobsen, Hargrove, Kohl-Welles and Bauer

AN ACT Relating to the national World War II memorial; and creating a new section.
Referred to Committee on State and Local Government.

SJM 8025 by Senators Gardner, Spanel and Morton

Encouraging the free flow of goods and people across the United States/Canadian border.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SJM 8026 by Senators Shin, Bauer, Heavey, Benton, Franklin, Eide, Patterson, Kline, Johnson, Gardner, Thibaudeau, Rossi, Goings, Hargrove, B. Sheldon, Horn, Haugen, Hochstatter, T. Sheldon, Swecker, Jacobsen, Fairley, Rasmussen, Prentice, Snyder, Stevens, Loveland, Roach, Hale, Honeyford, Brown, Spanel, Fraser, Costa, McAuliffe, Kohl-Welles and Oke

Commemorating the 50th anniversary of the Korean War.

Referred to Committee on State and Local Government.

SJM 8027 by Senators Shin, Bauer, Heavey, Benton, Franklin, Eide, Patterson, Kline, Johnson, Gardner, Thibaudeau, Rossi, Goings, Hargrove, B. Sheldon, Horn, Haugen, Hochstatter, T. Sheldon, Swecker, Jacobsen, Fairley, Rasmussen, Prentice, Snyder, Hale, Stevens, Roach, Honeyford, Spanel, Loveland, Fraser, Brown, Costa, McAuliffe, Kohl-Welles and Oke

Commemorating the 50th anniversary of the Korean War.

Referred to Committee on State and Local Government.

SJR 8217 by Senators Snyder, McAuliffe, Goings, Bauer and Rasmussen (by request of Governor Locke)

Amending the Constitution to allow property tax values to be phased in over a period of up to four years.

Referred to Committee on Ways and Means.

SCR 8426 by Senators Rasmussen, Swecker, Snyder, Bauer, Goings, McCaslin, Winsley, Oke, West, Shin, Benton, Thibaudeau, Roach, Johnson, B. Sheldon, Haugen, Heavey, Fairley, Spanel, Prentice, Loveland, Fraser, Kohl-Welles and McAuliffe

Creating a joint select committee on veterans and military affairs.

Referred to Committee on State and Local Government.

MOTION

At 12:04 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, January 28, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTEENTH DAY, JANUARY 27, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 28, 2000

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner, Long, McCaslin, McDonald, Sellar and Sheahan. On motion of Senator Deccio, Senators McCaslin and McDonald were excused. On motion of Senator Honeyford, Senators Finkbeiner, Long and Sheahan were excused.

The Sergeant at Arms Color Guard, consisting of Pages Megan Brown and Justin Camarata, presented the Colors. Reverend Mark Kelley, associate pastor of the Brush Prairie Baptist Church in Vancouver, and a guest of Senator Joseph Zarelli, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

January 26, 2000

SB 5033 Prime Sponsor, Senator Winsley: Separating from public employees' retirement system plan 1. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

January 26, 2000

SSB 5453 Prime Sponsor, Senate Committee on Transportation: Enhancing regional transportation planning. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

January 26, 2000

SB 5571 Prime Sponsor, Senator Gardner: Compensating the state patrol for costs of recovering penalties for commercial vehicle violations. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sheahan, T. Sheldon, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

January 27, 2000

2ESB 5704 Prime Sponsor, Senator Kohl-Welles: Authorizing adoption of rules to implement medical marijuana law. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5704 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Franklin and Winsley.

Passed to Committee on Rules for second reading.

January 26, 2000

SB 6037 Prime Sponsor, Senator Shin: Rescinding a retirement allowance agreement. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

January 26, 2000

SB 6117 Prime Sponsor, Senator McCaslin: Increasing penalties for persons who interfere with school activities. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6117 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Finkbeiner, Goings, Hochstatter, Rasmussen and Swecker.

Passed to Committee on Rules for second reading.

January 25, 2000

SB 6143 Prime Sponsor, Senator Prentice: Modifying state lottery laws. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Benton, Deccio, Gardner, Hale and Heavey.

MINORITY Recommendation: Do not pass. Signed by Senator T. Sheldon.

Passed to Committee on Rules for second reading.

January 25, 2000

SB 6145 Prime Sponsor, Senator Prentice: Allowing criminal history records to be sent to the Washington state gambling commission. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6145 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

January 25, 2000

SB 6192 Prime Sponsor, Senator Fairley: Prohibiting sale of domesticated dog or cat fur without accurate labeling. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

January 25, 2000

SB 6193 Prime Sponsor, Senator Fairley: Prohibiting the trafficking in fur and fur products from domestic dogs and cats. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Hale, Heavey, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

January 26, 2000

SB 6202 Prime Sponsor, Senator Kohl-Welles: Providing limitations on placement of a child in out-of-home care when a conflict of interest exists. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6202 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

January 26, 2000

SB 6214 Prime Sponsor, Senator Deccio: Changing guardian duties under probate and trust law. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6214 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

January 26, 2000

SB 6217 Prime Sponsor, Senator Hargrove: Changing provisions relating to dependent children. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6217 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

January 26, 2000

SB 6218 Prime Sponsor, Senator Hargrove: Making technical and clarifying amendments to the family reconciliation act. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6218 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

January 27, 2000

SB 6229 Prime Sponsor, Senator Jacobsen: Promoting wildlife viewing. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 6229 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

January 26, 2000

SB 6234 Prime Sponsor, Senator Patterson: Specifying conditions for requiring examination of a driver. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Jacobsen, Johnson, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

January 26, 2000

SB 6264 Prime Sponsor, Senator Eide: Establishing intermediate drivers' licenses. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6264 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Jacobsen, Oke, Patterson, Prentice, Sheahan, Shin and Swecker.

Passed to Committee on Rules for second reading.

January 26, 2000

SB 6304 Prime Sponsor, Senator McCaslin: Modifying the license plate replacement program. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6304 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, T. Sheldon and Shin.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

January 26, 2000

SB 6305 Prime Sponsor, Senator Franklin: Changing provisions relating to guardians ad litem. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6305 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Long, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

January 27, 2000

SB 6330 Prime Sponsor, Senator Jacobsen: Allowing nonconsumptive wildlife activities on public lands. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

January 26, 2000

SB 6386 Prime Sponsor, Senator Haugen: Administering funds for representation of indigent parents and children. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6386 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

January 26, 2000

SB 6463 Prime Sponsor, Senator McAuliffe: Providing for early vision and hearing screening. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Finkbeiner, Goings, Kohl-Welles, Rasmussen and Swecker.

Passed to Committee on Rules for second reading.

January 26, 2000

SB 6464 Prime Sponsor, Senator McAuliffe: Requiring information on selecting early childhood education programs and kindergarten readiness. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6464 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Finkbeiner, Goings, Kohl-Welles, Rasmussen and Swecker.

Passed to Committee on Rules for second reading.

January 26, 2000

SB 6474 Prime Sponsor, Senator Hargrove: Changing provisions relating to foster care services and reimbursements. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6474 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

January 26, 2000

SB 6479 Prime Sponsor, Senator Eide: Addressing concerns about pesticide use in schools.. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6474 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Finkbeiner, Goings, Kohl-Welles, Rasmussen and Swecker.

Passed to Committee on Rules for second reading.

January 26, 2000

SB 6571 Prime Sponsor, Senator Rasmussen: Creating the national World War II memorial account. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

January 27, 2000

SB 6687 Prime Sponsor, Senator Prentice: Allowing port districts to acquire insurance coverage. Reported by Committee on State and Local Government

MAJORITY Recommendation: That the bill be referred to Committee on Commerce, Trade, Housing and Financial Institutions without recommendation.. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Horn, Kline and McCaslin.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

January 26, 2000

SJM 8022 Prime Sponsor, Senator Rasmussen: Recognizing America's World War II veterans. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6474 was referred to the Committee on Ways and Means.

MESSAGE FROM THE HOUSE

January 26, 2000

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2337,
HOUSE BILL NO. 2339,
HOUSE BILL NO. 2440,
HOUSE BILL NO. 2464, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 6795 by Senators Haugen, Kline, Gardner, Oke and Patterson (by request of Governor Locke)

AN ACT Relating to authorizing a local option sales and use tax for transit under chapters 35.58, 36.57, and 36.57A RCW for fiscal year 2001; adding a new section to chapter 82.14 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

SB 6796 by Senators Snyder, Zarelli and Bauer

AN ACT Relating to dredge spoils; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 6797 by Senator Gardner

AN ACT Relating to disposition of vehicle and vessel registration fees; and amending RCW 46.01.140 and 46.68.035.

Referred to Committee on Transportation.

SB 6798 by Senators Haugen and Rasmussen

AN ACT Relating to a small city pavement maintenance program; and adding a new section to chapter 47.26 RCW.

Referred to Committee on Transportation.

SB 6799 by Senator B. Sheldon

AN ACT Relating to the program for agency coordinated transportation; amending RCW 47.06B.015 and 47.06B.040; reenacting and amending RCW 47.06B.030; and providing an expiration date.

Referred to Committee on Transportation.

SB 6800 by Senators Patterson and Horn (by request of State Treasurer Murphy)

AN ACT Relating to the appointment of personnel for the office of the state treasurer; and amending RCW 43.08.120.

Referred to Committee on State and Local Government.

SB 6801 by Senators Roach, Rossi, T. Sheldon and Stevens

AN ACT Relating to the secretary of transportation; and amending RCW 47.01.041.

Referred to Committee on Transportation.

SB 6802 by Senators Patterson, Benton, Goings, Haugen, Winsley, Costa and Rasmussen

AN ACT Relating to the citizens' alliance for government accountability; adding a new chapter to Title 43 RCW; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on State and Local Government.

SB 6803 by Senators Kohl-Welles, Long, Brown, Goings, Eide, Patterson, Prentice, Finkbeiner and B. Sheldon

AN ACT Relating to studying the feasibility of requiring automatic fire extinguishing sprinkler protection in existing congregate residences owned or operated by institutions of higher education; adding a new section to chapter 19.27 RCW; and declaring an emergency.

Referred to Committee on Higher Education.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2337 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Ballasiotes, O'Brien, Cairnes, Kagi, B. Chandler, Lovick, Delvin, Carlson and Conway)

Ordering implementation of a state-wide city and county jail booking and reporting system.

Referred to Committee on Judiciary.

HB 2339 by Representatives O'Brien, Ballasiotes and Hurst (by request of Sentencing Guidelines Commission)

Ranking the penalty for foreign protection order violations.

Referred to Committee on Judiciary.

HB 2440 by Representatives Mitchell, Fisher, Hankins, Edwards, Cooper, Ruderman, Pflug, Wood and Hurst

Making driver licensing laws more understandable.

Referred to Committee on Transportation.

HB 2464 by Representatives Fisher, Mitchell, Edwards, Hankins, Lovick, Kessler, Cody, Conway, Tokuda, Cooper, Wolfe, Van Luven, Ogden, Ruderman, Murray, Scott, Stensen, Edmonds, Wood and Hurst

Creating the multimodal transportation account.

Referred to Committee on Transportation.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6803 was referred to the Committee on Higher Education.

MOTION

On motion of Senator Goings, the following resolution was adopted:

SENATE RESOLUTION 2000-8702

By Senators Goings and Rasmussen

WHEREAS, The education and advancement of Washington's youth is of paramount importance to the citizens of our state; and

WHEREAS, Education means much more today than the traditional classroom experience so familiar to many Washingtonians; and

WHEREAS, Over the years, the Boy Scouts of America has provided boys the opportunity to gain a unique education that allows them to steadily advance in their skills, knowledge, and responsibility as they mature into young men; and

WHEREAS, Mr. Jason Law of Eatonville, through his years of commitment to excellence and his willingness to serve his community, as well as to lead, has earned the rank of Eagle Scout; and

WHEREAS, Mr. Law has gone above and beyond expectations to earn the equally prestigious Venturing Silver Award, qualifying by first earning two Venturing Bronze awards and one Gold award, exemplifying the ideals of Scouting; and

WHEREAS, Mr. Law's example is one from which all Washingtonians can learn, and of which all can be proud;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and honor the achievements of Mr. Jason Law, and the hard work and commitment to excellence required to gain them; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to the Pacific Harbors Council Chapter of the Boy Scouts of America.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Washington State Fair Association Board of Directors, who were seated in the gallery.

MOTION

On motion of Senator Honeyford, the following resolution was adopted:

SENATE RESOLUTION 2000-8703

By Senators Honeyford, Fraser, Costa, Rasmussen and Kohl-Welles

WHEREAS, Decent and affordable housing is a simple dream that is unattainable for many hard-working families in Washington; and

WHEREAS, Unable to obtain either conventional or government-assisted financing, some of these families pay rent - in many cases - more than fifty percent of their total household income to live in overcrowded, substandard houses and apartments; and

WHEREAS, To draw attention to the need for safe, decent, affordable housing, and to showcase the power of volunteers in neighborhoods and communities across Washington, the Washington State Legislature has entered into a partnership with Habitat for Humanity to build a home for a family in need; and

WHEREAS, Legislators and staff, along with their families, others in the legislative community, and Habitat partner families and volunteers, are working side-by-side with infectious enthusiasm in raising thirty-five thousand dollars and generating three thousand five hundred volunteer hours to build "The Home from the Dome"; and

WHEREAS, When complete, The Home from the Dome will be sold to a partner family, who themselves will have put in over five hundred hours of manual labor, under a no-profit, no-interest loan on a twenty or twenty-five year mortgage. The eventual homeowner's payments will go to a revolving fund for construction of more housing for other families; and

WHEREAS, Work on The Home from the Dome - like work on any community volunteer project - unites those involved and shows that, in a world where many needs go unmet, the giving of our time, talent, compassion, and energy is an expression of faith, trust, and concern;

NOW, THEREFORE, BE IT RESOLVED, That the Senate hereby expresses its gratitude to Habitat for Humanity, for its leadership, and to all the volunteers and contributors - legislators, staff, family, friends, and others - for the time, talent, compassion, and energy they have given to make a home for one more family - The Home from the Dome - a reality; and

BE IT FURTHER RESOLVED, That the Senate finds that, in the end, the true excitement in a project like this is not in seeing the finished wall or the completed house, but in having the opportunity to take part in such a powerful project.

Senators Honeyford, Fraser, Franklin, Hochstatter and Eide spoke to Senate Resolution 2000-8703.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Peter Zubowic, the executive director of the South Puget Sound Habitat for Humanity project, who was seated in the gallery.

PERSONAL PRIVILEGE

Senator Tim Sheldon: "Thank you, Mr. President, a point of personal privilege. I just wanted to remind the Senators that on their desks is an article from the *Seattle Times*. I think it was in there a couple of days ago and deals with drug use in our rural areas. I know, Mr. President, that you have been very, very active--probably more active than anyone in our state--in talking about substance abuse and the dangers of drug use. This article was very interesting to me, and that is why I wanted to pass it out to bring it to your attention here on the Senate floor. We have thirty-two rural counties and seven metropolitan counties here in Washington State.

"Mr. President, if I could just read one line from this article. It says,' Eighth graders in rural America are one hundred and four percent more likely that those in urban centers to use amphetamines, including methamphetamines and fifty percent more likely to use cocaine,' according to the study by the National Center on Addiction and Substance Abuse at Columbia University.

"So, a very prestigious university is looking across America and finding that we have big, big problems in our rural areas. Of course, these affect education, economics, families, housing,--you name it--but it affects us all, but it is affecting us twice as much in rural Washington today. Please take note of that and we are going to work and try and turn it around. Thank you."

MOTION

At 10:26 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 11:00 a.m.

The Senate was called to order at 11:00 a.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the seventh order of business.

THIRD READING

SENATE BILL NO. 5445, by Senators Franklin, Winsley, Wojahn, Deccio, Thibaudeau, Kline, Rasmussen, Fairley, Patterson, Prentice, Kohl-Welles, Costa, Eide and Spanel

Allowing the chair of a legislative committee to request review by the department of health of a mandated benefit bill.

The bill was read the third time.

Senator Franklin spoke to Senate Bill No. 5445.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5445.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5445 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Absent: Senators Deccio and Sellar - 2.

Excused: Senators Finkbeiner, Long, McCaslin, McDonald and Sheahan - 5.

SENATE BILL NO. 5445, having received the constitutional majority, was declared passed. There being no objection, the tittle of the bill will stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Jean Khoo of Malaysia and Jean Benton of Vancouver, the aunt and sister of Senator Benton, who were seated in the gallery.

THIRD READING

SENATE BILL NO. 5464, by Senators Costa, McCaslin, Heavey, Kline and Patterson

Adopting the uniform child custody jurisdiction and enforcement act.

The bill was read the third time.

Senator Costa spoke to Senate Bill No. 5464.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5464.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5464 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 2; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 41.

Voting nay: Senators Benton and Zarelli - 2.

Absent: Senator Hargrove - 1.

Excused: Senators Finkbeiner, Long, McCaslin, McDonald and Sheahan - 5.

SENATE BILL NO. 5464, having received the constitutional majority, was declared passed. There being no objection, the tittle of the bill will stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 5490, by Senators Wojahn, Winsley, Kline, Fairley, B. Sheldon, McAuliffe, Thibaudeau, Snyder, Rasmussen and Costa

Requiring temporary assistance for needy families employment assessments to screen for learning disabilities.

The bill was read the third time.

Senator Wojahn spoke to Engrossed Senate Bill No. 5490.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5490.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5490 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 11; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, Winsley and Wojahn - 33.

Voting nay: Senators Benton, Deccio, Hale, Hochstatter, Johnson, Morton, Roach, Sellar, Swecker, West and Zarelli - 11.

Excused: Senators Finkbeiner, Long, McCaslin, McDonald and Sheahan - 5.

ENGROSSED SENATE BILL NO. 5490, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5518, by Senate Committee on Natural Resources, Parks and Recreation (originally sponsored by Senators Jacobsen, Eide, Goings and Winsley)

Establishing a youth athletic facility account to help fund community outdoor athletic facilities.

The bill was read the third time.

Senator Jacobsen spoke to Substitute Senate Bill No. 5518.
Debate ensued.

POINT OF INQUIRY

Senator Wojahn: "Senator Jacobsen, what is a match for a local community with the state?"
Senator Jacobsen: "Well, the way the language is, it would be defined by the IAC and it could vary from the ability of the community--how much they could afford to put out. It would be a challenge grant."
Senator Wojahn: "Are there exclusions in the bill? I haven't had a chance to read it."
Senator Jacobsen: "Are there what in the bill?"
Senator Wojahn: "Are there exclusions of things that cannot be done?"
Senator Jacobsen: "It can be in-kind or dollars."
Senator Wojahn: "It can be in-kind or dollars?"
Senator Jacobsen: "Yes."
Senator Wojahn: "Thank you very much."
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5518.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5518 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.
Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.
Excused: Senators Finkbeiner, Long, McCaslin, McDonald and Sheahan - 5.
SUBSTITUTE SENATE BILL NO. 5518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5604, by Senate Committee on Health and Long-Term Care (originally sponsored by Senators Deccio, Wojahn, Winsley, Costa, Franklin and Thibaudeau)

Identifying health care facility workers.

The bill was read the third time.

Senator Deccio spoke to Substitute Senate Bill No. 5604.
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5604.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5604 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 41.

Voting nay: Senators Honeyford, Morton and West - 3.

Excused: Senators Finkbeiner, Long, McCaslin, McDonald and Sheahan - 5.

SUBSTITUTE SENATE BILL NO. 5604, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5049, by Senate Committee on Judiciary (originally sponsored by Senators Rasmussen, Goings, Franklin, T. Sheldon, Swecker and Patterson)

Enhancing penalties for manufacturing methamphetamines inside a conveyance.

MOTIONS

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 5049 was returned to second reading and read the second time.

On motion of Senator Heavey, the following striking amendment by Senators Heavy and McCaslin was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.94A RCW to read as follows:

In a criminal case where: (1) The defendant has been convicted of (a) manufacture of methamphetamine as defined in RCW 69.50.401(a)(1)(ii); (b) possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine, as defined in RCW 69.50.440; or (c) an attempt to commit or a conspiracy to commit a crime under (a) or (b) of this subsection; and

(2) There has been a special allegation pleaded and proven beyond a reasonable doubt that the defendant committed the crime:

(a) Inside a motor vehicle as defined in RCW 46.04.320, or a trailer as defined in RCW 46.04.620, or a vessel as defined in RCW 88.02.010;

(b) Inside a house, apartment, mobile home, hotel, motel, or any other dwelling or residence;

(c) In an area within one thousand feet of a child; or

(d) In an area within one mile of a school;

the court shall make a finding of fact of the special allegation, or if a jury trial is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to the special allegation.

Sec. 2. RCW 9.94A.310 and 1999 c 352 s 2 and 1999 c 324 s 3 are each reenacted and amended to read as follows:

(1) TABLE 1

Sentencing Grid

SERIOUSNESS LEVEL	OFFENDER SCORE								
	0	1	2	3	4	5	6	7	8	9 or more
XVI	Life Sentence without Parole/Death Penalty									
XV	23y4m 240- 320	24y4m 250- 333	25y4m 261- 347	26y4m 271- 361	27y4m 281- 374	28y4m 291- 388	30y4m 312- 416	32y10m 338- 450	36y 370- 493	40y 411- 548
XIV	14y4m 123-	15y4m 134-	16y2m 144-	17y 154-	17y11m 165-	18y9m 175-	20y5m 195-	22y2m 216-	25y7m 257-	29y 298-

220 234 244 254 265 275 295 316 357 397

XIII 12y 13y 14y 15y 16y 17y 19y 21y 25y 29y
123- 134- 144- 154- 165- 175- 195- 216- 257- 298-
164 178 192 205 219 233 260 288 342 397

XII 9y 9y11m 10y9m 11y8m 12y6m 13y5m 15y9m 17y3m 20y3m 23y3m
93- 102- 111- 120- 129- 138- 162- 178- 209- 240-
123 136 147 160 171 184 216 236 277 318

XI 7y6m 8y4m 9y2m 9y11m 10y9m 11y7m 14y2m 15y5m 17y11m 20y5m
78- 86- 95- 102- 111- 120- 146- 159- 185- 210-
102 114 125 136 147 158 194 211 245 280

X 5y 5y6m 6y 6y6m 7y 7y6m 9y6m 10y6m 12y6m 14y6m
51- 57- 62- 67- 72- 77- 98- 108- 129- 149-
68 75 82 89 96 102 130 144 171 198

IX 3y 3y6m 4y 4y6m 5y 5y6m 7y6m 8y6m 10y6m 12y6m
31- 36- 41- 46- 51- 57- 77- 87- 108- 129-
41 48 54 61 68 75 102 116 144 171

VIII 2y 2y6m 3y 3y6m 4y 4y6m 6y6m 7y6m 8y6m 10y6m
21- 26- 31- 36- 41- 46- 67- 77- 87- 108-
27 34 41 48 54 61 89 102 116 144

VII 18m 2y 2y6m 3y 3y6m 4y 5y6m 6y6m 7y6m 8y6m
15- 21- 26- 31- 36- 41- 57- 67- 77- 87-
20 27 34 41 48 54 75 89 102 116

VI 13m 18m 2y 2y6m 3y 3y6m 4y6m 5y6m 6y6m 7y6m
12+- 15- 21- 26- 31- 36- 46- 57- 67- 77-
14 20 27 34 41 48 61 75 89 102

V 9m 13m 15m 18m 2y2m 3y2m 4y 5y 6y 7y
6- 12+- 13- 15- 22- 33- 41- 51- 62- 72-
12 14 17 20 29 43 54 68 82 96

IV 6m 9m 13m 15m 18m 2y2m 3y2m 4y2m 5y2m 6y2m
3- 6- 12+- 13- 15- 22- 33- 43- 53- 63-
9 12 14 17 20 29 43 57 70 84

III 2m 5m 8m 11m 14m 20m 2y2m 3y2m 4y2m 5y

1- 3- 4- 9- 12+- 17- 22- 33- 43- 51-
3 8 12 12 16 22 29 43 57 68

II 4m 6m 8m 13m 16m 20m 2y2m 3y2m 4y2m
0-90 2- 3- 4- 12+- 14- 17- 22- 33- 43-
Days 6 9 12 14 18 22 29 43 57

I 3m 4m 5m 8m 13m 16m 20m 2y2m
0-60 0-90 2- 2- 3- 4- 12+- 14- 17- 22-
Days Days 5 6 8 12 14 18 22 29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) Three years for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) Eighteen months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, any and all firearm enhancements under this subsection shall be twice the amount of the enhancement listed.

(e) Notwithstanding any other provision of law, any and all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.150(4).

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.

(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon as defined in this chapter other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and

the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) One year for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) Six months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, any and all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed.

(e) Notwithstanding any other provision of law, any and all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.150(4).

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.

(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the presumptive sentence if the offender or an accomplice committed the offense while in a county jail or state correctional facility as that term is defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility as that term is defined in this chapter, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(a)(1) (i) or (ii) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(a)(1) (iii), (iv), and (v);

(c) Twelve months for offenses committed under RCW 69.50.401(d).

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or section 1 of this act.

(7) An additional two years shall be added to the presumptive sentence for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055."

POINT OF INQUIRY

Senator Johnson: "Senator Heavey, would you mind describing those technical changes, because we just got the striker on our desks a few minutes ago?"

Senator Heavey: "Well, as I understand it, we pass statutes that affect the underlying statutes, so the new bill had to incorporate the changes that had happened in 1999. That is all it does. It doesn't change the substance of the underlying bill."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Heavey and McCaslin to Substitute Senate Bill No. 5049.

The motion by Senator Heavey carried and the striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Heavey and McCaslin to Substitute Senate Bill No. 5049.

The motion by Senator Heavey carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Heavey, the following title amendment was adopted:

On page 1, line 1 of the title, after "manufacture;" strike the remainder of the title and insert "reenacting and amending RCW 9.94A.310; adding a new section to chapter 9.94A RCW; and prescribing penalties."

On motion of Senator Heavey, the rules were suspended, Engrossed Substitute Senate Bill No. 5049 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Eide, Senator Kohl-Welles was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5049.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5049 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Loveland, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42. Absent: Senator Bauer - 1. Excused: Senators Finkbeiner, Kohl-Welles, Long, McCaslin, McDonald and Sheahan - 6. ENGROSSED SUBSTITUTE SENATE BILL NO. 5049, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5074, by Senate Committee on Judiciary (originally sponsored by Senators Roach, Honeyford, T. Sheldon, Johnson and Rasmussen)

Establishing the crime of mail theft or receipt of stolen mail.

MOTION

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 5074 was returned to second reading and read the second time.

MOTION

On motion of Senator Heavey, the following striking amendment by Senators Heavy and McCaslin was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authorized depository" means a mailbox, post office box, or rural box used by postal customers to deposit outgoing mail or used by the postal service to deliver incoming mail.

(2) "Letter box" means a receptacle that is used for a specific address intended or used for the receipt or delivery of mail on a mail route.

(3)(a) "Mail" means a letter, card, parcel, or other material that:

(i) Is sent or delivered by means of the postal service;

(ii) Has postage affixed by the postal customer or postal service; and

(iii) Is placed in an authorized depository or mail receptacle.

(b) "Mail" includes articles contained in mail.

(4) "Mail receptacle" means a place used by the postal service or postal customers to place outgoing mail or receive incoming mail.

(5) "Postage" means a postal service stamp, permit imprint, meter strip, or other authorized indication of prepayment for service provided by the postal service for collection and delivery of mail.

(6) "Postal service" means the United States postal service.

(7) The phrase "of another" does not include persons with whom the defendant has a familial, parental, spousal, or other relationship that would otherwise reasonably allow the defendant to take, dispose of, or otherwise intercept the person's mail.

NEW SECTION. **Sec. 2.** (1) A person commits the crime of obstruction of mails if the person intentionally obstructs or unreasonably delays:

(a) The passage of the mail; or

(b) A carrier or conveyance carrying the mail.

(2) Obstruction of mails is a gross misdemeanor.

NEW SECTION. **Sec. 3.** (1) A person commits the crime of destruction of letter boxes if the person knowingly and maliciously:

(a) Tears down or destroys a letter box belonging to another; or

(b) Breaks open a letter box belonging to another.

(2) Destruction of letter boxes is a gross misdemeanor.

NEW SECTION. **Sec. 4.** (1) A person commits the crime of destruction of mail if the person knowingly and maliciously injures, destroys, or defaces mail of another that has been deposited in an authorized depository.

(2) Destruction of mail is a class C felony.

NEW SECTION. **Sec. 5.** (1) A person commits the crime of mail theft or receipt of stolen mail if the person knowingly:

(a) Takes or, by fraud or deception, obtains mail of another from a mail receptacle, authorized depository, or mail carrier;

(b) Secretes, embezzles, or destroys mail of another;

(c) Takes or, by fraud or deception, obtains mail of another that has been left for collection on or adjacent to an authorized depository or mail receptacle; or

(d) Buys, receives, conceals, or unlawfully possesses mail of another knowing that the mail was taken, obtained, or embezzled as described in this subsection.

(2) When a person has in his or her possession or control mail of another addressed to two or more different addresses, and the addresses are not the residence or business of the person, he or she is presumed to know that the mail is stolen. This presumption may be rebutted by evidence raising a reasonable inference that the possession of such stolen mail was without knowledge that the mail was stolen.

NEW SECTION. **Sec. 6.** (1) A person is guilty of mail theft or receipt of stolen mail in the first degree if he or she knowingly possesses stolen mail addressed to five or more different addresses.

(2) Mail theft or receipt of stolen mail in the first degree is a class B felony.

NEW SECTION. **Sec. 7.** (1) A person is guilty of mail theft or receipt of stolen mail in the second degree if he or she knowingly possesses stolen mail addressed to four or less different addresses.

(2) Mail theft or receipt of stolen mail in the second degree is a class C felony.

NEW SECTION. **Sec. 8.** In a prosecution under this chapter, it is a defense that the defendant acted under an honest claim of right in that:

(1) The defendant was unaware that the property was that of another person;

(2) The defendant reasonably believed that the defendant was entitled to the property involved or had a right to acquire or dispose of it as the defendant did; or

(3) The property involved was that of the defendant's minor child or spouse, unless the parties were not living together as husband and wife and were residing in, and intended to continually reside in, separate abodes at the time of the alleged offense.

NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute a new chapter in Title 9A RCW.

Sec. 10. RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999 c 45 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW 10.95.020)

XV Homicide by abuse (RCW 9A.32.055)

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

XIV Murder 2 (RCW 9A.32.050)

XIII Malicious explosion 2 (RCW 70.74.280(2))

Malicious placement of an explosive 1 (RCW 70.74.270(1))

XII Assault 1 (RCW 9A.36.011)

Assault of a Child 1 (RCW 9A.36.120)

Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

Rape of a Child 1 (RCW 9A.44.073)

XI Manslaughter 1 (RCW 9A.32.060)

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

X Child Molestation 1 (RCW 9A.44.083)

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))

Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)

IX Assault of a Child 2 (RCW 9A.36.130)

Controlled Substance Homicide (RCW 69.50.415)

Explosive devices prohibited (RCW 70.74.180)

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW ((~~88.12.029~~)) 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

VIII Arson 1 (RCW 9A.48.020)

Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW ((~~88.12.029~~)) 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))

Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine (RCW 69.50.440)

Promoting Prostitution 1 (RCW 9A.88.070)

Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)

Child Molestation 2 (RCW 9A.44.086)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW ((~~88.12.029~~)) 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Involving a minor in drug dealing (RCW 69.50.401(f))

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))

Bribery (RCW 9A.68.010)
Incest 1 (RCW 9A.64.020(1))
Intimidating a Judge (RCW 9A.72.160)
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))
Rape of a Child 3 (RCW 9A.44.079)
Theft of a Firearm (RCW 9A.56.300)

V Abandonment of dependent person 1 (RCW 9A.42.060)
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
Child Molestation 3 (RCW 9A.44.089)
Criminal Mistreatment 1 (RCW 9A.42.020)
Custodial Sexual Misconduct 1 (RCW 9A.44.160)
Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
Extortion 1 (RCW 9A.56.120)
Extortionate Extension of Credit (RCW 9A.82.020)
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
Incest 2 (RCW 9A.64.020(2))
Kidnapping 2 (RCW 9A.40.030)
On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Pretrial Condition (RCW 10.99.040(4) (b) and (c))
On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Sentence Condition (RCW 10.99.050(2))
On and after July 1, 2000: Protection Order Violation: Domestic Violence Civil Action (RCW 26.50.110 (4) and (5))
On and after July 1, 2000: Stalking (RCW 9A.46.110)
Perjury 1 (RCW 9A.72.020)
Persistent prison misbehavior (RCW 9.94.070)
Possession of a Stolen Firearm (RCW 9A.56.310)
Rape 3 (RCW 9A.44.060)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Sexually Violating Human Remains (RCW 9A.44.105)

IV Arson 2 (RCW 9A.48.030)
Assault 2 (RCW 9A.36.021)
Assault by Watercraft (RCW ((~~88.12.032~~)) 79A.60.060)
Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
Commercial Bribery (RCW 9A.68.060)
Counterfeiting (RCW 9.16.035(4))
Escape 1 (RCW 9A.76.110)
Hit and Run--Injury Accident (RCW 46.52.020(4))
Hit and Run with Vessel--Injury Accident (RCW ((~~88.12.155(3)~~)) 79A.060.200(3))
Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
Malicious Harassment (RCW 9A.36.080)
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))
Residential Burglary (RCW 9A.52.025)
Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)
Threats to Bomb (RCW 9.61.160)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Vehicular Assault (RCW 46.61.522)
Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)
Assault 3 (RCW 9A.36.031)
Assault of a Child 3 (RCW 9A.36.140)
Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
Burglary 2 (RCW 9A.52.030)
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
Criminal Gang Intimidation (RCW 9A.46.120)
Criminal Mistreatment 2 (RCW 9A.42.030)
Custodial Assault (RCW 9A.36.100)
Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
Escape 2 (RCW 9A.76.120)
Extortion 2 (RCW 9A.56.130)
Harassment (RCW 9A.46.020)
Intimidating a Public Servant (RCW 9A.76.180)
Introducing Contraband 2 (RCW 9A.76.150)
Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))
Malicious Injury to Railroad Property (RCW 81.60.070)
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Perjury 2 (RCW 9A.72.030)
Possession of Incendiary Device (RCW 9.40.120)
Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
Promoting Prostitution 2 (RCW 9A.88.080)
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Securities Act violation (RCW 21.20.400)
Tampering with a Witness (RCW 9A.72.120)
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)
Theft of Livestock 2 (RCW 9A.56.080)
Unlawful Imprisonment (RCW 9A.40.040)
Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
Willful Failure to Return from Work Release (RCW 72.65.070)

II Computer Trespass 1 (RCW 9A.52.110)
Counterfeiting (RCW 9.16.035(3))
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
Escape from Community Custody (RCW 72.09.310)
Health Care False Claims (RCW 48.80.030)
Mail Theft or Receipt of Stolen Mail 1 (section 6 of this act)
Malicious Mischief 1 (RCW 9A.48.070)
Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
Possession of phencyclidine (PCP) (RCW 69.50.401(d))
Possession of Stolen Property 1 (RCW 9A.56.150)
Theft 1 (RCW 9A.56.030)
Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

Destruction of Mail (section 4 of this act)

False Verification for Welfare (RCW 74.08.055)

Forged Prescription (RCW 69.41.020)

Forged Prescription for a Controlled Substance (RCW 69.50.403)

Forgery (RCW 9A.60.020)

Mail Theft or Receipt of Stolen Mail 2 (section 7 of this act)

Malicious Mischief 2 (RCW 9A.48.080)

Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission (RCW 9A.56.070)

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))

Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 11. RCW 13.40.0357 and 1998 c 290 s 5 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION CATEGORY	OFFENSE CATEGORY DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
	Arson and Malicious Mischief	
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (< $50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B+
	Assault and Other Crimes Involving Physical Harm	
A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+

D+ Assault 4 (9A.36.041) E
B+ Drive-By Shooting (9A.36.045) C+
D+ Reckless Endangerment (9A.36.050) E
C+ Promoting Suicide Attempt (9A.36.060) D+
D+ Coercion (9A.36.070) E
C+ Custodial Assault (9A.36.100) D+

Burglary and Trespass

B+ Burglary 1 (9A.52.020) C+
B Residential Burglary (9A.52.025) C
B Burglary 2 (9A.52.030) C
D Burglary Tools (Possession of) (9A.52.060) E
D Criminal Trespass 1 (9A.52.070) E
E Criminal Trespass 2 (9A.52.080) E
C Vehicle Prowling 1 (9A.52.095) D
D Vehicle Prowling 2 (9A.52.100) E

Drugs

E Possession/Consumption of Alcohol (66.44.270) E
C Illegally Obtaining Legend Drug (69.41.020) D
C+ Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030) D+
E Possession of Legend Drug (69.41.030) E
B+ Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(a)(1) (i) or (ii)) B+
C Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii)) C
E Possession of Marihuana < 40 grams (69.50.401(e)) E
C Fraudulently Obtaining Controlled Substance (69.50.403) C
C+ Sale of Controlled Substance for Profit (69.50.410) C+
E Unlawful Inhalation (9.47A.020) E
B Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.401(b)(1) (i) or (ii)) B
C Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances

(69.50.401(b)(1) (iii), (iv), (v)) C

C Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d)) C

C Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c)) C

Firearms and Weapons

B Theft of Firearm (9A.56.300) C

B Possession of Stolen Firearm (9A.56.310) C

E Carrying Loaded Pistol Without Permit (9.41.050) E

C Possession of Firearms by Minor (< 18) (9.41.040(1)(b)(iii)) C

D+ Possession of Dangerous Weapon (9.41.250) E

D Intimidating Another Person by use of Weapon (9.41.270) E

Homicide

A+ Murder 1 (9A.32.030) A

A+ Murder 2 (9A.32.050) B+

B+ Manslaughter 1 (9A.32.060) C+

C+ Manslaughter 2 (9A.32.070) D+

B+ Vehicular Homicide (46.61.520) C+

Kidnapping

A Kidnap 1 (9A.40.020) B+

B+ Kidnap 2 (9A.40.030) C+

C+ Unlawful Imprisonment (9A.40.040) D+

Obstructing Governmental Operation

D Obstructing a Law Enforcement Officer (9A.76.020) E

E Resisting Arrest (9A.76.040) E

B Introducing Contraband 1 (9A.76.140) C

C Introducing Contraband 2 (9A.76.150) D

E Introducing Contraband 3 (9A.76.160) E

B+ Intimidating a Public Servant (9A.76.180) C+

B+ Intimidating a Witness (9A.72.110) C+

Public Disturbance

C+ Riot with Weapon (9A.84.010) D+

D+ Riot Without Weapon

(9A.84.010) E

E Failure to Disperse (9A.84.020) E

E Disorderly Conduct (9A.84.030) E

Sex Crimes

A Rape 1 (9A.44.040) B+

A- Rape 2 (9A.44.050) B+

C+ Rape 3 (9A.44.060) D+

A- Rape of a Child 1 (9A.44.073) B+

B+ Rape of a Child 2 (9A.44.076) C+

B Incest 1 (9A.64.020(1)) C

C Incest 2 (9A.64.020(2)) D

D+ Indecent Exposure
(Victim < 14) (9A.88.010) E

E Indecent Exposure
(Victim 14 or over) (9A.88.010) E

B+ Promoting Prostitution 1
(9A.88.070) C+

C+ Promoting Prostitution 2
(9A.88.080) D+

E O & A (Prostitution) (9A.88.030) E

B+ Indecent Liberties (9A.44.100) C+

A- Child Molestation 1 (9A.44.083) B+

B Child Molestation 2 (9A.44.086) C+

Theft, Robbery, Extortion, and Forgery

B Theft 1 (9A.56.030) C

C Theft 2 (9A.56.040) D

D Theft 3 (9A.56.050) E

B Theft of Livestock (9A.56.080) C

C Forgery (9A.60.020) D

A Robbery 1 (9A.56.200) B+

B+ Robbery 2 (9A.56.210) C+

B+ Extortion 1 (9A.56.120) C+

C+ Extortion 2 (9A.56.130) D+

C Mail Theft or Receipt of Stolen
Mail 1 (section 6 of this act) D

D Mail Theft or Receipt of Stolen
Mail 2 (section 7 of this act) E

D Destruction of Mail (section 4
of this act) E

B Possession of Stolen Property 1
(9A.56.150) C

C Possession of Stolen Property 2
(9A.56.160) D

D Possession of Stolen Property 3
(9A.56.170) E

C Taking Motor Vehicle Without
Owner's Permission (9A.56.070) D

Motor Vehicle Related Crimes

E Driving Without a License
(46.20.005) E

C Hit and Run - Injury
(46.52.020(4)) D
D Hit and Run-Attended
(46.52.020(5)) E
E Hit and Run-Unattended
(46.52.010) E
C Vehicular Assault (46.61.522) D
C Attempting to Elude Pursuing
Police Vehicle (46.61.024) D
E Reckless Driving (46.61.500) E
D Driving While Under the Influence
(46.61.502 and 46.61.504) E

Other

B Bomb Threat (9.61.160) C
C Escape 1[1] (9A.76.110) C
C Escape 2[1] (9A.76.120) C
D Escape 3 (9A.76.130) E
E Obscene, Harassing, Etc.,
Phone Calls (9.61.230) E
A Other Offense Equivalent to an
Adult Class A Felony B+
B Other Offense Equivalent to an
Adult Class B Felony C
C Other Offense Equivalent to an
Adult Class C Felony D
D Other Offense Equivalent to an
Adult Gross Misdemeanor E
E Other Offense Equivalent to an
Adult Misdemeanor E
V Violation of Order of Restitution,
Community Supervision, or
Confinement (13.40.200)[2] V

[1]Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 4 weeks confinement
2nd escape or attempted escape during 12-month period - 8 weeks confinement
3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

[2]If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, or C.

OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A- 15-36 | 52-65 | 80-100 | 103-129
WEEKS | WEEKS | WEEKS | WEEKS
EXCEPT | | |
30-40 | | |
WEEKS FOR | | |
15-17 | | |
YEAR OLDS | | |

Current B+ 15-36 | 52-65 | 80-100 | 103-129
Offense WEEKS | WEEKS | WEEKS | WEEKS
Category ___
B LOCAL | | 52-65
SANCTIONS (LS) | 15-36 WEEKS | WEEKS

C+ LS |
| 15-36 WEEKS

C LS | 15-36 WEEKS
Local Sanctions: |
0 to 30 Days _
D+ LS 0 to 12 Months Community Supervision
0 to 150 Hours Community Service
D LS $0 to $500 Fine

E LS

0 1 2 3 4 or more
PRIOR ADJUDICATIONS

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B

CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160((~~(5)~~)) (4) and 13.40.165.

OR

OPTION C

MANIFEST INJUSTICE

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2)."

MOTIONS

On motion of Senator Heavey, the following title amendment was adopted:

On page 1, line 1 of the title, after "mail;" strike the remainder of the title and insert "amending RCW 13.40.0357; reenacting and amending RCW 9.94A.320; adding a new chapter to Title 9A RCW; and prescribing penalties."

On motion of Senator Heavey, the rules were suspended, Engrossed Substitute Senate Bill No. 5074 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5074.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5074 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Loveland, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Finkbeiner, Kohl-Welles, Long, McCaslin, McDonald and Sheahan - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5074, having received the constitutional majority, was declared passed. There being no objection, the tittle of the bill will stand as the title of the act.

MOTION

On motion of Senator Goings, Senators Eide and Heavey were excused.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5115, by Senate Committee on Labor and Workforce Development (originally sponsored by Senators Heavey, Prentice, Kline and Fairley)

Changing judicial review of public employment relations commission proceedings.

The bill was read the third time.

Senator Fairley spoke to Substitute Senate Bill No. 5115.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5115.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5115 and the bill failed to pass the Senate by the following vote: Yeas, 22; Nays, 18; Absent, 1; Excused, 8.

Voting yea: Senators Bauer, Brown, Costa, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Jacobsen, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Spanel, Thibaudeau and Winsley - 22.

Voting nay: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, Morton, Oke, Roach, Rossi, Sellar, Snyder, Stevens, Swecker, West, Wojahn and Zarelli - 18.

Absent: Senator Kline - 1.

Excused: Senators Eide, Finkbeiner, Heavey, Kohl-Welles, Long, McCaslin, McDonald and Sheahan - 8.

SUBSTITUTE SENATE BILL NO. 5115, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Snyder served notice that he would moved to reconsider the vote by which Substitute Senate Bill No. 5115 failed to pass the Senate.

MOTION FOR IMMEDIATE RECONSIDERATION

Senator Johnson moved that Substitute Senate Bill No. 5115 be immediately reconsidered.

PARLIAMENTARY INQUIRY

Senator Snyder: "Does Senator Johnson's motion require a simple majority or two-thirds?"

RULING BY THE PRESIDENT

President Owen: "Senator Snyder, in reviewing the rules, we find that Senator Johnson's motion is not actually before us, because we are not on the ninth order. If in fact, the motion was made under the proper order, it would still take a two-thirds vote to suspend the rules. The rule requires that the vote be taken on the next working day. There is no motion before us at the time."

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 5331, by Senate Committee on Ways and Means (originally sponsored by Senators Brown, Goings, Patterson, Eide, Winsley and Rasmussen)

Establishing public utility tax credits for weatherization and energy assistance programs.

MOTION

On motion of Senator Brown, the rules were suspended, Second Substitute Senate Bill No. 5331 was returned to second reading and read the second time.

MOTIONS

On motion of Senator Brown, the following amendment was adopted:

On page 3, line 2, strike "1999" and insert "2000"

On motion of Senator Brown, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5331 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5331.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5331 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Loveland, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41.

Excused: Senators Eide, Finkbeiner, Heavey, Kohl-Welles, Long, McCaslin, McDonald and Sheahan - 8.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5331, having received the constitutional majority, was declared passed. There being no objection, the tittle of the bill will stand as the title of the act.

MOTION

At 11:59 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Monday, January 31, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

NINETEENTH DAY, JANUARY 28, 2000

NOTICE: **Formatting and page numbering in this document may be different from that in the original published version.**

TWENTY-FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 3, 2000

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Betti Sheldon, Rule 46 was suspended to permit the Committee on Labor and Workforce Development to continue to meet during the session.

EDITOR'S NOTE: Rule 46 states: 'No committee shall sit during the daily session of the senate unless by special leave.'

REPORTS OF STANDING COMMITTEES

February 2, 2000

SB 5554 Prime Sponsor, Senator Costa: Authorizing community and technical colleges boards of trustees to adopt rules regarding weapons on district-owned or maintained property. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Jacobsen, McAuliffe and B. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senators Horn and Sheahan.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 5953 Prime Sponsor, Senator Kohl-Welles: Creating the public interest attorney loan repayment and scholarship program. Reported by Committee on Higher Education

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5953 be substituted therefor, and the second substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

February 2, 2000

SB 6211 Prime Sponsor, Senator T. Sheldon: Concerning the use of access road revolving fund moneys. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6256 Prime Sponsor, Senator Rasmussen: Allowing voluntary food labeling. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 1, 2000

SB 6263 Prime Sponsor, Senator Zarelli: Concerning the legal parents or guardians of minor drivers. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6263 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 1, 2000

SB 6281 Prime Sponsor, Senator Haugen: Designating ferries as "No Smoking" areas. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 1, 2000

SB 6284 Prime Sponsor, Senator Hargrove: Protecting DNA information. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6284 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 1, 2000

SB 6300 Prime Sponsor, Senator Kohl-Welles: Requiring annual reports of, and recommendations for improvements in, equal access to delivery of human services by state agencies. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6300 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

February 1, 2000

SB 6336 Prime Sponsor, Senator Hargrove: Eliminating retroactive tolling provisions for restitution/legal financial obligations and allowing tolling for other forms of supervision. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6336 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 1, 2000

SB 6337 Prime Sponsor, Senator Hargrove: Creating a criminal investigations unit within the department of corrections. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6337 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Long and Patterson.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Stevens and Zarelli.

Referred to Committee on Ways and Means.

February 1, 2000

SB 6360 Prime Sponsor, Senator Prentice: Providing for temporary real estate appraiser practice permits. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6360 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Gardner, Hale, Rasmussen, T. Sheldon and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton and Heavey.

Passed to Committee on Rules for second reading.

February 1, 2000

SB 6361 Prime Sponsor, Senator Zarelli: Protecting children at the state school for the deaf and the state school for the blind from abuse and neglect. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6361 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

February 1, 2000

SB 6362 Prime Sponsor, Senator Zarelli: Changing provisions relating to the removal and placement of foster children. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 1, 2000

SB 6395 Prime Sponsor, Senator Franklin: Establishing a commission to study issues involving DNA technology. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6395 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6425 Prime Sponsor, Senator McAuliffe: Changing advanced college tuition payment program provisions. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6425 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 1, 2000

SB 6437 Prime Sponsor, Senator Prentice: Modifying provisions concerning the registration of business trade names. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 1, 2000

SB 6439 Prime Sponsor, Senator Long: Changing terminology in the release from commitment of persons in mental treatment facilities. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6439 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6450 Prime Sponsor, Senator Jacobsen: Creating the wildlife publications account. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 6450 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6462 Prime Sponsor, Senator McAuliffe: Providing a salary bonus for teachers receiving national board for professional teaching standards certification. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6462 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Goings, Kohl-Welles, Rasmussen and Swecker.

Referred to Committee on Ways and Means.

February 1, 2000

SB 6486 Prime Sponsor, Senator Costa: Changing contempt sanctions in juvenile court proceedings. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6486 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 1, 2000

SB 6487 Prime Sponsor, Senator Long: Providing for the release of mental health information under certain circumstances. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6487 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Long, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 1, 2000

SB 6498 Prime Sponsor, Senator McCaslin: Providing a procedure to conduct DNA testing of evidence for persons sentenced to death or life imprisonment. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6498 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6526 Prime Sponsor, Senator Kohl-Welles: Excluding exempt positions from bargaining units of employees of institutions of higher education governed by chapter 41.56 RCW. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Horn.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6552 Prime Sponsor, Senator Jacobsen: Studying recreational opportunities available in the west slope of the Cascade foothills. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Referred to Committee on Ways and Means.

February 1, 2000

SB 6554 Prime Sponsor, Senator Long: Changing provisions relating to less restrictive alternative mental health commitments. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6554 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Long, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6572 Prime Sponsor, Senator Rasmussen: Protecting aquatic habitat through the use of tax incentives. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That the bill be referred to Committee on Ways and Means without recommendation. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Referred to Committee on Ways and Means.

February 1, 2000

SB 6608 Prime Sponsor, Senator Hargrove: Allowing a writ of mandate when a state human services agency fails to perform specified duties. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Long, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 1, 2000

SB 6621 Prime Sponsor, Senator Costa: Creating a task force to study the interstate compact for adult offender supervision. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6621 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 1, 2000

SB 6635 Prime Sponsor, Senator Sheahan: Providing a tax exemption for clothing and footwear. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Referred to Committee on Ways and Means.

February 1, 2000

SB 6703 Prime Sponsor, Senator Costa: Including prevention for potential victims of sexual assault as a core treatment service for victims of sexual assault. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6781 Prime Sponsor, Senator Rasmussen: Modifying provisions concerning the management of dairy nutrients. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6781 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 2, 2000

SJM 8016 Prime Sponsor, Senator Morton: Requesting support to combat Douglas fir bark beetles. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 2, 2000

SJM 8018 Prime Sponsor, Senator Jacobsen: Requesting the passage of the conservation and reinvestment act. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hargrove, Morton, Oke, Rossi, Snyder and Spanel.

Passed to Committee on Rules for second reading.

February 2, 2000

SJM 8019 Prime Sponsor, Senator Eide: Petitioning Congress to consider formula grants for gifted and talented education programs in its reauthorization of the Elementary and Secondary Education Act. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Goings, Rasmussen, Swecker and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 2, 2000

SJM 8021 Prime Sponsor, Senator Spanel: Requesting the designation of the Paul N. Luvera, Sr. Memorial Highway. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Johnson, Morton, Oke, Patterson, Prentice, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Betti Sheldon, Senate Bill No. 5953 and Senate Bill No. 6635 were referred to the Committee on Ways and Means.

On motion of Senator Betti Sheldon, Senate Bill No. 6211 was referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 2, 2000

GA 9216 DEBORAH J. BARNETT, appointed May 11, 1999, for a term ending September 30, 2000, as a member of the Board of Trustees for The Evergreen State College.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 2, 2000

GA 9239 NICHOLAS FRENCH, appointed June 1, 1999, for a term ending May 31, 2000, as a member of the Board of Trustees for Central Washington University.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 2, 2000

GA 9254 CHRISTOPHER S. KNAUS, appointed June 1, 1999, for a term ending May 31, 2000, as a member of the Board of Regents for the University of Washington.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 2, 2000

GA 9255 TOM KOENNINGER, appointed May 13, 1999, for a term ending April 3, 2003, as a member of the State Board for Community and Technical Colleges.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 2, 2000

GA 9260 CAROLYN A. LAKE, appointed September 16, 1999, for a term ending September 30, 2002, as a member of the Board of Trustees for Bates Technical College District No. 28.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 2, 2000

GA 9268 KENNETH J. MARTIN, appointed April 21, 1999, for a term ending September 30, 2001, as a member of the Board of Trustees for Central Washington University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 2, 2000

GA 9286 NADINE L. ROMERO, appointed October 1, 1999, for a term ending September 30, 2005, as a member of the Board of Trustees for Central Washington University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 2, 2000

GA 9300 JOHN WARRING, appointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

January 27, 2000

Mr. Tony Cook
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Chemical Dependency Disposition Alternative." It is mandated under RCW 70.96A. 520.

Please call Barbara Glass at (360) 902-7805 if you have questions regarding the report.

Sincerely,

LYLE QUASIM

Secretary

The Department of Social and Health Services report on Chemical Dependency Disposition Alternative is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

February 2, 2000

MR. PRESIDENT:

The Co-Speakers have signed SUBSTITUTE HOUSE BILL NO. 3077, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO 3077.

INTRODUCTION AND FIRST READING

SB 6827 by Senator Goings

AN ACT Relating to the definition of remuneration; and adding a new section to chapter 50.20 RCW.

Referred to Committee on Labor and Workforce Development.

SB 6828 by Senators Thibaudeau and Prentice (by request of Governor Locke)

AN ACT Relating to authorizing a credit of tribal taxes against state taxes on liquor subject to agreements regarding the state and tribal tax systems; amending RCW 66.08.050; adding a new section to chapter 43.06 RCW; adding a new section to chapter 82.08 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6829 by Senators Winsley, Costa, Long, Fairley, Snyder, Bauer, Fraser, Franklin and Kohl-Welles

AN ACT Relating to making an irrevocable choice to become a member of the Washington school employees' retirement system plan 2 or plan 3; amending RCW 41.35.610 and 41.35.010; and providing an effective date.

Referred to Committee on Ways and Means.

MOTION

At 12:03 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, February 4, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-FIFTH DAY, FEBRUARY 3, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

TWENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 4, 2000

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators McCaslin and Prentice. On motion of Senator Honeyford, Senator McCaslin was excused. On motion of Senator Franklin, Senator Prentice was excused.

The Sergeant at Arms Color Guard, consisting of Pages Nicole Bolster and Jeff Bundy, presented the Colors. Major Charles S. Gillies, Jr., Chaplain for the Salvation Army in Olympia, offered the prayer.

MOTION

On motion of Senator Goings, the reading of the Journal of the previous day was dispensed with and it was approved.

INTRODUCTION AND FIRST READING

SB 6830 by Senators Franklin, Long, Thibaudeau, Winsley and Costa

AN ACT Relating to creating an office of mental health ombudsman; and adding a new chapter to Title 71 RCW.

Referred to Committee on Human Services and Corrections.

SB 6831 by Senators Morton, McCaslin, Horn, Finkbeiner, Winsley, Hochstatter, Swecker, Stevens, Johnson, Honeyford, Zarelli, Hale and Deccio

AN ACT Relating to ethics in public service; and amending RCW 42.52.010, 42.52.180, and 42.52.185.

Referred to Committee on State and Local Government.

SB 6832 by Senators Rasmussen and Winsley

AN ACT Relating to the property tax exemption for senior citizens; amending RCW 84.36.383; and creating a new section.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Hale, the following resolution was adopted:

SENATE RESOLUTION 2000-8697

By Senator Hale, Johnson, Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli

WHEREAS, Washington State Patrol Trooper James E. Saunders was killed in the line of duty on October 7, 1999, while making a routine traffic stop in Pasco; and

WHEREAS, This tragedy ended the life of a young and dedicated officer, and left a little girl named Megan and a baby due in March without a father; and

WHEREAS, Trooper Saunders' widow, Billie, has lost the love and support of her best friend and husband; and

WHEREAS, The parents of Trooper Saunders, John and Jan Saunders, have lost a loving son in whom they shared a deep pride with their community; and

WHEREAS, Trooper Saunders is remembered by his fellow officers, friends, and family for his spirit for life, his courage, and his devotion to his wife and daughter; and

WHEREAS, Trooper Saunders' service to his state and community was selfless and honorable and a credit to the Washington State Patrol; and

WHEREAS, Trooper Saunders' tragic death is a sad reminder to all citizens of the dangers law enforcement officers face every day; and

WHEREAS, Trooper Saunders was honored as a hero by Governor Gary Locke during his State of the State address on January 11, 2000;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that Washington State Patrol Trooper James E. Saunders be remembered and honored for his sacrifice in carrying out his duty to serve and protect the people of Washington.

BE IT FURTHER RESOLVED, That Trooper Saunders and each of his colleagues in law enforcement be acknowledged in grateful appreciation by the Washington State Senate for their service and sacrifices on behalf of the communities they serve.

BE IT FURTHER RESOLVED, That a copy of this resolution be given to John and Jan Saunders, to Billie Saunders, to Megan Saunders, and to Trooper Saunders' baby due in March, so that he or she will know something of the good man who was his or her father.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Trooper Saunder's wife, Billie, who was seated on the rostrum, as well as his parents, John and Jan Saunders, his sister, Jennifer Liss, and his grandmother, Gloria Browning, who were seated in the gallery.

The President also welcomed and introduced Annette Sandberg, Washington State Patrol Chief, also seated in the gallery.

MOTION

On motion of Senator Goings, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

SB 5244 Prime Sponsor, Senator Kline: Clarifying that development regulations be consistent with city and county comprehensive plans. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen and Kline.

MINORITY Recommendation: Do not pass. Signed by Senators Hale, Horn and McCaslin.

Passed to Committee on Rules for second reading.

February 3, 2000

ESB 5336 Prime Sponsor, Senator Kline: Specifying allowable sewer facility capacity charges. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5336 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 5540 Prime Sponsor, Senator Deccio: Concerning the public disclosure of department of health information received through the hospital licensing process. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5540 be substituted therefor, and the second substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 5776 Prime Sponsor, Senator Franklin: Expanding access to chiropractic health care services. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5776 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Costa, Deccio, Franklin and Winsley.

Referred to Committee on Ways and Means.

February 2, 2000

SB 5786 Prime Sponsor, Senator Shin: Including acupuncture as a service provided as medical assistance. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5786 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa and Franklin.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Deccio and Johnson.

Referred to Committee on Ways and Means.

February 2, 2000

SB 5874 Prime Sponsor, Senator Deccio: Concerning optometrists' use of approved drugs. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5874 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6152 Prime Sponsor, Senator Stevens: Changing provisions relating to the care, supervision, and treatment of children, developmentally disabled persons, and vulnerable adults. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6152 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6171 Prime Sponsor, Senator Fairley: Modifying unemployment compensation payable to individuals who took family and medical leave. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6204 Prime Sponsor, Senator Fairley: Allowing leave for victims of violence. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6204 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline, Oke and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6231 Prime Sponsor, Senator Fairley: Regulating telecommunications contractors and installations. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6231 as recommended by Committee on Labor and Workforce Development be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Rossi, West and Zarelli.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6285 Prime Sponsor, Senator Hargrove: Establishing Pearl Harbor remembrance day. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6331 Prime Sponsor, Senator Costa: Regulating disclosure of health care information. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6357 Prime Sponsor, Senator Patterson: Funding the municipal research council. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6357 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6363 Prime Sponsor, Senator Gardner: Clarifying procedures for absentee voting and mail ballots. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6363 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6367 Prime Sponsor, Senator Brown: Requiring telephone advertising clarity and disclosure. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 6367 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser, Hochstatter and Rossi.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6369 Prime Sponsor, Senator Patterson: Ordering a study of law enforcement issues in counties with over 150,000 population. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6369 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Hale, Haugen, Horn, Kline and McCaslin.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6376 Prime Sponsor, Senator Kline: Authorizing injunctive relief under the shoreline management act. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6376 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen, McAuliffe, Morton and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6378 Prime Sponsor, Senator Fraser: Extending the tenure of the enhanced 911 advisory committee. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser, Hochstatter, Roach and Rossi.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6384 Prime Sponsor, Senator Jacobsen: Requiring rules to regulate finfish aquaculture. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 6384 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder and Stevens.

Referred to Committee on Ways and Means.

February 2, 2000

SB 6396 Prime Sponsor, Senator Patterson: Splitting the department of community, trade, and economic development and reestablishing the department of community development and the department of trade and economic development. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn and Kline.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6397 Prime Sponsor, Senator Hargrove: Changing provisions relating to partial confinement in sentences of one year or less. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6397 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6401 Prime Sponsor, Senator Kohl-Welles: Protecting vulnerable adults. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6401 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin and Winsley.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6411 Prime Sponsor, Senator Spanel: Studying the energy facility siting process. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 6411 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley and Fraser.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6418 Prime Sponsor, Senator McAuliffe: Establishing a process to determine when the high school assessment is valid and reliable. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Goings, Hochstatter, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6420 Prime Sponsor, Senator Spanel: Allowing local regulation of indoor smoking. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6420 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa and Franklin.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6423 Prime Sponsor, Senator Patterson: Providing funds for local capital facilities plans. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6423 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen and Kline.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Horn and McCaslin.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6432 Prime Sponsor, Senator B. Sheldon: Authorizing the preservation and development of national historic towns outside of urban growth areas. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6432 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6435 Prime Sponsor, Senator Brown: Clarifying the taxation of electrical energy sales. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Brown, Chair; Goings, Vice Chair; Fraser, Hochstatter, Roach and Rossi.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6440 Prime Sponsor, Senator Hargrove: Revising sanctions for violating conditions of the juvenile offender basic training camp program. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

February 2, 2000

SB 6443 Prime Sponsor, Senator Patterson: Simplifying agency to agency transfer of small amounts of personal property. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6445 Prime Sponsor, Senator Gardner: Modifying ballot title laws. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6445 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6447 Prime Sponsor, Senator Brown: Providing for disclosure to consumers regarding the characteristics associated with their electric energy product. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 6447 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser, Hochstatter, Roach and Rossi.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6500 Prime Sponsor, Senator Brown: Granting the department of information services the authority to provide services to nonprofit organizations. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 6500 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley and Fraser.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6505 Prime Sponsor, Senator Hale: Restoring unfinished nuclear power sites. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 6505 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Fairley, Fraser, Hochstatter, Roach and Rossi.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6511 Prime Sponsor, Senator Thibaudeau: Protecting patients in state hospitals. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6517 Prime Sponsor, Senator Patterson: Authorizing the use of hotel tax proceeds for law enforcement or fire protection efforts. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen and Kline.

MINORITY Recommendation: Do not pass. Signed by Senators Hale, Horn and McCaslin.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6519 Prime Sponsor, Senator Patterson: Modifying growth management provisions. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6519 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6520 Prime Sponsor, Senator Kline: Specifying actions required for vesting of rights in land use actions. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6531 Prime Sponsor, Senator Long: Modifying the Washington school employees' retirement system plan 2 and 3. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6531 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 1, 2000

SB 6532 Prime Sponsor, Senator Honeyford: Decreasing the employee contribution rate for the Washington state patrol retirement system. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 1, 2000

SB 6533 Prime Sponsor, Senator Franklin: Creating additional options for payment of retirement allowances. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6533 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 1, 2000

SB 6534 Prime Sponsor, Senator Bauer: Establishing eligibility for the employee attendance incentive program. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6542 Prime Sponsor, Senator Kline: Providing for citizen enforcement of health and environmental laws. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6542 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen and McAuliffe.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Honeyford, Morton and Swecker.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6546 Prime Sponsor, Senator Costa: Providing a program to support family and other unpaid long-term caregivers. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6546 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Franklin, Johnson and Winsley.

Referred to Committee on Ways and Means.

February 2, 2000

SB 6553 Prime Sponsor, Senator Thibaudeau: Modifying the definition of health care facility in the authority statute to include public health facilities. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6561 Prime Sponsor, Senator Rossi: Designating the Washington national guard as a law enforcement agency for the purposes of federal drug asset forfeiture laws. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Hale, Haugen, Horn and Kline.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6562 Prime Sponsor, Senator Patterson: Making growth management housing goals reflect market needs. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6562 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Horn, Kline and McCaslin.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6566 Prime Sponsor, Senator Kohl-Welles: Allowing for the creation of a local parks authority. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6566 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Hale, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6570 Prime Sponsor, Senator Hargrove: Providing additional judicial authority in truancy petitions. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6583 Prime Sponsor, Senator Haugen: Providing for local representation on the regional growth management policy board. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6583 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6596 Prime Sponsor, Senator Costa: Requiring legislative hearings on initiatives and referendums. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6596 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen and Kline.

MINORITY Recommendation: Do not pass. Signed by Senators Horn and McCaslin.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6599 Prime Sponsor, Senator Stevens: Changing provisions relating to child support for dependent children. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6599 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

February 1, 2000

SB 6602 Prime Sponsor, Senator Loveland: Revising membership of certain LEOFF disability boards. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6606 Prime Sponsor, Senator Honeyford: Clarifying the number of landowners needed on petitions to merge minor irrigation districts into other special purpose districts. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6610 Prime Sponsor, Senator Wojahn: Modifying the credit for employers providing job training services. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6610 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Referred to Committee on Ways and Means.

February 2, 2000

SB 6622 Prime Sponsor, Senator Shin: Designating Asian Pacific American Heritage Month. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6622 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6623 Prime Sponsor, Senator Thibaudeau: Regulating wages of employees of community services programs for persons with developmental disabilities

MAJORITY Recommendation: Do Pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin and Johnson.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6643 Prime Sponsor, Senator Hargrove: Modifying growth management planning population requirements. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6643 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6652 Prime Sponsor, Senator Franklin: Ordering a study of youths who are parties to at-risk youth or child in need of services petitions. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6652 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

February 2, 2000

SB 6656 Prime Sponsor, Senator Eide: Commissioning a study of educational experiences and achievement levels of children in the state's foster care system. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6656 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Goings, Hochstatter, Kohl-Welles, Rasmussen, Swecker and Zarelli.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6662 Prime Sponsor, Senator Patterson: Providing resources for aircraft noise abatement in schools. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Haugen, Kline and McCaslin.

MINORITY Recommendation: Do not pass. Signed by Senators Gardner, Vice Chair; Hale and Horn.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6664 Prime Sponsor, Senator Costa: Expanding eligibility for victims' compensation to victims interviewed about past offenses. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6664 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6675 Prime Sponsor, Senator Brown: Allowing public utility districts and rural port districts to provide telecommunications services. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 6675 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser, Hochstatter, Roach and Rossi.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6676 Prime Sponsor, Senator Finkbeiner: Concerning the use of public rights of way in cities and towns. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 6676 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fraser, Hochstatter and Rossi.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6677 Prime Sponsor, Senator Brown: Allowing new forms of regulation of telecommunications companies. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 6677 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser, Hochstatter and Roach.

Passed to Committee on Rules for second reading.

February 1, 2000

SB 6678 Prime Sponsor, Senator Rasmussen: Repealing parimutuel wagering sunset provisions. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6682 Prime Sponsor, Senator Costa: Developing a workplace safety plan for state hospitals. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6682 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6690 Prime Sponsor, Senator McCaslin: Clarifying authority for counties, cities, and towns to create independent salary commissions. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6690 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6694 Prime Sponsor, Senator Wojahn: Halting sexual acting out and offending behaviors in foster care. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

February 2, 2000

SB 6696 Prime Sponsor, Senator Patterson: Correcting obsolete references to the department of community, trade, and economic development. Reported by Committee on State and Local Government.

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen and Horn.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6713 Prime Sponsor, Senator Patterson: Revising the Washington state quality award program. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6714 Prime Sponsor, Senator Thibaudeau: Establishing continuing education requirements for respiratory care practitioners. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6721 Prime Sponsor, Senator Patterson: Modifying the office of financial management's contract requirements for state agencies. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6721 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale and Kline.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Haugen and Horn.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6724 Prime Sponsor, Senator Hale: Exempting privatization contracts for the treatment of radioactive waste and hazardous substances from property taxes. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6724 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Honeyford, Kline, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6731 Prime Sponsor, Senator Spanel: Creating a Lake Whatcom forest land management plan. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 6731 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6732 Prime Sponsor, Senator Spanel: Clarifying the definition of "tourism-related facility." Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6732 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6742 Prime Sponsor, Senator Costa: Providing for additional consideration of victims in the juvenile justice system. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6742 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6743 Prime Sponsor, Senator Costa: Adding a limitation on sealing of juvenile offender records. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6748 Prime Sponsor, Senator Sellar: Increasing local government debt limits to finance capital facilities. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

HOLD.

February 3, 2000

SB 6749 Prime Sponsor, Senator Long: Changing provisions relating to persons incapacitated by a chemical dependency. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6775 Prime Sponsor, Senator Patterson: Simplifying public disclosure report filing and distributions. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Hale, Haugen, Horn and Kline.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6778 Prime Sponsor, Senator Patterson: Modifying the board of commissioners of a water-sewer district. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6794 Prime Sponsor, Senator Benton: Contributing money to the national World War II memorial. Reported by Committee on State and Local Government

MAJORITY Recommendation: That the bill be referred to Committee on Ways and Means without recommendation. Signed by Senator Patterson, Chair; Hale, Haugen, Horn and Kline.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6805 Prime Sponsor, Senator Goings: Apportioning a sales and use tax for zoos, aquariums, wildlife preserves, and regional parks. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale and Haugen.

MINORITY Recommendation: Do not pass. Signed by Senators Horn and McCaslin.

Passed to Committee on Rules for second reading.

February 3, 2000

SJM 8027 Prime Sponsor, Senator Shin: Commemorating the 50th anniversary of the Korean War. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 2, 2000

SJR 8214 Prime Sponsor, Senator Wojahn: Amending the Constitution to allow certain trust fund moneys to be invested as authorized by the legislature. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SCR 8424 Prime Sponsor, Senator Swecker: Creating the joint select committee on unfunded federal mandates relating to environmental protection. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 8424 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, McAuliffe, Morton and Swecker.

Passed to Committee on Rules for second reading.

February 3, 2000

SCR 8426 Prime Sponsor, Senator Rasmussen: Creating a joint select committee on veterans and military affairs. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Goings, Senate Bill No. 6599, Senate Bill No. 6610, Senate Bill No. 6652, and Senate Bill No. 6749 were referred to the Committee on Ways and Means.

On motion of Senator Goings, Senate Bill No. 6748 was held at the desk.

MOTION

On motion of Senator Goings, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SENATE BILL NO. 5816, by Senators Haugen, McCaslin, Patterson, Gardner and T. Sheldon

Enabling counties planning under chapter 36.70A RCW to create nine lots in a short subdivision within a designated urban growth area.

The bill was read the third time.

Senator Patterson spoke to Engrossed Senate Bill No. 5816.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5816.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5816 and the bill passed the Senate by the following vote:
Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 43. Voting nay: Senators Fairley, Kohl-Welles, Thibaudeau and Wojahn - 4. Excused: Senators McCaslin and Prentice - 2. ENGROSSED SENATE BILL NO. 5816, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5718, by Senate Committee on State and Local Government (originally sponsored by Senators Gardner, Spanel, Patterson and Haugen)

Specifying how code cities may change the plan of government.

The bill was read the third time.

Senator Patterson spoke to Substitute Senate Bill No. 5718.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5718.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5718 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 39. Voting nay: Senators Benton, Finkbeiner, Hochstatter, Roach, Sellar, Stevens, Swecker and Zarelli - 8. Excused: Senators McCaslin and Prentice - 2. SUBSTITUTE SENATE BILL NO. 5718, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 10:40 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 5:43 p.m. by Senator Snyder.

There being no objection, Senator Snyder reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 3, 2000

SB 5405 Prime Sponsor, Senator Benton: Revising ballot rotation methods. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5405 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Hale, Horn and Kline.

Passed to Committee on Rules for second reading.

January 28, 2000

SB 5481 Prime Sponsor, Senator Prentice: Siting manufactured housing. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5481 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Gardner, Heavey, Rasmussen and T. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senators Hale and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SSB 5547 Prime Sponsor, Senate Committee on Education: Providing medical assistance in public schools. Reported by Committee on Education

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5547 be substituted therefor, and the second substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Eide, Vice Chair; Bauer, Benton, Brown, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Swecker and Zarelli..

Referred to Committee on Ways and Means.

February 3, 2000

ESB 5631 Prime Sponsor, Senator Wojahn: Increasing the amount of allowable vocational rehabilitation benefits. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5631 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

February 1, 2000

SB 5923 Prime Sponsor, Senator Kohl-Welles: Creating home warranties. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5923 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Deccio, Gardner, Rasmussen and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Hale, Heavey, T. Sheldon and West.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 5924 Prime Sponsor, Senator Jacobsen: Establishing the real estate appraiser commission of the state of Washington. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5924 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Deccio, Gardner, Hale, Rasmussen and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

February 3, 2000

ESB 6004 Prime Sponsor, Senator Winsley: Certifying resident managers of mobile home parks. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6004 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Hale, Rasmussen and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

ESSB 6067 Prime Sponsor, Senate Committee on Health and Long-Term Care: Modifying provisions concerning access to individual health insurance coverage. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6067 be substituted therefor, and the second substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6071 Prime Sponsor, Senator Rossi: Increasing penalties for hit and run where an injury or death occurs. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 6071 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Johnson, Long, McCaslin and Roach.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6116 Prime Sponsor, Senator Heavey: Authorizing judges pro tempore whenever a judge serves on a commission, board, or committee. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Long and Thibaudeau.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6137 Prime Sponsor, Senator Kline: Creating a task force to study the death penalty. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 6137 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Long and Thibaudeau.

Referred to Committee on Ways and Means.

February 4, 2000

SB 6155 Prime Sponsor, Senator Costa: Changing reports filed under marriage dissolution proceedings. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 6155 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6158 Prime Sponsor, Senator Fairley: Creating a presumption of occupational disease for fire fighters. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6162 Prime Sponsor, Senator Fairley: Providing sanctions for golf and country clubs that do not allow equal access to club facilities. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 6162 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen and Thibaudeau.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6191 Prime Sponsor, Senator McCaslin: Allowing judges of a county the option of creating a single trial court system. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Goings, Hargrove, Haugen, Long, McCaslin and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senators Roach and Zarelli.

Referred to Committee on Ways and Means.

February 1, 2000

SB 6220 Prime Sponsor, Senator Prentice: Prohibiting unfair competition by motor vehicle dealers and manufacturers. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6220 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6221 Prime Sponsor, Senator Thibaudeau: Making technical changes and corrections to department of health statutes. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6221 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6223 Prime Sponsor, Senator Hargrove: Reorganizing sentencing provisions. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson and Thibaudeau.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6232 Prime Sponsor, Senator Fairley: Evaluating drug-free workplace programs. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6238 Prime Sponsor, Senator Fairley: Addressing the eligibility for unemployment insurance benefits when an employee voluntarily participates in an employer initiated layoff. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6241 Prime Sponsor, Senator Fairley: Establishing WorkFirst performance measures. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6241 be substituted therefor, and the second substitute bill do pass. Signed by Senators Fairley, Franklin, Kline and Wojahn.

MINORITY Recommendation: Do not substitute. Signed by Senator Hochstatter.

Referred to Committee on Ways and Means.

February 4, 2000

SB 6255 Prime Sponsor, Senator Rasmussen: Prescribing penalties for unlawful possession and storage of anhydrous ammonia. Reported by Committee on Judiciary

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6255 be substituted therefor, and the second substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen and Long.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6259 Prime Sponsor, Senator Patterson: Issuing credit cards to persons under the age of twenty-one. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6259 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Deccio, Gardner, Heavey, Rasmussen and Winsley.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Hale.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6260 Prime Sponsor, Senator Rasmussen: Increasing penalties for manufacturing a controlled substance when children are present. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 6260 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6270 Prime Sponsor, Senator Eide: Including conviction for driving under age of twenty-one after consuming alcohol as a prior offense in determining penalties for alcohol violators. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6271 Prime Sponsor, Senator Prentice: Increasing the size of the state investment board. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6271 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Rasmussen, West and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Deccio, Hale, Heavey and T. Sheldon.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6272 Prime Sponsor, Senator Franklin: Modifying laws that regulate private communications or conversations. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6282 Prime Sponsor, Senator Haugen: Specifying the duties of drivers involved in traffic accidents resulting in injury or death. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Long and Thibaudeau.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6296 Prime Sponsor, Senator Kohl-Welles: Creating the independence through college for achievers in need program. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6296 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Finkbeiner, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6321 Prime Sponsor, Senator Prentice: Promoting economic development in Washington by increasing the skills and productivity of workers. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6321 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6323 Prime Sponsor, Senator Franklin: Creating the employee benefits fairness act. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6324 Prime Sponsor, Senator Franklin: Studying the contingent work force. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6338 Prime Sponsor, Senator T. Sheldon: Creating a liquor agencies advisory committee. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6339 Prime Sponsor, Senator Prentice: Allowing charitable organizations to hire vendors to conduct fund raising events. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6339 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6347 Prime Sponsor, Senator Patterson: Creating small works roster provisions to award public works contracts. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6347 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6350 Prime Sponsor, Senator Kline: Presuming the existence of an occupational disease. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6354 Prime Sponsor, Senator Kline: Contracting for services performed by classified employees. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6354 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Hochstatter, Kohl-Welles and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Finkbeiner and Swecker.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6356 Prime Sponsor, Senator Prentice: Protecting consumers in contractor transactions. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6356 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6358 Prime Sponsor, Senator Costa: Prohibiting harassment through electronic communication. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 6358 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen and Long.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6359 Prime Sponsor, Senator Costa: Limiting personal information entered into the judicial information system for purposes of issuing protection orders. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 6359 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Haugen, Long and Thibaudeau.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6364 Prime Sponsor, Senator Wojahn: Including preapprenticeship programs in the definition of work activity. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6365 Prime Sponsor, Senator Wojahn: Developing apprenticeship opportunities for WorkFirst clients. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6365 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6368 Prime Sponsor, Senator Brown: Allowing unemployment benefits during lockouts. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6382 Prime Sponsor, Senator Thibaudeau: Protecting dependent persons. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6382 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6389 Prime Sponsor, Senator Stevens: Extending juvenile court jurisdiction over permanency planning matters in dependency proceedings. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6389 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Long, Patterson and Stevens.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6400 Prime Sponsor, Senator Wojahn: Changing provisions relating to domestic violence. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 6400 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Long and Thibaudeau.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6402 Prime Sponsor, Senator Fairley: Enacting the civil service reform act of 2000. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Labor and Workforce Development. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford, McDonald, Rossi and West.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6419 Prime Sponsor, Senator Swecker: Increasing penalties for vehicle abandonment. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6419 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Oke, Patterson, Prentice, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6421 Prime Sponsor, Senator Costa: Creating domestic violence fatality review panels. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 6421 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6422 Prime Sponsor, Senator Gardner: Authorizing local planning and zoning of social card game activities. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6426 Prime Sponsor, Senator Prentice: Defining investment adviser. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale and T. Sheldon.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6430 Prime Sponsor, Senator Fraser: Changing oil tanker oil spill prevention measures. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6430 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen and McAuliffe.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Honeyford, Morton and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6434 Prime Sponsor, Senator Patterson: Increasing penalties for third and subsequent DUI offenses. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 6434 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Haugen, Long, Roach and Thibaudeau.

Referred to Committee on Ways and Means.

February 4, 2000

SB 6441 Prime Sponsor, Senator Spanel: Providing for oil and gas pipeline safety. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6441 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen, McAuliffe, Morton and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6442 Prime Sponsor, Senator Spanel: Removing a definition of affordable housing. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6442 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Gardner, Hale, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 1, 2000

SB 6444 Prime Sponsor, Senator Prentice: Creating an exemption for out-of-state certificate of approval holders that furnish wine or beer to nonprofit charitable organizations. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Rasmussen, T. Sheldon and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6455 Prime Sponsor, Senator Gardner: Providing for the licensing of geologists. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6455 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6459 Prime Sponsor, Senator Bauer: Prohibiting the use of identifying information to solicit undesired mail. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 6459 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Haugen, Long, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6461 Prime Sponsor, Senator B. Sheldon: Allowing certain training at community or technical colleges to qualify as a work activity under the temporary assistance for needy families program. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6461 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

February 1, 2000

SB 6473 Prime Sponsor, Senator Jacobsen: Allowing a licensed distiller to hold a class H spirits, beer, and wine restaurant license. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Rasmussen, T. Sheldon and Winsley.

MINORITY Recommendation: Do pass. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6494 Prime Sponsor, Senator Gardner: Adjusting small claims jurisdiction. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6495 Prime Sponsor, Senator Gardner: Changing the primary date. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6495 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen and Kline.

MINORITY Recommendation: Do not pass. Signed by Senators Hale, Horn and McCaslin.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6502 Prime Sponsor, Senator Winsley: Changing provisions on long-term care training. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6502 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6510 Prime Sponsor, Senator Winsley: Making technical corrections to the implementation of the federal personal responsibility and work opportunity reconciliation act of 1996. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6513 Prime Sponsor, Senator Prentice: Protecting privacy of personal information in commercial transactions. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6513 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Gardner, Hale, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6524 Prime Sponsor, Senator Hale: Authorizing the department of ecology to waive the requirement for a reserve account for local governments maintaining landfills. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6524 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6525 Prime Sponsor, Senator Fraser: Prioritizing the processing of applications for water rights changes and transfers. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6525 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen, McAuliffe, Morton and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6537 Prime Sponsor, Senator Fraser: Providing for early retirement under the public employees' retirement system for affected employees of specific state agencies specifically designated for a reduction in staffing. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, Roach, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Rossi.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6539 Prime Sponsor, Senator Brown: Establishing an earned income training credit program. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6539 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe and B. Sheldon.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6540 Prime Sponsor, Senator Shin: Developing a state-wide strategic plan for economic development. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6540 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6550 Prime Sponsor, Senator Kline: Amending the equal access to justice act. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 6550 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Zarelli.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6557 Prime Sponsor, Senator Prentice: Allowing credit unions to conduct raffles. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6557 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Hale, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6558 Prime Sponsor, Senator Kohl-Welles: Including higher education programs in the work activity definition. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6558 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Finkbeiner, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 2, 2000

SB 6559 Prime Sponsor, Senator Kohl-Welles: Notifying parents of school courses leading to college credit. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6559 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Goings, Hochstatter, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6568 Prime Sponsor, Senator Swecker: Requiring the treatment of biomedical waste cultures prior to disposal. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6568 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6586 Prime Sponsor, Senator Prentice: Prohibiting pyramid schemes. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6586 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Gardner, Hale, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6588 Prime Sponsor, Senator Bauer: Changing bingo provisions. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6588 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Hale, Rasmussen and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6589 Prime Sponsor, Senator Prentice: Allowing domestic wineries to exercise licensing privileges at up to two additional locations. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6589 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6617 Prime Sponsor, Senator Prentice: Encouraging local economic development. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6618 Prime Sponsor, Senator Prentice: Establishing an industry cluster-based approach to economic development. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6618 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6619 Prime Sponsor, Senator Prentice: Creating an office of economic analysis. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Gardner, Hale, Rasmussen and Winsley.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6626 Prime Sponsor, Senator Roach: Authorizing the conditional employment of teachers with lapsed certificates. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6626 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Brown, Finkbeiner, Goings, Hochstatter, Kohl-Welles and Zarelli.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6642 Prime Sponsor, Senator Benton: Preventing a registered sex offender from holding a real estate appraiser license or certificate. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Rasmussen and T. Sheldon.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6645 Prime Sponsor, Senator Eide: Changing the future teachers conditional scholarship program. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6645 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe, Sheahan and B.Sheldon.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6663 Prime Sponsor, Senator Wojahn: Preserving federally assisted housing and minimizing the involuntary displacement of tenants residing in such housing. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6663 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6665 Prime Sponsor, Senator Thibaudeau: Requiring fluoridation of water. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6665 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin and Winsley.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6668 Prime Sponsor, Senator McAuliffe: Promoting standards for educator quality. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6668 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Goings, Kohl-Welles and Rasmussen.

MINORITY Recommendation: That the bill not be substituted. Signed by Senators Finkbeiner, Hochstatter, Swecker and Zarelli.

Referred to Committee on Ways and Means.

February 4, 2000

SB 6683 Prime Sponsor, Senator Franklin: Reporting information on routine traffic enforcement. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 6683 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Haugen, Long, McCaslin, Roach and Thibaudeau.

Referred to Committee on Transportation.

February 3, 2000

SB 6686 Prime Sponsor, Senator Patterson: Protecting personal financial information. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6686 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6687 Prime Sponsor, Senator Prentice: Allowing port districts to acquire insurance coverage. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6687 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Rasmussen and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6689 Prime Sponsor, Senator Haugen: Modifying the use of funds derived from the local real estate excise tax. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen and Kline.

MINORITY Recommendation: Do not pass. Signed by Senators Hale and Horn.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6699 Prime Sponsor, Senator Brown: Establishing a partial wage replacement program for child care leave. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6699 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Hochstatter.

Referred to Committee on Ways and Means.

February 4, 2000

SB 6715 Prime Sponsor, Senator Eide: Encouraging recycling and waste reduction. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6715 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen, McAuliffe and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford and Morton.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6722 Prime Sponsor, Senator Hargrove: Providing procedures for handling false reports of child abuse or neglect. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6722 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson and Stevens.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6741 Prime Sponsor, Senator Horn: Adding the secretary of corrections to the organized crime advisory board. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Long and Thibaudeau.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6747 Prime Sponsor, Senator Kohl-Welles: Establishing a working relationship between the high technology industry and the higher education community. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6747 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Finkbeiner, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6760 Prime Sponsor, Senator Prentice: Safeguarding securities. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6761 Prime Sponsor, Senator Hargrove: Authorizing agreements for the operation of correctional facilities and programs in any other state. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6761 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Long, Patterson and Stevens.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6770 Prime Sponsor, Senator Kohl-Welles: Allowing exceptional faculty awards to be used for faculty development and in-service training. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Finkbeiner, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6776 Prime Sponsor, Senator Eide: Providing schedules for the adoption or amendment of shoreline master programs. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6776 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Referred to Committee on Ways and Means.

February 4, 2000

SB 6785 Prime Sponsor, Senator Costa: Requiring ignition interlock devices upon any DUI conviction. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Haugen, Long, Roach, Thibaudeau and Zarelli.

Referred to Committee on Transportation.

February 1, 2000

SB 6791 Prime Sponsor, Senator Hale: Establishing a branch office of the department of community, trade, and economic development in eastern Washington. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Benton.

Referred to Committee on Ways and Means.

February 4, 2000

SB 6811 Prime Sponsor, Senator Kohl-Welles: Providing for sick leave and leave sharing for part-time academic employees at community and technical colleges. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Finkbeiner, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

February 3, 2000

SB 6812 Prime Sponsor, Senator Prentice: Allowing contract brewing by domestic brewers. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6812 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6821 Prime Sponsor, Senator Prentice: Adding remedies for identity theft. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6821 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SB 6822 Prime Sponsor, Senator Prentice: Protecting privacy of personal commercial information. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Gardner, Hale, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 4, 2000

SB 6826 Prime Sponsor, Senator Kohl-Welles: Allowing state financial aid to be used at Washington branch campuses of accredited out-of-state institutions of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Finkbeiner, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

February 3, 2000

SJM 8025 Prime Sponsor, Senator Gardner: Encouraging the free flow of goods and people across the United States/Canadian border. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2000

SJM 8026 Prime Sponsor, Senator Shin: Commemorating the 50th anniversary of the Korean War. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Joint Memorial No. 8026 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 2, 2000

SCR 8418 Prime Sponsor, Senator Hargrove: Reviewing state sentencing policy. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Concurrent Resolution No. 8418 as recommended by Committee on Judiciary be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 4, 2000

SCR 8425 Prime Sponsor, Senator Kohl-Welles: Adopting the Recommendations of the higher education coordinating board's year 2000 update of the master plan. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Concurrent Resolution No. 8425 be substituted therefor, and the concurrent resolution do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Finkbeiner, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

February 4, 2000

SCR 8427 Prime Sponsor, Senator Kohl-Welles: Forming a joint select committee on fire suppression in student residence halls. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 4, 2000

ESHB 2337 Prime Sponsor, House Committee on Criminal Justice and Corrections: Ordering implementation of a state-wide city and county jail booking and reporting system. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 3, 2000

GA 9197 MICHAEL SPEARMAN, reappointed August 28, 1998, for a term ending August 2, 2001, as a member of the Sentencing Guidelines Commission.
Reported by Committee on Judiciary

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Thibaudeau.

Passed to the Committee on Rules.

February 4, 2000

GA 9221 BRIAN BENZEL, appointed June 1, 1999, for a term ending September 20, 2002, as a member of the Board of Trustees for Edmonds Community College District No. 23.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Bauer; Finkbeiner, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 3, 2000

GA 9241 BRIAN GAIN, reappointed August 12, 1990, for a term ending August 2, 2002, as a member of the Sentencing Guidelines Commission.
Reported by Committee on Judiciary

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to the Committee on Rules.

February 4, 2000

GA 9245 ELIZABETH HANCOCK, appointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Bauer; Finkbeiner, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

February 4, 2000

GA 9249 JERRY R. HENDRICKSON, appointed September 22, 1999, for a term ending September 30, 2001, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Bauer; Finkbeiner, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

MOTIONS

On motion of Senator Honeyford, Senate Bill No. 6137, Senate Bill No. 6155, Senate Bill No. 6191, Senate Bill No. 6241, Senate Bill No. 6321, Senate Bill 6324, Senate Bill No. 6400, Senate Bill No. 6421, Senate Bill No. 6434, Senate Bill No.6550, Senate Bill No. 6619, Senate Bill No. 6699, and Senate Bill No. 6791 were referred to the Committee on Ways and Means.

On motion of Senator Honeyford, Senate Bill No. 6683 and Senate Bill No. 6785 were referred to the Committee on Transportation.

MOTION

On motion of Senator Honeyford, Senate Bill No. 6558 was passed to the Committee on Rules.

MOTION

On motion of Senator Honeyford, Senate Bill No. 6748, which was held on the calendar earlier today, was passed to the Committee on Rules.

MOTION

At 5:46 p.m., on motion of Senator Honeyford, the Senate adjourned until 9:00 a.m., Monday, February 7, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

TWENTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 7, 2000

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators McCaslin and Zarelli.

The Sergeant at Arms Color Guard, consisting of Boy Scouts Andrew Bjrklund, Talon Jennings, Glenn Newcomer and Josh Williams of Troop 212 in Olympia, presented the Colors. Reverend Anna Grace, pastor of the Unity Church in Olympia, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORT OF STANDING COMMITTEE

February 2, 2000

SB 6530 Prime Sponsor, Senator Fraser: Pertaining to plans 2 and 3 of the state retirement systems. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6530 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 3, 2000

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 2022,
SUBSTITUTE HOUSE BILL NO. 2332,
SUBSTITUTE HOUSE BILL NO. 2338,
SUBSTITUTE HOUSE BILL NO. 2348,
SUBSTITUTE HOUSE BILL NO. 2378,
SUBSTITUTE HOUSE BILL NO. 2423,
SUBSTITUTE HOUSE BILL NO. 2457,
HOUSE BILL NO. 2510,

HOUSE BILL NO. 2520,
ENGROSSED HOUSE BILL NO. 2559, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 6833 by Senator McCaslin

AN ACT Relating to local rules and regulations enacted by local boards of health; and amending RCW 70.05.060.
Referred to Committee on State and Local Government.

SB 6834 by Senators Gardner and Rasmussen

AN ACT Relating to the excise taxation of berry farmers; and amending RCW 82.04.213.
Referred to Committee on Ways and Means.

SB 6835 by Senators Sheahan, Brown and West

AN ACT Relating to supplemental tuition fees for higher education programs; and amending RCW 28B.15.110.
Referred to Committee on Ways and Means.

SB 6836 by Senators Long, Hargrove and Oke

AN ACT Relating to sentencing of sexually violent predators; amending RCW 9.94A.060, 9.94A.190, 9.94A.370, 9.94A.390, 9.95.900, 9A.28.020, 9A.36.021, 9A.40.030, and 9A.44.100; reenacting and amending RCW 9.94A.030 and 9.94A.120; adding new sections to chapter 9.94A RCW; creating new sections; repealing RCW 9.95.0011; prescribing penalties; and declaring an emergency.
Referred to Committee on Judiciary.

SB 6837 by Senator Bauer

AN ACT Relating to allowing cities, towns, and counties to create benefit districts; and creating a new section.
Referred to Committee on State and Local Government.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 2022 by House Committee on Higher Education (originally sponsored by Representatives Schindler, Sullivan, Bush, Lantz, Mielke, Lovick, Cairnes, Hurst, Kastama, McDonald, Esser, Conway, Campbell, Benson and D. Schmidt)

Expanding the national guard scholarship program.

Referred to Committee on Higher Education.

SHB 2332 by House Committee on Education (originally sponsored by Representatives Schual-Berke, Edmonds, Dickerson, Keiser, Carlson, Hurst, Lantz and Stensen)

Authorizing student groups to conduct charitable fund-raising.

Referred to Committee on Education.

SHB 2338 by House Committee on Natural Resources (originally sponsored by Representatives Alexander, Regala, Haigh, Ruderman and Parlette) (by request of Parks and Recreation Commission)

Allowing the parks and recreation commission to dispose of certain real property without an auction.

Referred to Committee on Natural Resources, Parks and Recreation.

SHB 2348 by House Committee on Agriculture and Ecology (originally sponsored by Representatives G. Chandler and Linville) (by request of Conservation Commission)

Authorizing treasurer services for conservation districts.

Referred to Committee on Agriculture and Rural Economic Development.

SHB 2378 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Linville, G. Chandler and Haigh) (by request of Department of Agriculture)

Regulating structural pest inspections.

Referred to Committee on Agriculture and Rural Economic Development.

SHB 2423 by House Committee on Natural Resources (originally sponsored by Representatives Pennington, Hatfield, Boldt and Haigh)

Allowing for the disposal of Mt. St. Helen's dredge spoils from public or private lands.

Referred to Committee on Natural Resources, Parks and Recreation.

SHB 2457 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Cairnes, Ballasiotes, Koster, B. Chandler, Bush, Lisk, Schoesler, Talcott, Radcliff, Pflug and Benson)

Narrowing reasons for escorted leave by prisoners.

Referred to Committee on Human Services and Corrections.

HB 2510 by Representatives Edmonds, D. Schmidt, Hurst and Kenney (by request of Department of Health)

Modifying home health, home care, hospice, and in-home services.

Referred to Committee on Health and Long-Term Care.

HB 2520 by Representatives Schual-Berke, Parlette and Cody (by request of Department of Social and Health Services)

Changing terminology in the release from commitment of persons in mental treatment facilities.

Referred to Committee on Human Services and Corrections.

EHB 2559 by Representatives Carlson, Kenney, Lantz and Radcliff (by request of Committee on Advanced College Tuition Payment, Higher Education Coordinating Board and State Treasurer Murphy)

Changing advanced college tuition payment program provisions.

Referred to Committee on Higher Education.

MOTION

On motion of Senator West, the following resolution was adopted:

SENATE RESOLUTION 2000-8712

By Senators West, Stevens, Sheldon, B., Sheahan, Johnson, Wojahn, Spanel, Prentice, Haugen, Franklin, Hale, Long, Rasmussen, Roach and Fraser

WHEREAS, The Scout Law which reads "A Scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent" provides an ethical code that we would all do well to follow; and

WHEREAS, The Scout motto of "Be prepared" and the Scout Slogan of "Do a Good Turn Daily" provide a positive mission for Scouts of all ages and ranks; and

WHEREAS, The Boy Scouts of America have been an integral tool in the character molding of youth for over ninety years; and

WHEREAS, In Washington State, there are over ninety-five thousand youths involved in the Boy Scouts of America and nationally there are over one million scouts, ranging from Tiger Cubs through Eagle Scouts; and

WHEREAS, Over thirty thousand adults in Washington and over five hundred thousand adults nation-wide volunteer their time to mold the future of a younger generation through Scouting; and

WHEREAS, The Governor of Washington State, Gary Locke, has been honored nationally as a distinguished Eagle Scout; and

WHEREAS, Over forty-three members of the Washington State Legislature have participated in either Boy Scouts or Girl Scouts; and

WHEREAS, Scouts of all ages and ranks provide assistance in local and national emergencies and service projects; and

WHEREAS, The Boy Scouts of America was established on February 8, 1910, by founders: William D. Boyce, Ernest Thompson Seton, James E. West, and Daniel Carter Beard; and

WHEREAS, Well over ninety million people have participated in the Boy Scouts since its creation in 1910, including presidents, astronauts, union laborers, and corporate executives; and

WHEREAS, Learning for Life and the Explorer Scout Program are preparing a generation of youth for academic challenges awaiting them in life; and

WHEREAS, World-wide Scout principles which include individual respect, citizenship, and service to others, help to provide a global foundation for future service for our state and country;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate applaud the effort and work of the six Washington State Councils of the Boy Scouts of America, also applaud the positive programs that the Boy Scouts of America provide for our youth; and

BE IT FURTHER RESOLVED, That the Washington State Senate encourage all agencies of state government to recognize the service and benefits that are provided by the Boy Scouts of America and work with Scouting and other youth organizations for the betterment of our communities; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Gary Locke, Governor of the state of Washington; the Governor's cabinet officers; all state-wide elected officials; the National Boy Scouts of America Office, the Western Region Office of the Boy Scouts of America, and to the Boy Scout Councils serving Washington State.

Senators West, Heavey, Hale, Betti Sheldon, Kohl-Welles, Deccio and Stevens spoke to Senate Resolution 2000-8712.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Eagle Scouts Brent Colson and Chris Walters from Troop 275 in Richland, Washington, who were seated on the rostrum.

The Eagle Scouts read a letter from Vice President Al Gore commending and thanking the Boy Scouts for their outstanding achievements.

MOTION

At 9:20 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 10:11 a.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5921, by Senate Committee on Judiciary (originally sponsored by Senator Kohl-Welles)

Requiring the disclosure of fire protection and building safety information.

MOTIONS

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 5921 was returned to second reading and read the second time.

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles and Rossi be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 59.18.060 and 1991 c 154 s 2 are each amended to read as follows:

The landlord will at all times during the tenancy keep the premises fit for human habitation, and shall in particular:

(1) Maintain the premises to substantially comply with any applicable code, statute, ordinance, or regulation governing their maintenance or operation, which the legislative body enacting the applicable code, statute, ordinance or regulation could enforce as to the premises rented if such condition substantially endangers or impairs the health or safety of the tenant;

(2) Maintain the roofs, floors, walls, chimneys, fireplaces, foundations, and all other structural components in reasonably good repair so as to be usable and capable of resisting any and all normal forces and loads to which they may be subjected;

(3) Keep any shared or common areas reasonably clean, sanitary, and safe from defects increasing the hazards of fire or accident;

(4) Provide a reasonable program for the control of infestation by insects, rodents, and other pests at the initiation of the tenancy and, except in the case of a single family residence, control infestation during tenancy except where such infestation is caused by the tenant;

(5) Except where the condition is attributable to normal wear and tear, make repairs and arrangements necessary to put and keep the premises in as good condition as it by law or rental agreement should have been, at the commencement of the tenancy;

(6) Provide reasonably adequate locks and furnish keys to the tenant;

(7) Maintain all electrical, plumbing, heating, and other facilities and appliances supplied by him in reasonably good working order;

(8) Maintain the dwelling unit in reasonably weathertight condition;

(9) Except in the case of a single family residence, provide and maintain appropriate receptacles in common areas for the removal of ashes, rubbish, and garbage, incidental to the occupancy and arrange for the reasonable and regular removal of such waste;

(10) Except where the building is not equipped for the purpose, provide facilities adequate to supply heat and water and hot water as reasonably required by the tenant;

(11)(a) Provide a written notice to all tenants disclosing fire safety and protection information. The landlord or his or her authorized agent must provide a written notice to the tenant that the dwelling unit is equipped with a smoke detection device as

required in RCW 48.48.140. The notice shall inform the tenant of the tenant's responsibility to maintain the smoke detection device in proper operating condition and of penalties for failure to comply with the provisions of RCW 48.48.140(3). The notice must be signed by the landlord or the landlord's authorized agent and tenant with copies provided to both parties. Further, except with respect to a single-family residence, the written notice must also disclose the following:

(i) Whether the smoke detection device is hard-wired or battery operated;

(ii) Whether the building has a fire sprinkler system;

(iii) Whether the building has a fire alarm system;

(iv) Whether the building has a smoking policy, and what that policy is;

(v) Whether the building has an emergency notification plan for the occupants and, if so, provide a copy to the occupants;

(vi) Whether the building has an emergency relocation plan for the occupants and, if so, provide a copy to the occupants; and

(vii) Whether the building has an emergency evacuation plan for the occupants and, if so, provide a copy to the occupants.

(b) The written notice must be provided to new tenants at the time the lease or rental agreement is signed, and must be provided to current tenants as soon as possible, but not later than January 1, 2001; and

(12) Designate to the tenant the name and address of the person who is the landlord by a statement on the rental agreement or by a notice conspicuously posted on the premises. The tenant shall be notified immediately of any changes by certified mail or by an updated posting. If the person designated in this section does not reside in the state where the premises are located, there shall also be designated a person who resides in the county who is authorized to act as an agent for the purposes of service of notices and process, and if no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered such agent((.));

No duty shall devolve upon the landlord to repair a defective condition under this section, nor shall any defense or remedy be available to the tenant under this chapter, where the defective condition complained of was caused by the conduct of such tenant, his family, invitee, or other person acting under his control, or where a tenant unreasonably fails to allow the landlord access to the property for purposes of repair. When the duty imposed by subsection (1) of this section is incompatible with and greater than the duty imposed by any other provisions of this section, the landlord's duty shall be determined pursuant to subsection (1) of this section."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles and Rossi to Substitute Senate Bill No. 5921.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Heavey, the following title amendment was adopted:

On page 1, line 2 of the title, after "information;" strike the remainder of the title and insert "and amending RCW 59.18.060."

On motion of Senator Heavey, the rules were suspended, Engrossed Substitute Senate Bill No. 5921 was advanced to third reading the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5921.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5921 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 47.

Absent: Senators McCaslin and Zarelli - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5921, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Deccio, Senator McCaslin was excused.

THIRD READING

SENATE BILL NO. 5575, by Senators Haugen, Johnson, Patterson and T. Sheldon (by request of Washington State Patrol)

Adding an ex officio member to the building code council.

The bill was read the third time.

Senator Patterson spoke to Senate Bill No. 5575.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5575.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5575 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 5575, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6276, by Senator Snyder

Authorizing inclusion of cities and towns within emergency medical service districts.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6276 was substituted for Senate Bill No. 6276 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 6276 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6276.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6276 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 6276, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6206, by Senators Spanel, Gardner, Kohl-Welles, Jacobsen, Prentice, Fairley, Wojahn, Goings, Costa, McAuliffe, Haugen, Winsley and Kline

Requiring that schools be notified of firearm violations by students.

The bill was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, Senate Bill No. 6206 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Benton: "Senator McAuliffe, as I read the bill report and the background, it says that the court must notify the youth's parents under current law of any offenses that include violent offenses--sex offenses, inhaling toxic fumes, controlled substance and so on and so forth. Assault is included in that list, as well as harassment, arson and malicious mischief. My question is--violent offenses--would that not include most everything that we are talking about here, except for some of the things that the good Senator from the Thirteenth District has pointed out that would be simple hunting violations? My question is doesn't existing law get at any violent type of acts that would be involved with guns anyway, because it does say violent offenses?"

Senator McAuliffe: "Senator, you asked a good question. Let me answer that my limited knowledge of law only makes me look at the fact that violent offenses as determined by the courts have been a part of history over time. So, if you look at the courts to see what they declare as violent offenses--guns--possession of a gun is not a violent offense. It has not on record been used as one, so I think there is a distinct difference. Possession of a gun does not mean that there was a violent offense involved. I will ask you, at this point, to recognize that we do need to know when a child in our schools has been convicted of possession. Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6206.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6206 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Voting nay: Senator Morton - 1.

Absent: Senator Kohl-Welles - 1.

SENATE BILL NO. 6206, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Hochstatter served notice that he would move to reconsider the vote by which Senate Bill No. 6206 passed the Senate.

PARLIAMENTARY INQUIRY

Senator Snyder: "A parliamentary inquiry, Mr. President. Did Senator Hochstatter vote on the prevailing side?"

REPLY BY THE PRESIDENT

President Owen: "He did, Senator Snyder."

SECOND READING

SENATE BILL NO. 6123, by Senators B. Sheldon, Wojahn, Swecker, Franklin and Kohl-Welles

Authorizing parking and business improvement areas to sponsor public events.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6123 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6123.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6123 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Absent: Senator Hargrove - 1.

SENATE BILL NO. 6123 having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6349, by Senators Eide, Morton, Swecker, Prentice, Fraser, McAuliffe and Rasmussen

Extending the expiration date of the water well delegation program.

MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 6349 was substituted for Senate Bill No. 6349 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 6349 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6349.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6349 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Voting nay: Senator Benton - 1.

SUBSTITUTE SENATE BILL NO. 6349, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6402, by Senators Fairley, Winsley, Fraser, Goings, Kohl-Welles, McAuliffe, Gardner, Bauer, Costa, Shin, Kline, Franklin, Spanel, Snyder, Prentice, Hargrove, Brown, Patterson, Eide, Wojahn, Thibaudeau, Jacobsen, Rasmussen and B. Sheldon (by request of Governor Locke)

Enacting the civil service reform act of 2000.

The bill was read the second time.

MOTION

On motion of Senator Fairley, the following Committee on Labor and Workforce Development amendment was adopted:

On page 82, line 8, after "community" delete "and technical"

MOTION

Senator Hochstatter moved that the following amendments be considered simultaneously and be adopted:

On page 11, line 26, after "employee" insert "according to performance, and without regard to seniority"

On page 70, after line 2, insert the following:

"(4) The employer and the exclusive bargaining representative shall not bargain over rules or standards relating to the reduction, dismissal, suspension, or demotion of employees."

On page 70, at the beginning of line 31, strike all material through line 37.

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Hochstatter on page 11, line 26, page 70, after line 2, and page 7, at the beginning of line 31, to Senate Bill No. 6402.

The motion by Senator Hochstatter failed and the amendments were not adopted.

MOTION

Senator Tim Sheldon moved that the following amendments by Senators Tim Sheldon and Horn be considered simultaneously and be adopted:

On page 15, line 6, after "act." insert "The total number of managers employed by any agency shall not exceed the total number employed by the agency on the effective date of this section, or ten percent of the number of full-time equivalent nonmanager positions employed by the agency, whichever is greater."

On page 81, line 33, after "service" insert "provided, the total number of managers employed by any agency shall not exceed the total number employed by the agency on the effective date of this section, or ten percent of the number of full-time equivalent nonmanager positions employed by the agency, whichever is greater"

Debate ensued.

Senator Tim Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Tim Sheldon and Horn on page 15, line 6, and page 81, line 33, to Senate Bill No. 6402.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Honeyford, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 21.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 28.

MOTION

Senator West moved that the following amendments be considered simultaneously and be adopted:

On page 15, line 18, after "to" strike "offer alternatives to purchasing services by contract and, if these alternatives are not accepted,"

On page 15, line 30, after "(e)" strike "The department, agency, or institution of higher education has demonstrated that the contract results in savings or efficiency improvements."

On page 16, line 10, after "contract." strike "The employees shall have sixty days from the date of notification to offer alternatives to purchasing services by contract, and the agency shall consider the alternatives before requesting bids."

On page 16, line 17, after "(c)" strike "The director of personnel, with the advice and assistance of the department of general administration, shall develop and make available to employee business units training in the bidding process and general bid preparation."

On page 17, after line 7, insert the following:

"(g) Nothing in this act shall be interpreted as meaning that the decision to contract out for services shall be subject to collective bargaining."

On page 70, after line 18, strike "(7) This section does not prohibit bargaining that affects contracts authorized by section 208 of this act."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator West on page 15, lines 18 and 30; page 16, lines 10 and 17; page 17, after line 7; and page 70, after line 18; to Senate Bill No. 6402.

The motion by Senator West failed and the amendments were not adopted.

MOTION

Senator Honeyford moved that the following amendments be considered simultaneously and be adopted:

On page 17, after line 7, insert the following:

"(g) Nothing in this act shall be interpreted as meaning that the decision to contract out for services shall be subject to collective bargaining."

On page 70, after line 18, strike "(7) This section does not prohibit bargaining that affects contracts authorized by section 208 of this act."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Johnson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Honeyford on page 17, after line 7, and page 70, after line 18, to Senate Bill No. 6402.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Rossi, Sellar, Sheldon, T., Stevens, Swecker, West and Zarelli - 20.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 29.

MOTION

Senator Rossi moved that the following amendments be considered simultaneously and be adopted:

On page 68, line 5, after "legislature" strike "shall" and insert "may"

On page 68, line 6, after "whole" insert ", or may amend the request for funds as the legislature sees fit"

On page 68, after "act." insert "However, if the legislature amends and approves the submission, neither party may reopen any part of the agreement nor may either party implement procedures provide for in section 310 of this act."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Finkbeiner demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Rossi on page 68, lines 5 and 6, and after "act." to Senate Bill No. 6402.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Rossi, Sellar, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 21.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 28.

MOTION

Senator Long moved that the following amendments be considered simultaneously and be adopted:

On page 69, after line 22, strike: "(b) Any retirement system or retirement benefit; or (c)" and insert the following: "or (b)"

On page 70, line 11, after "this act", insert: ", nor over retirement benefits"

Debate ensued.

Senator Finkbeiner demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Long on page 68, after line 22, and page 70, line 11, to Senate Bill No. 6402.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Rossi, Sellar, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 22.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27.

MOTION

Senator Tim Sheldon moved that the following amendment be adopted:

On page 72, after line 2, strike all material through "duties." on line 6, and insert the following:

"NEW SECTION. **Sec. 307.** Strikes by state employees are prohibited. No employee of any state agency, department, or institution of higher education may strike or refuse to perform his or her official duties.

NEW SECTION. **Sec. 308.** An employee organization that initiates or continues a strike is subject to a fine of five thousand dollars for each day that the strike is in effect."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Tim Sheldon on page 72, after line 2, to Senate Bill No. 6402.

The motion by Senator Tim Sheldon failed and the amendment was not adopted on a rising vote.

MOTION

Senator Tim Sheldon moved that the following amendment be adopted:

On page 72, after line 2, strike all material through "duties." on line 6, and insert the following:

"NEW SECTION. **Sec. 307.** Strikes by state employees are prohibited. No employee of any state agency, department, or institution of higher education may strike or refuse to perform his or her official duties."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Fairley, in most every bill we pass when there is a prohibition, there is also a penalty if that law is broken.

Is there a penalty in this bill if, in case, there is a strike even though the legislation does not permit so? Is there a monetary or some other disciplinary language in the basic bill?"

Senator Fairley: "Senator Deccio, there is no more or less than what is in current law. In other words, what is now in current law will still stand."

Senator Deccio: "What is current law--I am sorry."

Senator Fairley: "So, am I. I am not familiar with current law."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Tim Sheldon on page 72, after line 2, to Senate Bill No. 6402.

The motion by Senator Tim Sheldon failed and the amendment was not adopted.

MOTION

Senator Tim Sheldon moved that the following amendment be adopted:

On page 75, after line 3, strike everything through line 6 on page 76, and insert the following:

"NEW SECTION. **Sec. 312.** A collective bargaining agreement may not contain a union security provision requiring as a condition of employment the payment of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. A collective bargaining agreement may not require any other fees or payments as a condition of employment."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Tim Sheldon on page 75, after line 3, to Senate Bill No. 6402.

The motion by Senator Tim Sheldon failed and the amendment was not adopted.

MOTION

Senator Hochstatter moved that the following amendment be adopted:

On page 83, after line 12, insert the following:

"NEW SECTION. **Sec. 323.** (1) The joint legislative audit and review committee shall conduct a review of state employee collective bargaining, comparing the collective bargaining system in this state with systems in other states. The committee's review shall include, but is not limited to:

(a) The history and development of collective bargaining systems for state employees, including:

(i) The relationship of collective bargaining systems to civil service protections for state employees and the impacts of the systems on classified state employees not represented by labor organizations;

(ii) The impacts of collective bargaining systems on state employee labor relations and resolution of labor disputes; and

(iii) The role of the legislative and executive branches in overseeing state employee collective bargaining;

(b) The economic consequences for states that have collective bargaining over compensation issues for state employees, including the impact on salary increases and fringe benefit packages; and

(c) The projected budgetary implications for this state, including the impact on the legislature's appropriation authority and the budget cycles, if wage bargaining for state employees were to be permitted, based on information from states with wage bargaining for state employees.

(2) The joint legislative audit and review committee may contract for services to conduct the review required by this section.

(3) The joint legislative audit and review committee shall report its findings and recommendations to the appropriate committees of the legislature by December 1, 2000."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hochstatter on page 83, after line 12, to Senate Bill No. 6402.

The motion by Senator Hochstatter failed and the amendment was not adopted.

MOTION

Senator Rossi moved that the following amendment be adopted:

On page 86, after line 6, strike all material through "2003." on line 8.

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rossi on page 86, after line 6, to Senate Bill No. 6402.

The motion by Senator Rossi failed and the amendment was not adopted.

MOTION

Senator McDonald moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"PART I
TITLE

NEW SECTION. **Sec. 101.** SHORT TITLE. This act may be known and cited as the personnel system reform act of 2000.

PART II
CIVIL SERVICE REFORM

Sec. 201. RCW 41.06.030 and 1993 c 281 s 20 are each amended to read as follows:

A department of personnel((~~, governed by the Washington personnel resources board and administered by a director of personnel,~~)) is hereby established as a separate agency within the state government.

Sec. 202. RCW 41.06.150 and 1999 c 297 s 3 are each amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(1) The reduction, dismissal, suspension, or demotion of an employee;

(2) Certification of names for vacancies, including departmental promotions, with the number of names equal to six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;

(3) Examinations for all positions in the competitive and noncompetitive service;

(4) Appointments;

(5) Training and career development;

(6) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;

(7) Transfers;

(8) Sick leaves and vacations;

(9) Hours of work;

(10) Layoffs when necessary and subsequent reemployment, both according to seniority;

(11) ((~~Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;~~

~~(12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That~~)) Collective bargaining procedures:

(a) After certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(((~~13~~))) (b) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(((~~14~~))) (c) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;

(((~~15~~)))(12) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position.

(a) The board shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW.

(b) ((~~Beginning July 1, 1995, through June 30, 1997, in addition to the requirements of (a) of this subsection:~~

~~(i) The board may approve the implementation of salary increases resulting from adjustments to the classification plan during the 1995-97 fiscal biennium only if:~~

~~(A) The implementation will not result in additional net costs and the proposed implementation has been approved by the director of financial management in accordance with chapter 43.88 RCW;~~

~~(B) The implementation will take effect on July 1, 1996, and the total net cost of all such actions approved by the board for implementation during the 1995-97 fiscal biennium does not exceed the amounts specified by the legislature specifically for this purpose; or~~

~~(C) The implementation is a result of emergent conditions. Emergent conditions are defined as emergency situations requiring the establishment of positions necessary for the preservation of the public health, safety, or general welfare, which do not exceed $250,000 of the moneys identified in section 718(2), chapter 18, Laws of 1995 2nd sp. sess.~~

~~(ii) The board shall approve only those salary increases resulting from adjustments to the classification plan if they are due to documented recruitment and retention difficulties, salary compression or inversion, increased duties and responsibilities, or inequities. For these purposes, inequities are defined as similar work assigned to different job classes with a salary disparity greater than 7.5 percent.~~

~~(iii) Adjustments made to the higher education hospital special pay plan are exempt from (b)(i) through (ii) of this subsection.~~

~~(c)~~)) Reclassifications, class studies, and salary adjustments ((~~to be implemented during the 1997-99 and subsequent fiscal biennia~~)) are governed by (a) of this subsection and RCW 41.06.152;

(((~~16~~))) (13) Allocation and reallocation of positions within the classification plan;

(((~~17~~))) (14) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and that, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(((~~18~~))) (15) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service;

(((~~19~~))) (16) Optional lump sum relocation compensation approved by the agency director, whenever it is reasonably necessary that a person make a domiciliary move in accepting a transfer or other employment with the state. An agency must provide lump sum compensation within existing resources. If the person receiving the relocation payment terminates or causes termination with the state, for reasons other than layoff, disability separation, or other good cause as determined by an agency director, within one year of the date of the employment, the state is entitled to reimbursement of the lump sum compensation from the person;

(((~~20~~))) (17) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(((~~21~~))) (18) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(((~~22~~))) (19) Assuring persons who are or have been employed in classified positions before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

(((~~23~~))) (20) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

Sec. 203. RCW 41.06.150 and 2000 c . . . s 202 (section 202 of this act) are each amended to read as follows:

The ((~~board~~)) director shall adopt rules, consistent with the purposes and provisions of this chapter((~~, as now or hereafter amended,~~)) and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(1) ((~~The reduction, dismissal, suspension, or demotion of an employee;~~

~~(2)~~)) Certification of names for vacancies((~~, including departmental promotions, with the number of names equal to six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified~~));

(((~~3~~))) (2) Examinations for all positions in the competitive and noncompetitive service;

(((~~4~~))) (3) Appointments;

(((~~(5) Training and career development;~~

~~(6) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;~~

~~(7) Transfers;~~

~~(8) Sick leaves and vacations;~~

~~(9) Hours of work;~~

~~(10) Layoffs when necessary and subsequent reemployment, both according to seniority;~~

~~(11) Collective bargaining procedures:~~

~~(a) After certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;~~

~~(b) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;~~

~~(c) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;~~

~~(d) A collective bargaining agreement entered into under this subsection before July 1, 2002, covering employees subject to sections 301 through 314 of this act, that expires after July 1, 2002, shall remain in full force during its duration, or until superseded by a collective bargaining agreement entered into by the parties under sections 301 through 314 of this act. However, an agreement entered into before July 1, 2002, may not be renewed or extended beyond July 1, 2003. This subsection (11) does not apply to collective bargaining negotiations or collective bargaining agreements entered into under sections 301 through 314 of this act;~~

~~(12)~~)) (4) Adoption and revision of a comprehensive classification plan, in accordance with rules adopted by the board under section 205 of this act, for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position and allocation and reallocation of positions within the classification plan.

(a) The ((~~board~~)) director shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW.

(b) Reclassifications, class studies, and salary adjustments are governed by (a) of this subsection and RCW 41.06.152;

(((~~(13) Allocation and reallocation of positions within the classification plan;~~

~~(14) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and that, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;~~

~~(15) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service;~~

~~(16) Optional lump sum relocation compensation approved by the agency director, whenever it is reasonably necessary that a person make a domiciliary move in accepting a transfer or other employment with the state. An agency must provide lump sum compensation within existing resources. If the person receiving the relocation payment terminates or causes termination with the state, for reasons other than layoff, disability separation, or other good cause as determined by an agency director, within one year of the date of the employment, the state is entitled to reimbursement of the lump sum compensation from the person;~~

~~(17) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;~~

~~((18))~~)) (5) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the ((~~board~~)) director may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(((~~(19)~~))) (6) Assuring persons who are or have been employed in classified positions before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

(((~~(20)~~))) (7) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The ((~~board~~)) director shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

Rules adopted under this section by the director shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the director.

NEW SECTION. **Sec. 204.** A new section is added to chapter 41.06 RCW to read as follows:

The director shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(1) The reduction, dismissal, suspension, or demotion of an employee;

(2) Training and career development;

(3) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;

(4) Transfers;

(5) Promotional preferences;

(6) Sick leaves and vacations;

(7) Hours of work;

(8) Layoffs when necessary and subsequent reemployment, except for the financial basis for layoffs;

(9) The number of names to be certified for vacancies;

(10) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units. The rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and, for institutions of higher education and related boards, shall be

competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located. Such adoption and revision is subject to approval by the director of financial management in accordance with chapter 43.88 RCW;

(11) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service;

(12) Optional lump sum relocation compensation approved by the agency director, whenever it is reasonably necessary that a person make a domiciliary move in accepting a transfer or other employment with the state. An agency must provide lump sum compensation within existing resources. If the person receiving the relocation payment terminates or causes termination with the state, for reasons other than layoff, disability separation, or other good cause as determined by an agency director, within one year of the date of the employment, the state is entitled to reimbursement of the lump sum compensation from the person;

(13) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the director, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given. However, the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service. For the purposes of this section, "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month.

Rules adopted under this section by the director shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the director.

NEW SECTION. **Sec. 205.** A new section is added to chapter 41.06 RCW to read as follows:

(1) The board shall conduct a comprehensive review of all rules in effect on the effective date of this section governing the classification, allocation, and reallocation of positions within the classified service. In conducting this review, the board shall consult with state agencies, institutions of higher education, employee organizations, and members of the general public. The department shall assist the board in the conduct of this review, which shall be completed by the board no later than July 1, 2002.

(2) By March 15, 2003, the board shall adopt new rules governing the classification, allocation, and reallocation of positions in the classified service. In adopting such rules, the board shall adhere to the following goals:

(a) To improve the effectiveness and efficiency of the delivery of services to the citizens of the state through the use of current personnel management processes and to promote a workplace where the overall focus is on the recipient of governmental services;

(b) To develop a simplified classification system that will substantially reduce the number of job classifications in the classified service and facilitate the most effective use of the state personnel resources;

(c) To develop a classification system to permit state agencies to respond flexibly to changing technologies, economic and social conditions, and the needs of its citizens;

(d) To value workplace diversity;

(e) To facilitate the reorganization and decentralization of governmental services; and

(f) To enhance mobility and career advancement opportunities.

NEW SECTION. **Sec. 206.** A new section is added to chapter 41.06 RCW to read as follows:

In accordance with rules adopted by the board under section 205 of this act, the director shall, by January 1, 2004, begin to implement a new classification system for positions in the classified service. Any employee who believes that the director has incorrectly applied the rules of the board in determining a job classification for a job held by that employee may appeal the director's decision to the board by filing a notice in writing within thirty days of the action from which the appeal is taken. Decisions of the board concerning such appeals are final and not subject to further appeal.

Sec. 207. RCW 41.06.022 and 1993 c 281 s 8 are each amended to read as follows:

For purposes of this chapter, "manager" means any employee who:

(1) Formulates state-wide policy or directs the work of an agency or agency subdivision;

(2) Is responsible to administer one or more state-wide policies or programs of an agency or agency subdivision;

(3) Manages, administers, and controls a local branch office of an agency or agency subdivision, including the physical, financial, or personnel resources;

(4) Has substantial responsibility in personnel administration, legislative relations, public information, or the preparation and administration of budgets; or

(5) Functionally is above the first level of supervision and exercises authority that is not merely routine or clerical in nature and requires the consistent use of independent judgment.

No employee who is a member of the Washington management service may be included in a collective bargaining unit.

NEW SECTION. **Sec. 208.** A new section is added to chapter 41.06 RCW to read as follows:

(1) Any department, agency, or institution of higher education may purchase services, including services that have been customarily and historically provided by employees in the classified service under this chapter, by contracting with individuals, nonprofit organizations, businesses, employee business units, or other entities if the following criteria are met:

(a) The invitation for bid or request for proposal contains measurable standards for the performance of the contract;

(b) Employees in the classified service whose positions or work would be displaced by the contract are provided an opportunity to offer alternatives to purchasing services by contract and, if these alternatives are not accepted, compete for the contract under competitive contracting procedures in subsection (4) of this section;

(c) The contract with an entity other than an employee business unit includes a provision requiring the entity to consider employment of state employees who may be displaced by the contract;

(d) The department, agency, or institution of higher education has established a contract monitoring process to measure contract performance, costs, service delivery quality, and other contract standards, and to cancel contracts that do not meet those standards; and

(e) The department, agency, or institution of higher education has demonstrated that the contract results in savings or efficiency improvements. The contracting agency must consider the consequences and potential mitigation of improper or failed performance by the contractor.

(2) Any provision contrary to or in conflict with this section in any collective bargaining agreement in effect on the effective date of this section is not effective beyond the expiration date of the agreement.

(3) Contracting for services that was authorized by law prior to the effective date of this section shall not be subject to the processes set forth in subsections (1) and (4) through (6) of this section.

(4) Competitive contracting shall be implemented as follows:

(a) At least ninety days prior to the date the contracting agency requests bids from private entities for a contract for services provided by classified employees, the contracting agency shall notify the classified employees whose positions or work would be displaced by the contract. The employees shall have sixty days from the date of notification to offer alternatives to purchasing services by contract, and the agency shall consider the alternatives before requesting bids.

(b) If the employees decide to compete for the contract, they shall notify the contracting agency of their decision. Employees must form one or more employee business units for the purpose of submitting a bid or bids to perform the services.

(c) The director of personnel, with the advice and assistance of the department of general administration, shall develop and make available to employee business units training in the bidding process and general bid preparation.

(d) The director of general administration, with the advice and assistance of the department of personnel, shall, by rule, establish procedures to ensure that bids are submitted and evaluated in a fair and objective manner and that there exists a competitive market for the service. Such rules shall include, but not be limited to: (i) Prohibitions against participation in the bid evaluation process by employees who prepared the business unit's bid or who perform any of the services to be contracted; (ii) provisions to ensure no bidder receives an advantage over other bidders and that bid requirements are applied equitably to all parties; and (iii) procedures that require the contracting agency to receive complaints regarding the bidding process and to consider them before awarding the contract. Appeal of an agency's actions under this subsection is an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW, the administrative procedure act, with the final decision to be rendered by an administrative law judge assigned under chapter 34.12 RCW.

(e) An employee business unit's bid must include the fully allocated costs of the service, including the cost of the employees' salaries and benefits, space, equipment, materials, and other costs necessary to perform the function. An employee business unit's cost shall not include the state's indirect overhead costs unless those costs can be attributed directly to the function in question and would not exist if that function were not performed in state service.

(f) A department, agency, or institution of higher education may contract with the department of general administration to conduct the bidding process.

(5) As used in this section:

(a) "Employee business unit" means a group of employees who perform services to be contracted under this section and who submit a bid for the performance of those services under subsection (4) of this section.

(b) "Indirect overhead costs" means the pro rata share of existing agency administrative salaries and benefits, and rent, equipment costs, utilities, and materials associated with those administrative functions.

(c) "Competitive contracting" means the process by which classified employees of a department, agency, or institution of higher education compete with businesses, individuals, nonprofit organizations, or other entities for contracts authorized by subsection (1) of this section.

(6) The joint legislative audit and review committee shall conduct a performance audit of the implementation of this section, including the adequacy of the appeals process in subsection (4)(d) of this section, and report to the legislature by January 1, 2005, on the results of the audit.

Sec. 209. RCW 41.06.070 and 1998 c 245 s 40 are each amended to read as follows:

(1) The provisions of this chapter do not apply to:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, joint legislative audit and review committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, and employees of technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;

(i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(j) Assistant attorneys general;

(k) Commissioned and enlisted personnel in the military service of the state;

(l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board;

(m) The public printer or to any employees of or positions in the state printing plant;

(n) Officers and employees of the Washington state fruit commission;

(o) Officers and employees of the Washington state apple advertising commission;

(p) Officers and employees of the Washington state dairy products commission;

(q) Officers and employees of the Washington tree fruit research commission;

(r) Officers and employees of the Washington state beef commission;

(s) Officers and employees of any commission formed under chapter 15.66 RCW;

(t) ((~~Officers and employees of the state wheat commission formed under chapter 15.63 RCW;~~

~~(u)~~)) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;

(((~~(v)~~))) (u) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(((~~(w)~~))) (v) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(((~~(x)~~))) (w) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(((~~(y)~~))) (x) All employees of the marine employees' commission;

(((~~(z) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit. This subsection (1)(z) shall expire on June 30, 1997;~~

~~(aa)~~)) (y) Staff employed by the department of community, trade, and economic development to administer energy policy functions and manage energy site evaluation council activities under RCW 43.21F.045(2)(m);

(((~~(bb)~~))) (z) Staff employed by Washington State University to administer energy education, applied research, and technology transfer programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5).

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice-presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) ((~~Student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board, employed by institutions of higher education and related boards;~~

~~(c)~~)) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(((~~(d)~~))) (c) Printing craft employees in the department of printing at the University of Washington.

(3) In addition to the exemptions specifically provided by this chapter, the ((~~Washington personnel resources board~~)) director of personnel may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the ((~~Washington personnel resources board~~)) director of personnel stating the reasons for requesting such exemptions. The ((~~Washington personnel resources board~~)) director of personnel shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the ((~~board~~)) director determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the ((~~Washington personnel resources board~~)) director of personnel shall grant the request and such determination shall be final as to any decision made before July 1, 1993. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1)(j) through ((~~(v), (y), (z),~~)) (u) and (x) and (2) of this section, shall be determined by the ((~~Washington personnel resources board~~)) director of personnel. ((~~However, beginning with changes proposed for the 1997-99 fiscal biennium,~~)) Changes to the classification plan affecting exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.152.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 210. RCW 41.06.110 and 1993 c 281 s 25 are each amended to read as follows:

(1) There is hereby created a Washington personnel resources board composed of three members appointed by the governor, subject to confirmation by the senate. The members of the personnel board serving June 30, 1993, shall be the members of the Washington personnel resources board, and they shall complete their terms as under the personnel board. Each odd-numbered year thereafter the governor shall appoint a member for a six-year term. Each member shall continue to hold office after the expiration of the member's term until a successor has been appointed. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed;

(2) Each member of the board shall be compensated in accordance with RCW 43.03.250. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chair and vice-chair from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board. The director of personnel shall serve as secretary.

(4) The board may appoint and compensate hearing officers to hear and conduct appeals ((~~until December 31, 1982~~)). Such compensation shall be paid on a contractual basis for each hearing, in accordance with the provisions of chapter 43.88 RCW and rules adopted pursuant thereto, as they relate to personal service contracts.

Sec. 211. RCW 41.06.160 and 1993 c 281 s 29 are each amended to read as follows:

In preparing classification and salary schedules as set forth in RCW 41.06.150 ((~~as now or hereafter amended~~)) the department of personnel shall give full consideration to prevailing rates in other public employment and in private employment in this state. For this purpose the department shall undertake comprehensive salary and fringe benefit surveys((~~, with such surveys to be conducted in the year prior to the convening of every other one hundred five day regular session of the state legislature. In the year prior to the convening of each one hundred five day regular session during which a comprehensive salary and fringe benefit survey is not conducted, the department shall plan and conduct a trend salary and fringe benefit survey. This survey shall measure average salary and fringe benefit movement for broad occupational groups which has occurred since the last comprehensive salary and fringe benefit survey was conducted. The results of each comprehensive and trend salary and fringe benefit survey shall be completed and forwarded by September 30 with a recommended state salary schedule to the governor and director of financial management for their use in preparing budgets to be submitted to the succeeding legislature. A copy of the data and supporting documentation shall be furnished by the department of personnel to the standing committees for appropriations of the senate and house of representatives.~~

~~In the case of comprehensive salary and fringe benefit surveys, the department shall furnish the following supplementary data in support of its recommended salary schedule:~~

~~(1) A total dollar figure which reflects the recommended increase or decrease in state salaries as a direct result of the specific salary and fringe benefit survey that has been conducted and which is categorized to indicate what portion of the increase or decrease is represented by salary survey data and what portion is represented by fringe benefit survey data;~~

~~(2) An additional total dollar figure which reflects the impact of recommended increases or decreases to state salaries based on other factors rather than directly on prevailing rate data obtained through the survey process and which is categorized to indicate the sources of the requests for deviation from prevailing rates and the reasons for the changes;~~

~~(3) A list of class codes and titles indicating recommended monthly salary ranges for all state classes under the control of the department of personnel with those salary ranges which do not substantially conform to the prevailing rates developed from the salary and fringe benefit survey distinctly marked and an explanation of the reason for the deviation included;~~

~~(4) A supplemental salary schedule which indicates the additional salary to be paid state employees for hazardous duties or other considerations requiring extra compensation under specific circumstances. Additional compensation for these circumstances shall not be included in the basic salary schedule but shall be maintained as a separate pay schedule for purposes of full disclosure and visibility; and~~

~~(5) A supplemental salary schedule which indicates those cases where the board determines that prevailing rates do not provide similar salaries for positions that require or impose similar responsibilities, judgment, knowledge, skills, and working conditions. This supplementary salary schedule shall contain proposed salary adjustments necessary to eliminate any such dissimilarities in compensation. Additional compensation needed to eliminate such salary dissimilarities shall not be included in the basic salary schedule but shall be maintained as a separate salary schedule for purposes of full disclosure and visibility.~~

~~It is the intention of the legislature that requests for funds to support recommendations for salary deviations from the prevailing rate survey data shall be kept to a minimum, and that the requests be fully documented when forwarded by the department of personnel~~)).

Salary and fringe benefit survey information collected from private employers which identifies a specific employer with the salary and fringe benefit rates which that employer pays to its employees shall not be subject to public disclosure under chapter 42.17 RCW.

((~~The first comprehensive salary and fringe benefit survey required by this section shall be completed and forwarded to the governor and the director of financial management by September 30, 1986. The first trend salary and fringe benefit survey required by this section shall be completed and forwarded to the governor and the director of financial management by September 30, 1988.~~))

Sec. 212. RCW 41.06.167 and 1991 c 196 s 1 are each amended to read as follows:

The department of personnel shall undertake comprehensive compensation surveys for officers and entry-level officer candidates of the Washington state patrol, with such surveys to be conducted in the year prior to the convening of every other one hundred five day regular session of the state legislature. ((~~In the year prior to the convening of each one hundred five day regular session during which a comprehensive compensation survey is not conducted, the department shall conduct a trend compensation survey. This survey shall measure average compensation movement which has occurred since the last comprehensive compensation survey was conducted. The results of each comprehensive and trend survey shall be completed and forwarded by September 30th, after review and preparation of recommendations by the chief of the Washington state patrol, to the governor and director of financial management for their use in preparing budgets to be submitted to the succeeding legislature. A copy of the data and supporting documentation shall be furnished by the department of personnel to the legislative transportation committee and the standing committees for appropriations of the senate and house of representatives. The office of financial management shall analyze the survey results and conduct investigations which may be necessary to arbitrate differences between interested parties regarding the accuracy of collected survey data and the use of such data for salary adjustment.~~

~~Surveys conducted by the department of personnel for the Washington state patrol shall be undertaken in a manner consistent with statistically accurate sampling techniques, including comparisons of medians, base ranges, and weighted averages of salaries. The surveys shall compare competitive labor markets of law enforcement officers. This service performed by the department of personnel shall be on a reimbursable basis in accordance with the provisions of RCW 41.06.080.~~

~~A comprehensive compensation survey plan and the recommendations of the chief of the Washington state patrol shall be submitted jointly by the department of personnel and the Washington state patrol to the director of financial management, the legislative transportation committee, the committee on ways and means of the senate, and the committee on appropriations of the house of representatives six months before the beginning of each periodic survey.~~)) Salary and fringe benefit survey information collected from private employers which identifies a specific employer with the salary and fringe benefit rates which that employer pays to its employees shall not be subject to public disclosure under chapter 42.17 RCW.

Sec. 213. RCW 41.06.170 and 1993 c 281 s 31 are each amended to read as follows:

(1) The ((~~board or~~)) director, in the adoption of rules governing suspensions for cause, shall not authorize an appointing authority to suspend an employee for more than fifteen calendar days as a single penalty or more than thirty calendar days in any one calendar year as an accumulation of several penalties. The ((~~board or~~)) director shall require that the appointing authority give written notice to the employee not later than one day after the suspension takes effect, stating the reasons for and the duration thereof.

(2) Any employee who is reduced, dismissed, suspended, or demoted, after completing his or her probationary period of service as provided by the rules of the ((~~board~~)) director, or any employee who is adversely affected by a violation of the state civil service law, chapter 41.06 RCW, or rules adopted under it, shall have the right to appeal ((~~to the personnel appeals board created by RCW 41.64.010~~)), either individually or through his or her authorized representative, not later than thirty days after the effective date of such action to the personnel appeals board through June 30, 2003, and to the Washington personnel resources board after June 30, 2003. The employee shall be furnished with specified charges in writing when a reduction, dismissal, suspension, or demotion action is taken. Such appeal shall be in writing. Decisions of the Washington personnel resources board on appeals filed after June 30, 2003, shall be final and not subject to further appeal.

(3) Any employee whose position has been exempted after July 1, 1993, shall have the right to appeal ((~~to the personnel appeals board created by RCW 41.64.010~~)), either individually or through his or her authorized representative, not later than thirty days after the effective date of such action to the personnel appeals board through June 30, 2003, and to the Washington personnel resources board after June 30, 2003.

(4) An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to the personnel appeals board ((~~created by RCW 41.64.010~~)) through December 31, 2003, and to the Washington personnel resources board after December 31, 2003. Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

(5) Subsections (1) and (2) of this section do not apply to any employee who is subject to the provisions of a collective bargaining agreement negotiated under sections 301 through 314 of this act.

NEW SECTION. **Sec. 214.** The transfer of the powers, duties, and functions of the personnel appeals board to the personnel resources board under section 234 of this act and the transfer of jurisdiction for appeals filed under section 213, chapter . . ., Laws of 2000 (section 213 of this act) after June 30, 2003, shall not affect the right of an appellant to have an appeal filed on or before June 30, 2003, resolved by the personnel appeals board in accordance with the authorities, rules, and procedures that were established under chapter 41.64 RCW as it existed before the effective date of this section.

Sec. 215. RCW 41.06.186 and 1993 c 281 s 32 are each amended to read as follows:

The ((~~Washington personnel resources board~~)) director shall adopt rules designed to terminate the state employment of any employee whose performance is so inadequate as to warrant termination.

Sec. 216. RCW 41.06.196 and 1993 c 281 s 33 are each amended to read as follows:

The ((~~Washington personnel resources board~~)) director shall adopt rules designed to remove from supervisory positions those supervisors who in violation of the rules adopted under RCW 41.06.186 have tolerated the continued employment of employees under their supervision whose performance has warranted termination from state employment.

Sec. 217. RCW 41.06.270 and 1979 c 151 s 61 are each amended to read as follows:

A disbursing officer shall not pay any employee holding a position covered by this chapter unless the employment is in accordance with this chapter or the rules, regulations and orders issued hereunder. The ((~~board and the~~)) directors of personnel and financial management shall jointly establish procedures for the certification of payrolls.

Sec. 218. RCW 41.06.350 and 1993 c 281 s 36 are each amended to read as follows:

The ((~~Washington personnel resources board~~)) director is authorized to receive federal funds now available or hereafter made available for the assistance and improvement of public personnel administration, which may be expended in addition to the department of personnel service fund established by RCW 41.06.280.

Sec. 219. RCW 41.06.400 and 1980 c 118 s 4 are each amended to read as follows:

(1) In addition to other powers and duties specified in this chapter, the ((~~board~~)) director shall, by rule, prescribe the purpose and minimum standards for training and career development programs and, in so doing, regularly consult with and consider the needs of individual agencies and employees.

(2) In addition to other powers and duties specified in this chapter, the director shall:

(a) Provide for the evaluation of training and career development programs and plans of agencies ((~~based on minimum standards established by the board~~)). The director shall report the results of such evaluations to the agency which is the subject of the evaluation;

(b) Provide training and career development programs which may be conducted more efficiently and economically on an interagency basis;

(c) Promote interagency sharing of resources for training and career development;

(d) Monitor and review the impact of training and career development programs to ensure that the responsibilities of the state to provide equal employment opportunities are diligently carried out. ((~~The director shall report to the board the impact of training and career development programs on the fulfillment of such responsibilities.~~))

(3) At an agency's request, the director may provide training and career development programs for an agency's internal use which may be conducted more efficiently and economically by the department of personnel.

Sec. 220. RCW 41.06.410 and 1980 c 118 s 5 are each amended to read as follows:

Each agency subject to the provisions of this chapter shall:

(1) Prepare an employee training and career development plan which shall at least meet minimum standards established by the ((~~board~~)) director. A copy of such plan shall be submitted to the director for purposes of administering the provisions of RCW 41.06.400(2);

(2) Provide for training and career development for its employees in accordance with the agency plan;

(3) Report on its training and career development program operations and costs to the director in accordance with reporting procedures adopted by the ((~~board~~)) director;

(4) Budget for training and career development in accordance with procedures of the office of financial management.

Sec. 221. RCW 41.06.450 and 1993 c 281 s 37 are each amended to read as follows:

(1) ((~~By January 1, 1983, the Washington personnel resources board~~)) The director shall adopt rules applicable to each agency to ensure that information relating to employee misconduct or alleged misconduct is destroyed or maintained as follows:

(a) All such information determined to be false and all such information in situations where the employee has been fully exonerated of wrongdoing, shall be promptly destroyed;

(b) All such information having no reasonable bearing on the employee's job performance or on the efficient and effective management of the agency, shall be promptly destroyed;

(c) All other information shall be retained only so long as it has a reasonable bearing on the employee's job performance or on the efficient and effective management of the agency.

(2) Notwithstanding subsection (1) of this section, an agency may retain information relating to employee misconduct or alleged misconduct if:

(a) The employee requests that the information be retained; or

(b) The information is related to pending legal action or legal action may be reasonably expected to result.

(3) In adopting rules under this section, the ((~~Washington personnel resources board~~)) director shall consult with the public disclosure commission to ensure that the public policy of the state, as expressed in chapter 42.17 RCW, is adequately protected.

Sec. 222. RCW 41.06.475 and 1993 c 281 s 38 are each amended to read as follows:

The ((~~Washington personnel resources board~~)) director shall adopt rules, in cooperation with the secretary of social and health services, for the background investigation of persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons.

Sec. 223. RCW 41.06.490 and 1990 c 204 s 3 are each amended to read as follows:

(1) In addition to the rules adopted under RCW 41.06.150, the ((~~board~~)) director shall adopt rules establishing a state employee return-to-work program. The program shall, at a minimum:

(a) Direct each agency to adopt a return-to-work policy. The program shall allow each agency program to take into consideration the special nature of employment in the agency;

(b) Provide for eligibility in the return-to-work program, for a minimum of two years from the date the temporary disability commenced, for any permanent employee who is receiving compensation under RCW 51.32.090 and who is, by reason of his or her temporary disability, unable to return to his or her previous work, but who is physically capable of carrying out work of a lighter or modified nature;

(c) Allow opportunity for return-to-work state-wide when appropriate job classifications are not available in the agency that is the appointing authority at the time of injury;

(d) Require each agency to name an agency representative responsible for coordinating the return-to-work program of the agency;

(e) Provide that applicants receiving appointments for classified service receive an explanation of the return-to-work policy;

(f) Require training of supervisors on implementation of the return-to-work policy, including but not limited to assessment of the appropriateness of the return-to-work job for the employee; and

(g) Coordinate participation of applicable employee assistance programs, as appropriate.

(2) The agency full-time equivalents necessary to implement the return-to-work program established under this section shall be used only for the purposes of the return-to-work program and the net increase in full-time equivalents shall be temporary.

Sec. 224. RCW 28B.12.060 and 1994 c 130 s 6 are each amended to read as follows:

The higher education coordinating board shall adopt rules as may be necessary or appropriate for effecting the provisions of this chapter, and not in conflict with this chapter, in accordance with the provisions of chapter 34.05 RCW, the state higher education administrative procedure act. Such rules shall include provisions designed to make employment under the work-study program reasonably available, to the extent of available funds, to all eligible students in eligible post-secondary institutions in need thereof. The rules shall include:

(1) Providing work under the state work-study program that will not result in the displacement of employed workers or impair existing contracts for services;

(2) Furnishing work only to a student who:

(a) Is capable, in the opinion of the eligible institution, of maintaining good standing in such course of study while employed under the program covered by the agreement; and

(b) Has been accepted for enrollment as at least a half-time student at the eligible institution or, in the case of a student already enrolled in and attending the eligible institution, is in good standing and in at least half-time attendance there either as an undergraduate, graduate or professional student; and

(c) Is not pursuing a degree in theology;

(3) Placing priority on providing:

(a) Work opportunities for students who are residents of the state of Washington as defined in RCW 28B.15.012 and 28B.15.013 except resident students defined in RCW 28B.15.012(2)(e);

(b) Job placements in fields related to each student's academic or vocational pursuits, with an emphasis on off-campus job placements whenever appropriate; and

(c) Off-campus community service placements;

(4) Provisions to assure that in the state institutions of higher education, utilization of this work-study program:

(a) Shall only supplement and not supplant classified positions under jurisdiction of chapter 41.06 RCW;

(b) That all positions established which are comparable shall be identified to a job classification under the ((~~Washington personnel resources board's~~)) director of personnel's classification plan and shall receive equal compensation;

(c) Shall not take place in any manner that would replace classified positions reduced due to lack of funds or work; and

(d) That work study positions shall only be established at entry level positions of the classified service unless the overall scope and responsibilities of the position indicate a higher level; and

(5) Provisions to encourage job placements in occupations that meet Washington's economic development goals, especially those in international trade and international relations. The board shall permit appropriate job placements in other states and other countries.

Sec. 225. RCW 34.05.030 and 1994 c 39 s 1 are each amended to read as follows:

(1) This chapter shall not apply to:

(a) The state militia, or

(b) The board of clemency and pardons, or

(c) The department of corrections or the indeterminate sentencing review board with respect to persons who are in their custody or are subject to the jurisdiction of those agencies.

(2) The provisions of RCW 34.05.410 through 34.05.598 shall not apply:

(a) To adjudicative proceedings of the board of industrial insurance appeals except as provided in RCW 7.68.110 and 51.48.131;

(b) Except for actions pursuant to chapter 46.29 RCW, to the denial, suspension, or revocation of a driver's license by the department of licensing;

(c) To the department of labor and industries where another statute expressly provides for review of adjudicative proceedings of a department action, order, decision, or award before the board of industrial insurance appeals;

(d) To actions of the Washington personnel resources board((~~,~~)) or the director of personnel((~~, or the personnel appeals board~~)); or

(e) To the extent they are inconsistent with any provisions of chapter 43.43 RCW.

(3) Unless a party makes an election for a formal hearing pursuant to RCW 82.03.140 or 82.03.190, RCW 34.05.410 through 34.05.598 do not apply to a review hearing conducted by the board of tax appeals.

(4) The rule-making provisions of this chapter do not apply to reimbursement unit values, fee schedules, arithmetic conversion factors, and similar arithmetic factors used to determine payment rates that apply to goods and services purchased under contract for clients eligible under chapter 74.09 RCW.

(5) All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the Administrative Procedure Act, shall be subject to the entire act.

Sec. 226. RCW 34.12.020 and 1995 c 331 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Office" means the office of administrative hearings.

(2) "Administrative law judge" means any person appointed by the chief administrative law judge to conduct or preside over hearings as provided in this chapter.

(3) "Hearing" means an adjudicative proceeding within the meaning of RCW 34.05.010(1) conducted by a state agency under RCW 34.05.413 through 34.05.476.

(4) "State agency" means any state board, commission, department, or officer authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the growth management hearings boards, the utilities and transportation commission, the pollution control hearings board, the shorelines hearings board, the forest practices appeals board, the environmental hearings office, the board of industrial insurance appeals, the Washington personnel resources board, the public employment relations commission, ((~~the personnel appeals board,~~)) and the board of tax appeals.

Sec. 227. RCW 41.04.340 and 1998 c 254 s 1 and 1998 c 116 s 2 are each reenacted and amended to read as follows:

(1) An attendance incentive program is established for all eligible employees. As used in this section the term "eligible employee" means any employee of the state, other than eligible employees of the community and technical colleges and the state board for community and technical colleges identified in RCW 28B.50.553, and teaching and research faculty at the state and regional universities and The Evergreen State College, entitled to accumulate sick leave and for whom accurate sick leave records have been maintained. No employee may receive compensation under this section for any portion of sick leave accumulated at a rate in excess of one day per month. The state and regional universities and The Evergreen State College shall maintain complete and accurate sick leave records for all teaching and research faculty.

(2) In January of the year following any year in which a minimum of sixty days of sick leave is accrued, and each January thereafter, any eligible employee may receive remuneration for unused sick leave accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued sick leave in excess of sixty days. Sick

leave for which compensation has been received shall be deducted from accrued sick leave at the rate of four days for every one day's monetary compensation.

(3) At the time of separation from state service due to retirement or death, an eligible employee or the employee's estate may elect to receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days of accrued sick leave.

(4) Remuneration or benefits received under this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

(5) Except as provided in subsections (7) through (9) of this section for employees not covered by chapter 41.06 RCW, this section shall be administered, and rules shall be adopted to carry out its purposes, by the ((~~Washington personnel resources board~~)) director of personnel for persons subject to chapter 41.06 RCW: PROVIDED, That determination of classes of eligible employees shall be subject to approval by the office of financial management.

(6) Should the legislature revoke any remuneration or benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right.

(7) In lieu of remuneration for unused sick leave at retirement as provided in subsection (3) of this section, an agency head or designee may with equivalent funds, provide eligible employees with a benefit plan that provides for reimbursement for medical expenses. This plan shall be implemented only after consultation with affected groups of employees. For eligible employees covered by chapter 41.06 RCW, procedures for the implementation of these plans shall be adopted by the ((~~Washington personnel resources board~~)) director of personnel. For eligible employees exempt from chapter 41.06 RCW, and classified employees who have opted out of coverage of chapter 41.06 RCW as provided in RCW 41.56.201, implementation procedures shall be adopted by an agency head having jurisdiction over the employees.

(8) Implementing procedures adopted by the ((~~Washington personnel resources board~~)) director of personnel or agency heads shall require that each medical expense plan authorized by subsection (7) of this section apply to all eligible employees in any one of the following groups: (a) Employees in an agency; (b) employees in a major organizational subdivision of an agency; (c) employees at a major operating location of an agency; (d) exempt employees under the jurisdiction of an elected or appointed Washington state executive; (e) employees of the Washington state senate; (f) employees of the Washington state house of representatives; (g) classified employees in a bargaining unit established by the ((~~Washington personnel resources board~~)) director of personnel; or (h) other group of employees defined by an agency head that is not designed to provide an individual-employee choice regarding participation in a medical expense plan. However, medical expense plans for eligible employees in any of the groups under (a) through (h) of this subsection who are covered by a collective bargaining agreement shall be implemented only by written agreement with the bargaining unit's exclusive representative and a separate medical expense plan may be provided for unrepresented employees.

(9) Medical expense plans authorized by subsection (7) of this section must require as a condition of participation in the plan that employees in the group affected by the plan sign an agreement with the employer. The agreement must include a provision to hold the employer harmless should the United States government find that the employer or the employee is in debt to the United States as a result of the employee not paying income taxes due on the equivalent funds placed into the plan, or as a result of the employer not withholding or deducting a tax, assessment, or other payment on the funds as required by federal law. The agreement must also include a provision that requires an eligible employee to forfeit remuneration under subsection (3) of this section if the employee belongs to a group that has been designated to participate in the medical expense plan permitted under this section and the employee refuses to execute the required agreement.

Sec. 228. RCW 41.50.804 and 1993 c 281 s 40 are each amended to read as follows:

Nothing contained in this chapter shall be construed to alter any existing collective bargaining agreement until any such agreement has expired or until any such bargaining unit has been modified by action of the ((~~Washington personnel resources board~~)) public employment relations commission as provided by law.

Sec. 229. RCW 43.06.425 and 1993 c 281 s 48 are each amended to read as follows:

The ((~~Washington personnel resources board~~)) director of personnel shall adopt rules to provide that:

(1) Successful completion of an internship under RCW 43.06.420 shall be considered as employment experience at the level at which the intern was placed;

(2) Persons leaving classified or exempt positions in state government in order to take an internship under RCW 43.06.420: (a) Have the right of reversion to the previous position at any time during the internship or upon completion of the internship; and (b) shall continue to receive all fringe benefits as if they had never left their classified or exempt positions;

(3) Participants in the undergraduate internship program who were not public employees prior to accepting a position in the program receive sick leave allowances commensurate with other state employees;

(4) Participants in the executive fellows program who were not public employees prior to accepting a position in the program receive sick and vacation leave allowances commensurate with other state employees.

Sec. 230. RCW 43.33A.100 and 1993 c 281 s 50 are each amended to read as follows:

The state investment board shall maintain appropriate offices and employ such personnel as may be necessary to perform its duties. Employment by the investment board shall include but not be limited to an executive director, investment officers, and a confidential secretary, which positions are exempt from classified service under chapter 41.06 RCW. Employment of the executive director by the board shall be for a term of three years, and such employment shall be subject to confirmation of the state finance committee: PROVIDED, That nothing shall prevent the board from dismissing the director for cause before the expiration of the term nor shall anything prohibit the board, with the confirmation of the state finance committee, from employing the same individual as director in succeeding terms. Compensation levels for the investment officers employed by the investment board shall be established by the ((~~Washington personnel resources board~~)) director of personnel.

As of July 1, 1981, all employees classified under chapter 41.06 RCW and engaged in duties assumed by the state investment board on July 1, 1981, are assigned to the state investment board. The transfer shall not diminish any rights granted these employees under chapter 41.06 RCW nor exempt the employees from any action which may occur thereafter in accordance with chapter 41.06 RCW.

All existing contracts and obligations pertaining to the functions transferred to the state investment board in ((~~this 1980 act~~)) chapter 3, Laws of 1981 shall remain in full force and effect, and shall be performed by the board. None of the transfers directed by ((~~this 1980 act~~)) chapter 3, Laws of 1981 shall affect the validity of any act performed by a state entity or by any official or employee thereof prior to July 1, 1981.

Sec. 231. RCW 43.131.090 and 1993 c 281 s 54 are each amended to read as follows:

Unless the legislature specifies a shorter period of time, a terminated state agency shall continue in existence until June 30th of the next succeeding year for the purpose of concluding its affairs: PROVIDED, That the powers and authority of the state agency shall not be reduced or otherwise limited during this period. Unless otherwise provided:

(1) All employees of terminated state agencies classified under chapter 41.06 RCW, the state civil service law, shall be transferred as appropriate or as otherwise provided in the procedures adopted by the ((~~Washington personnel resources board~~)) director of personnel pursuant to RCW 41.06.150;

(2) All documents and papers, equipment, or other tangible property in the possession of the terminated state agency shall be delivered to the custody of the agency assuming the responsibilities of the terminated agency or if such responsibilities have been eliminated, documents and papers shall be delivered to the state archivist and equipment or other tangible property to the department of general administration;

(3) All funds held by, or other moneys due to, the terminated state agency shall revert to the fund from which they were appropriated, or if that fund is abolished to the general fund;

(4) Notwithstanding the provisions of RCW 34.05.020, all rules made by a terminated state agency shall be repealed, without further action by the state agency, at the end of the period provided in this section, unless assumed and reaffirmed by the agency assuming the related legal responsibilities of the terminated state agency;

(5) All contractual rights and duties of a state agency shall be assigned or delegated to the agency assuming the responsibilities of the terminated state agency, or if there is none to such agency as the governor shall direct.

Sec. 232. RCW 49.46.010 and 1997 c 203 s 3 are each amended to read as follows:

As used in this chapter:

(1) "Director" means the director of labor and industries;

(2) "Wage" means compensation due to an employee by reason of employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by rules of the director;

(3) "Employ" includes to permit to work;

(4) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;

(5) "Employee" includes any individual employed by an employer but shall not include:

(a) Any individual (i) employed as a hand harvest laborer and paid on a piece rate basis in an operation which has been, and is generally and customarily recognized as having been, paid on a piece rate basis in the region of employment; (ii) who commutes daily from his or her permanent residence to the farm on which he or she is employed; and (iii) who has been employed in agriculture less than thirteen weeks during the preceding calendar year;

(b) Any individual employed in casual labor in or about a private home, unless performed in the course of the employer's trade, business, or profession;

(c) Any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesman as those terms are defined and delimited by rules of the director. However, those terms shall be defined and delimited by

the ((~~Washington personnel resources board~~)) director of personnel pursuant to chapter 41.06 RCW for employees employed under the director of personnel's jurisdiction;

(d) Any individual engaged in the activities of an educational, charitable, religious, state or local governmental body or agency, or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously. If the individual receives reimbursement in lieu of compensation for normally incurred out-of-pocket expenses or receives a nominal amount of compensation per unit of voluntary service rendered, an employer-employee relationship is deemed not to exist for the purpose of this section or for purposes of membership or qualification in any state, local government or publicly supported retirement system other than that provided under chapter 41.24 RCW;

(e) Any individual employed full time by any state or local governmental body or agency who provides voluntary services but only with regard to the provision of the voluntary services. The voluntary services and any compensation therefor shall not affect or add to qualification, entitlement or benefit rights under any state, local government, or publicly supported retirement system other than that provided under chapter 41.24 RCW;

(f) Any newspaper vendor or carrier;

(g) Any carrier subject to regulation by Part 1 of the Interstate Commerce Act;

(h) Any individual engaged in forest protection and fire prevention activities;

(i) Any individual employed by any charitable institution charged with child care responsibilities engaged primarily in the development of character or citizenship or promoting health or physical fitness or providing or sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States;

(j) Any individual whose duties require that he or she reside or sleep at the place of his or her employment or who otherwise spends a substantial portion of his or her work time subject to call, and not engaged in the performance of active duties;

(k) Any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment or rehabilitative institution;

(l) Any individual who holds a public elective or appointive office of the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof, or any employee of the state legislature;

(m) All vessel operating crews of the Washington state ferries operated by the department of transportation;

(n) Any individual employed as a seaman on a vessel other than an American vessel;

(6) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed;

(7) "Retail or service establishment" means an establishment seventy-five percent of whose annual dollar volume of sales of goods or services, or both, is not for resale and is recognized as retail sales or services in the particular industry.

Sec. 233. RCW 41.06.340 and 1993 c 281 s 35 are each amended to read as follows:

(1) With respect to collective bargaining, the public employment relations commission created by chapter 41.58 RCW shall have authority to adopt rules, on and after the effective date of this section, relating to determination of appropriate bargaining units within any agency. In making such determination the commission shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees. The public employment relations commission created in chapter 41.58 RCW shall adopt rules and make determinations relating to the certification and decertification of exclusive bargaining representatives.

(2) Each and every provision of RCW 41.56.140 through ((~~41.56.190~~)) 41.56.160 shall be applicable to this chapter as it relates to state civil service employees ((~~and the Washington personnel resources board, or its designee, whose final decision shall be appealable to the Washington personnel resources board, which is granted all powers and authority granted to the department of labor and industries by RCW 41.56.140 through 41.56.190~~)).

NEW SECTION. **Sec. 234.** A new section is added to chapter 41.06 RCW to read as follows:

(1) The personnel appeals board is hereby abolished and its powers, duties, and functions are hereby transferred to the Washington personnel resources board. All references to the executive secretary or the personnel appeals board in the Revised Code of Washington shall be construed to mean the director of the department of personnel or the Washington personnel resources board.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the personnel appeals board shall be delivered to the custody of the department of personnel. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the personnel appeals board shall be made available to the department of personnel. All funds, credits, leases, or other assets held by the personnel appeals board shall be assigned to the department of personnel.

(b) Any appropriations made to the personnel appeals board shall, on the effective date of this section, be transferred and credited to the department of personnel.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the personnel appeals board are transferred to the jurisdiction of the department of personnel. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of personnel to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the personnel appeals board shall be continued and acted upon by the Washington personnel resources board. All existing contracts and obligations shall remain in full force and shall be performed by the department of personnel.

(5) The transfer of the powers, duties, functions, and personnel of the personnel appeals board shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

Sec. 235. RCW 13.40.320 and 1997 c 338 s 38 are each amended to read as follows:

(1) The department of social and health services shall establish and operate a medium security juvenile offender basic training camp program. The department shall site a juvenile offender basic training camp facility in the most cost-effective facility possible and shall review the possibility of using an existing abandoned and/or available state, federally, or military-owned site or facility.

(2) The department may contract under this chapter with private companies, the national guard, or other federal, state, or local agencies to operate the juvenile offender basic training camp((~~, notwithstanding the provisions of RCW 41.06.380~~)). Requests for proposals from possible contractors shall not call for payment on a per diem basis.

(3) The juvenile offender basic training camp shall accommodate at least seventy offenders. The beds shall count as additions to, and not be used as replacements for, existing bed capacity at existing department of social and health services juvenile facilities.

(4) The juvenile offender basic training camp shall be a structured and regimented model lasting one hundred twenty days emphasizing the building up of an offender's self-esteem, confidence, and discipline. The juvenile offender basic training camp program shall provide participants with basic education, prevocational training, work-based learning, live work, work ethic skills, conflict resolution counseling, substance abuse intervention, anger management counseling, and structured intensive physical training. The juvenile offender basic training camp program shall have a curriculum training and work schedule that incorporates a balanced assignment of these or other rehabilitation and training components for no less than sixteen hours per day, six days a week.

The department shall adopt rules for the safe and effective operation of the juvenile offender basic training camp program, standards for an offender's successful program completion, and rules for the continued after-care supervision of offenders who have successfully completed the program.

(5) Offenders eligible for the juvenile offender basic training camp option shall be those with a disposition of not more than sixty-five weeks. Violent and sex offenders shall not be eligible for the juvenile offender basic training camp program.

(6) If the court determines that the offender is eligible for the juvenile offender basic training camp option, the court may recommend that the department place the offender in the program. The department shall evaluate the offender and may place the offender in the program. The evaluation shall include, at a minimum, a risk assessment developed by the department and designed to determine the offender's suitability for the program. No juvenile who is assessed as a high risk offender or suffers from any mental or physical problems that could endanger his or her health or drastically affect his or her performance in the program shall be admitted to or retained in the juvenile offender basic training camp program.

(7) All juvenile offenders eligible for the juvenile offender basic training camp sentencing option shall spend one hundred twenty days of their disposition in a juvenile offender basic training camp. If the juvenile offender's activities while in the juvenile offender basic training camp are so disruptive to the juvenile offender basic training camp program, as determined by the secretary according to rules adopted by the department, as to result in the removal of the juvenile offender from the juvenile offender basic training camp program, or if the offender cannot complete the juvenile offender basic training camp program due to medical problems, the secretary shall require that the offender be committed to a juvenile institution to serve the entire remainder of his or her disposition, less the amount of time already served in the juvenile offender basic training camp program.

(8) All offenders who successfully graduate from the one hundred twenty day juvenile offender basic training camp program shall spend the remainder of their disposition on parole in a division of juvenile rehabilitation intensive aftercare program in the local community. The program shall provide for the needs of the offender based on his or her progress in the aftercare program as indicated by ongoing assessment of those needs and progress. The intensive aftercare program shall monitor postprogram juvenile offenders and assist them to successfully reintegrate into the community. In addition, the program shall develop a process for closely monitoring and assessing public safety risks. The intensive aftercare program shall be designed and funded by the department of social and health services.

(9) The department shall also develop and maintain a data base to measure recidivism rates specific to this incarceration program. The data base shall maintain data on all juvenile offenders who complete the juvenile offender basic training camp program for a period of two years after they have completed the program. The data base shall also maintain data on the criminal activity, educational progress, and employment activities of all juvenile offenders who participated in the program.

Sec. 236. RCW 39.29.006 and 1998 c 101 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Agency" means any state office or activity of the executive and judicial branches of state government, including state agencies, departments, offices, divisions, boards, commissions, and educational, correctional, and other types of institutions.

(2) "Client services" means services provided directly to agency clients including, but not limited to, medical and dental services, employment and training programs, residential care, and subsidized housing.

(3) "Competitive solicitation" means a documented formal process providing an equal and open opportunity to qualified parties and culminating in a selection based on criteria which may include such factors as the consultant's fees or costs, ability, capacity, experience, reputation, responsiveness to time limitations, responsiveness to solicitation requirements, quality of previous performance, and compliance with statutes and rules relating to contracts or services.

(4) "Consultant" means an independent individual or firm contracting with an agency to perform a service or render an opinion or recommendation according to the consultant's methods and without being subject to the control of the agency except as to the result of the work. The agency monitors progress under the contract and authorizes payment.

(5) "Emergency" means a set of unforeseen circumstances beyond the control of the agency that either:

(a) Present a real, immediate threat to the proper performance of essential functions; or

(b) May result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

(6) "Evidence of competition" means documentation demonstrating that the agency has solicited responses from multiple firms in selecting a consultant.

(7) "Personal service" means professional or technical expertise provided by a consultant to accomplish a specific study, project, task, or other work statement. This term does not include purchased services as defined under subsection (9) of this section. This term does include client services.

(8) "Personal service contract" means an agreement, or any amendment thereto, with a consultant for the rendering of personal services to the state which is consistent with ((~~RCW 41.06.380~~)) section 208 of this act.

(9) "Purchased services" means services provided by a vendor to accomplish routine, continuing and necessary functions. This term includes, but is not limited to, services acquired under RCW 43.19.190 or 43.105.041 for equipment maintenance and repair; operation of a physical plant; security; computer hardware and software maintenance; data entry; key punch services; and computer time-sharing, contract programming, and analysis.

(10) "Sole source" means a consultant providing professional or technical expertise of such a unique nature that the consultant is clearly and justifiably the only practicable source to provide the service. The justification shall be based on either the uniqueness of the service or sole availability at the location required.

Sec. 237. RCW 41.04.385 and 1993 c 194 s 5 are each amended to read as follows:

The legislature finds that (1) demographic, economic, and social trends underlie a critical and increasing demand for child care in the state of Washington; (2) working parents and their children benefit when the employees' child care needs have been resolved; (3) the state of Washington should serve as a model employer by creating a supportive atmosphere, to the extent feasible, in which its employees may meet their child care needs; and (4) the state of Washington should encourage the development of partnerships between state agencies, state employees, state employee labor organizations, and private employers to expand the availability of affordable quality child care. The legislature finds further that resolving employee child care concerns not only benefits the employees and their children, but may benefit the employer by reducing absenteeism, increasing employee productivity, improving morale, and enhancing the employer's position in recruiting and retaining employees. Therefore, the legislature declares that it is the policy of the state of Washington to assist state employees by creating a supportive atmosphere in which they may meet their child care needs. Policies and procedures for state agencies to address employee child care needs will be the responsibility of the director of personnel in consultation with the child care coordinating committee, as provided in RCW 74.13.090, and state employee representatives ((~~as provided under RCW 41.06.140~~)).

Sec. 238. RCW 47.46.040 and 1995 2nd sp.s. c 19 s 3 are each amended to read as follows:

(1) All projects designed, constructed, and operated under this authority must comply with all applicable rules and statutes in existence at the time the agreement is executed, including but not limited to the following provisions: Chapter 39.12 RCW, this title, ((~~RCW 41.06.380~~)) section 208 of this act, chapter 47.64 RCW, RCW 49.60.180, and 49 C.F.R. Part 21.

(2) The secretary or a designee shall consult with legal, financial, and other experts within and outside state government in the negotiation and development of the agreements.

(3) Agreements shall provide for private ownership of the projects during the construction period. After completion and final acceptance of each project or discrete segment thereof, the agreement shall provide for state ownership of the transportation systems and facilities and lease to the private entity unless the state elects to provide for ownership of the facility by the private entity during the term of the agreement.

The state shall lease each of the demonstration projects, or applicable project segments, to the private entities for operating purposes for up to fifty years.

(4) The department may exercise any power possessed by it to facilitate the development, construction, financing operation, and maintenance of transportation projects under this chapter. Agreements for maintenance services entered into under this section shall provide for full reimbursement for services rendered by the department or other state agencies. Agreements for police services for projects, involving state highway routes, developed under agreements shall be entered into with the Washington state patrol. The agreement for police services shall provide that the state patrol will be reimbursed for costs on a comparable basis with the costs incurred for comparable service on other state highway routes. The department may provide services for which it is reimbursed, including but not limited to preliminary planning, environmental certification, and preliminary design of the demonstration projects.

(5) The plans and specifications for each project constructed under this section shall comply with the department's standards for state projects. A facility constructed by and leased to a private entity is deemed to be a part of the state highway system for purposes of identification, maintenance, and enforcement of traffic laws and for the purposes of applicable sections of this title. Upon reversion of the facility to the state, the project must meet all applicable state standards. Agreements shall address responsibility for reconstruction or renovations that are required in order for a facility to meet all applicable state standards upon reversion of the facility to the state.

(6) For the purpose of facilitating these projects and to assist the private entity in the financing, development, construction, and operation of the transportation systems and facilities, the agreements may include provisions for the department to exercise its authority, including the lease of facilities, rights of way, and airspace, exercise of the power of eminent domain, granting of development rights and opportunities, granting of necessary easements and rights of access, issuance of permits and other authorizations, protection from competition, remedies in the event of default of either of the parties, granting of contractual and real property rights, liability during construction and the term of the lease, authority to negotiate acquisition of rights of way in excess of appraised value, and any other provision deemed necessary by the secretary.

(7) The agreements entered into under this section may include provisions authorizing the state to grant necessary easements and lease to a private entity existing rights of way or rights of way subsequently acquired with public or private financing. The agreements may also include provisions to lease to the entity airspace above or below the right of way associated or to be associated with the private entity's transportation facility. In consideration for the reversion rights in these privately constructed facilities, the department may negotiate a charge for the lease of airspace rights during the term of the agreement for a period not to exceed fifty years. If, after the expiration of this period, the department continues to lease these airspace rights to the private entity, it shall do so only at fair market value. The agreement may also provide the private entity the right of first refusal to undertake projects utilizing airspace owned by the state in the vicinity of the public-private project.

(8) Agreements under this section may include any contractual provision that is necessary to protect the project revenues required to repay the costs incurred to study, plan, design, finance, acquire, build, install, operate, enforce laws, and maintain toll highways, bridges, and tunnels and which will not unreasonably inhibit or prohibit the development of additional public transportation systems and facilities. Agreements under this section must secure and maintain liability insurance coverage in amounts appropriate to protect the project's viability and may address state indemnification of the private entity for design and construction liability where the state has approved relevant design and construction plans.

(9) Agreements shall include a process that provides for public involvement in decision making with respect to the development of the projects.

(10)(a) In carrying out the public involvement process required in subsection (9) of this section, the private entity shall proactively seek public participation through a process appropriate to the characteristics of the project that assesses and demonstrates public support among: Users of the project, residents of communities in the vicinity of the project, and residents of communities impacted by the project.

(b) The private entity shall conduct a comprehensive public involvement process that provides, periodically throughout the development and implementation of the project, users and residents of communities in the affected project area an opportunity to comment upon key issues regarding the project including, but not limited to: (i) Alternative sizes and scopes; (ii) design; (iii) environmental assessment; (iv) right of way and access plans; (v) traffic impacts; (vi) tolling or user fee strategies and tolling or user fee ranges; (vii) project cost; (viii) construction impacts; (ix) facility operation; and (x) any other salient characteristics.

(c) If the affected project area has not been defined, the private entity shall define the affected project area by conducting, at a minimum: (i) A comparison of the estimated percentage of residents of communities in the vicinity of the project and in other communities impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (ii) an analysis of the anticipated traffic diversion patterns; (iii) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic, and commercial entities in communities in the vicinity of and impacted by the project; (iv) an analysis of the economic impact of tolls or user fees on the price of goods and services generally; and (v) an analysis of the relationship of the project to state transportation needs and benefits.

The agreement may require an advisory vote by users of and residents in the affected project area.

(d) In seeking public participation, the private entity shall establish a local involvement committee or committees comprised of residents of the affected project area, individuals who represent cities and counties in the affected project area, organizations formed to support or oppose the project, if such organizations exist, and users of the project. The private entity shall, at a minimum, establish a committee as required under the specifications of RCW 47.46.030((~~(5)~~)) (6)(b) (ii) and (iii) and appointments to such committee shall be made no later than thirty days after the project area is defined.

(e) Local involvement committees shall act in an advisory capacity to the department and the private entity on all issues related to the development and implementation of the public involvement process established under this section.

(f) The department and the private entity shall provide the legislative transportation committee and local involvement committees with progress reports on the status of the public involvement process including the results of an advisory vote, if any occurs.

(11) Nothing in this chapter limits the right of the secretary and his or her agents to render such advice and to make such recommendations as they deem to be in the best interests of the state and the public.

Sec. 239. RCW 72.09.100 and 1995 1st sp.s. c 19 s 33 are each amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) CLASS I: FREE VENTURE INDUSTRIES. The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers. The correctional industries board of directors shall review these proposed industries before the department contracts to provide such products or services. The review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community and labor market.

The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the director of correctional industries. If the director cannot reasonably determine the comparable wage, then the pay shall not be less than the federal minimum wage.

An inmate who is employed in the class I program of correctional industries shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged.

(2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations. The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to public agencies, to nonprofit organizations, and to private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization.

Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons. Correctional industries products and services shall be reviewed by the correctional industries board of directors before offering such products and services for sale to private contractors. The board of directors shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state, when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus byproducts and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

Security and custody services shall be provided without charge by the department of corrections.

Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located and which is approved by the director of correctional industries.

Subject to approval of the correctional industries board, provisions of ((~~RCW 41.06.380 prohibiting contracting out work performed by classified employees~~)) section 208 of this act shall not apply to contracts with Washington state businesses entered into by the department of corrections through class II industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

(a) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

(b) Whenever possible, to provide forty hours of work or work training per week.

(c) Whenever possible, to offset tax and other public support costs.

Supervising, management, and custody staff shall be employees of the department.

All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located.

(5) CLASS V: COMMUNITY SERVICE PROGRAMS. Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an inmate, placed on community supervision, to work off all or part of a community service order as ordered by the sentencing court.

Employment shall be in a community service program operated by the state, local units of government, or a nonprofit agency.

To the extent that funds are specifically made available for such purposes, the department of corrections shall reimburse nonprofit agencies for workers compensation insurance costs.

Sec. 240. RCW 41.06.079 and 1993 c 281 s 23 are each amended to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of transportation to the secretary, a deputy secretary, an administrative assistant to the secretary, if any, one assistant secretary for each division designated pursuant to RCW 47.01.081, one confidential secretary for each of the above-named officers, up to six transportation district administrators and one confidential secretary for each district administrator, up to six additional new administrators or confidential secretaries designated by the secretary of the department of transportation and approved by the Washington personnel resources board pursuant to the provisions of RCW 41.06.070(((~~(1)(z)~~))), the legislative liaison for the department, the state construction engineer, the state aid engineer, the personnel manager, the state project development engineer, the state maintenance and operations engineer, one confidential secretary for each of the last-named five positions, and a confidential secretary for the public affairs administrator. The individuals appointed under this section shall be exempt from the

provisions of the state civil service law, and shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for individuals exempt from the operation of the state civil service law.

Sec. 241. RCW 41.06.152 and 1999 c 309 s 914 are each amended to read as follows:

(1) The board shall adopt only those job classification revisions, class studies, and salary adjustments under RCW 41.06.150((~~(15)~~)) (12) that:

(a) Are due to documented recruitment and retention difficulties, salary compression or inversion, increased duties and responsibilities, or inequities. For these purposes, inequities are defined as similar work assigned to different job classes with a salary disparity greater than 7.5 percent; and

(b) Are such that the office of financial management has reviewed the agency's fiscal impact statement and has concurred that the agency can absorb the biennialized cost of the reclassification, class study, or salary adjustment within the agency's current authorized level of funding for the current fiscal biennium and subsequent fiscal biennia.

(2) In addition to reclassifications, class studies, and salary adjustments under subsection (1)(b) of this section, the board may approve other reclassifications, class studies, and salary adjustments that meet the requirements of subsection (1)(a) of this section and have been approved under the procedures established under this subsection.

Before the department of personnel's biennial budget request is due to the office of financial management, the board shall prioritize requests for reclassifications, class studies, and salary adjustments for the next fiscal biennium. The board shall prioritize according to such criteria as are developed by the board consistent with RCW 41.06.150((~~(15)~~)) (12)(a).

The board shall submit the prioritized list to the governor's office and the fiscal committees of the house of representatives and senate at the same time the department of personnel's biennial budget request is submitted. The office of financial management shall review the biennial cost of each proposed salary adjustment on the board's prioritized list.

In the biennial appropriations acts, the legislature may establish a level of funding, from the state general fund and other accounts, to be applied by the board to the prioritized list. Upon enactment of the appropriations act, the board may approve reclassifications, class studies, and salary adjustments only to the extent that the total cost does not exceed the level of funding established in the appropriations acts and the board's actions are consistent with the priorities established in the list. The legislature may also specify or otherwise limit in the appropriations act the implementation dates for actions approved by the board under this section.

(3) When the board develops its priority list in the 1999-2001 biennium, for increases proposed for funding in the 2001-2003 biennium, the board shall give top priority to proposed increases to address documented recruitment and retention increases, and shall give lowest priority to proposed increases to recognize increased duties and responsibilities. When the board submits its prioritized list for the 2001-2003 biennium, the board shall also provide: A comparison of any differences between the salary increases recommended by the department of personnel staff and those adopted by the board; a review of any salary compression, inversion, or inequities that would result from implementing a recommended increase; and a complete description of the information relied upon by the board in adopting its proposals and priorities.

(4) This section does not apply to the higher education hospital special pay plan or to any adjustments to the classification plan under RCW 41.06.150((~~(15)~~)) (12) that are due to emergent conditions. Emergent conditions are defined as emergency conditions requiring the establishment of positions necessary for the preservation of the public health, safety, or general welfare.

Sec. 242. RCW 41.06.152 and 2000 c . . . s 241 (section 241 of this act) are each amended to read as follows:

(1) The ((~~board~~)) director shall adopt only those job classification revisions, class studies, and salary adjustments under RCW 41.06.150((~~(12)~~)) (4) that:

(a) Are due to documented recruitment and retention difficulties, salary compression or inversion, increased duties and responsibilities, or inequities. For these purposes, inequities are defined as similar work assigned to different job classes with a salary disparity greater than 7.5 percent; and

(b) Are such that the office of financial management has reviewed the agency's fiscal impact statement and has concurred that the agency can absorb the biennialized cost of the reclassification, class study, or salary adjustment within the agency's current authorized level of funding for the current fiscal biennium and subsequent fiscal biennia.

(2) In addition to reclassifications, class studies, and salary adjustments under subsection (1)(b) of this section, the board may approve other reclassifications, class studies, and salary adjustments that meet the requirements of subsection (1)(a) of this section and have been approved under the procedures established under this subsection.

Before the department of personnel's biennial budget request is due to the office of financial management, the board shall prioritize requests for reclassifications, class studies, and salary adjustments for the next fiscal biennium. The board shall prioritize according to such criteria as are developed by the board consistent with RCW 41.06.150((~~(12)~~)) (4)(a).

The board shall submit the prioritized list to the governor's office and the fiscal committees of the house of representatives and senate at the same time the department of personnel's biennial budget request is submitted. The office of financial management shall review the biennial cost of each proposed salary adjustment on the board's prioritized list.

In the biennial appropriations acts, the legislature may establish a level of funding, from the state general fund and other accounts, to be applied by the board to the prioritized list. Upon enactment of the appropriations act, the board may approve reclassifications, class studies, and salary adjustments only to the extent that the total cost does not exceed the level of funding established in the appropriations acts and the board's actions are consistent with the priorities established in the list. The legislature may also specify or otherwise limit in the appropriations act the implementation dates for actions approved by the board under this section.

(3) When the board develops its priority list in the 1999-2001 biennium, for increases proposed for funding in the 2001-2003 biennium, the board shall give top priority to proposed increases to address documented recruitment and retention increases, and shall give lowest priority to proposed increases to recognize increased duties and responsibilities. When the board submits its prioritized list for the 2001-2003 biennium, the board shall also provide: A comparison of any differences between the salary increases recommended by the department of personnel staff and those adopted by the board; a review of any salary compression, inversion, or inequities that would result from implementing a recommended increase; and a complete description of the information relied upon by the board in adopting its proposals and priorities.

(4) This section does not apply to the higher education hospital special pay plan or to any adjustments to the classification plan under RCW 41.06.150((~~(12)~~)) (4) that are due to emergent conditions. Emergent conditions are defined as emergency conditions requiring the establishment of positions necessary for the preservation of the public health, safety, or general welfare.

Sec. 243. RCW 41.06.500 and 1996 c 319 s 4 are each amended to read as follows:

(1) Except as provided in RCW 41.06.070, notwithstanding any other provisions of this chapter, the director is authorized to adopt, after consultation with state agencies and employee organizations, rules for managers as defined in RCW 41.06.022. These rules shall not apply to managers employed by institutions of higher education or related boards or whose positions are exempt. The rules shall govern recruitment, appointment, classification and allocation of positions, examination, training and career development, hours of work, probation, certification, compensation, transfer, affirmative action, promotion, layoff, reemployment, performance appraisals, discipline, and any and all other personnel practices for managers. These rules shall be separate from rules adopted by the board for other employees, and to the extent that the rules adopted apply only to managers shall take precedence over rules adopted by the board, and are not subject to review by the board.

(2) In establishing rules for managers, the director shall adhere to the following goals:

(a) Development of a simplified classification system that facilitates movement of managers between agencies and promotes upward mobility;

(b) Creation of a compensation system consistent with the policy set forth in RCW 41.06.150((~~(17)~~)) (14). The system shall provide flexibility in setting and changing salaries, and shall require review and approval by the director in the case of any salary changes greater than five percent proposed for any group of employees;

(c) Establishment of a performance appraisal system that emphasizes individual accountability for program results and efficient management of resources; effective planning, organization, and communication skills; valuing and managing workplace diversity; development of leadership and interpersonal abilities; and employee development;

(d) Strengthening management training and career development programs that build critical management knowledge, skills, and abilities; focusing on managing and valuing workplace diversity; empowering employees by enabling them to share in workplace decision making and to be innovative, willing to take risks, and able to accept and deal with change; promoting a workplace where the overall focus is on the recipient of the government services and how these services can be improved; and enhancing mobility and career advancement opportunities;

(e) Permitting flexible recruitment and hiring procedures that enable agencies to compete effectively with other employers, both public and private, for managers with appropriate skills and training; allowing consideration of all qualified candidates for positions as managers; and achieving affirmative action goals and diversity in the workplace;

(f) Providing that managers may only be reduced, dismissed, suspended, or demoted for cause; and

(g) Facilitating decentralized and regional administration.

Sec. 244. RCW 41.06.500 and 2000 c . . . s 243 (section 243 of this act) are each amended to read as follows:

(1) Except as provided in RCW 41.06.070, notwithstanding any other provisions of this chapter, the director is authorized to adopt, after consultation with state agencies and employee organizations, rules for managers as defined in RCW 41.06.022. These rules shall not apply to managers employed by institutions of higher education or related boards or whose positions are exempt. The rules shall govern recruitment, appointment, classification and allocation of positions, examination, training and career development, hours of work, probation, certification, compensation, transfer, affirmative action, promotion, layoff, reemployment, performance appraisals, discipline, and any and all other personnel practices for managers. These rules shall be separate from rules adopted ((~~by the board~~)) for other employees, and to the extent that the rules adopted under this section apply only to managers shall take precedence over rules adopted ((~~by the board~~)) for other employees, and are not subject to review by the board.

(2) In establishing rules for managers, the director shall adhere to the following goals:

(a) Development of a simplified classification system that facilitates movement of managers between agencies and promotes upward mobility;

(b) Creation of a compensation system ((~~consistent with the policy set forth in RCW 41.06.150(14). The system shall provide~~)) that provides flexibility in setting and changing salaries, and shall require review and approval by the director in the case of any salary changes greater than five percent proposed for any group of employees;

(c) Establishment of a performance appraisal system that emphasizes individual accountability for program results and efficient management of resources; effective planning, organization, and communication skills; valuing and managing workplace diversity; development of leadership and interpersonal abilities; and employee development;

(d) Strengthening management training and career development programs that build critical management knowledge, skills, and abilities; focusing on managing and valuing workplace diversity; empowering employees by enabling them to share in workplace decision making and to be innovative, willing to take risks, and able to accept and deal with change; promoting a workplace where the overall focus is on the recipient of the government services and how these services can be improved; and enhancing mobility and career advancement opportunities;

(e) Permitting flexible recruitment and hiring procedures that enable agencies to compete effectively with other employers, both public and private, for managers with appropriate skills and training; allowing consideration of all qualified candidates for positions as managers; and achieving affirmative action goals and diversity in the workplace;

(f) Providing that managers may only be reduced, dismissed, suspended, or demoted for cause; and

(g) Facilitating decentralized and regional administration.

Sec. 245. RCW 43.21I.010 and 1992 c 73 s 4 are each amended to read as follows:

(1) There is hereby created an agency of state government to be known as the office of marine safety. The office shall be vested with all powers and duties transferred to it and such other powers and duties as may be authorized by law. The main administrative office of the office shall be located in the city of Olympia. The administrator may establish administrative facilities in other locations, if deemed necessary for the efficient operation of the office, and if consistent with the principles set forth in subsection (2) of this section.

(2) The office of marine safety shall be organized consistent with the goals of providing state government with a focus in marine transportation and serving the people of this state. The legislature recognizes that the administrator needs sufficient organizational flexibility to carry out the office's various duties. To the extent practical, the administrator shall consider the following organizational principles:

(a) Clear lines of authority which avoid functional duplication within and between subelements of the office;

(b) A clear and simplified organizational design promoting accessibility, responsiveness, and accountability to the legislature, the consumer, and the general public; and

(c) Maximum span of control without jeopardizing adequate supervision.

(3) The office shall provide leadership and coordination in identifying and resolving threats to the safety of marine transportation and the impact of marine transportation on the environment:

(a) Working with other state agencies and local governments to strengthen the state and local governmental partnership in providing public protection;

(b) Providing expert advice to the executive and legislative branches of state government;

(c) Providing active and fair enforcement of rules;

(d) Working with other federal, state, and local agencies and facilitating their involvement in planning and implementing marine safety measures;

(e) Providing information to the public; and

(f) Carrying out such other related actions as may be appropriate to this purpose.

(4) In accordance with the administrative procedure act, chapter 34.05 RCW, the office shall ensure an opportunity for consultation, review, and comment before the adoption of standards, guidelines, and rules.

(5) Consistent with the principles set forth in subsection (2) of this section, the administrator may create such administrative divisions, offices, bureaus, and programs within the office as the administrator deems necessary. The administrator shall have complete charge of and supervisory powers over the office, except where the administrator's authority is specifically limited by law.

(6) The administrator shall appoint such personnel as are necessary to carry out the duties of the office. In addition to exemptions set forth in RCW 41.06.070(((~~28~~))) (3), the administrator, the administrator's confidential secretary, and up to four professional staff members shall be exempt from the provisions of chapter 41.06 RCW. All other employees of the office shall be subject to the provisions of chapter 41.06 RCW.

Sec. 246. RCW 43.23.010 and 1990 c 37 s 1 are each amended to read as follows:

In order to obtain maximum efficiency and effectiveness within the department of agriculture, the director may create such administrative divisions within the department as he or she deems necessary. The director shall appoint a deputy director as well as such assistant directors as shall be needed to administer the several divisions within the department. The director shall appoint no more than eight assistant directors. The officers appointed under this section are exempt from the provisions of the state civil service law as provided in RCW 41.06.070(((~~(7)~~))) (1)(g), and shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law. The director shall also appoint and deputize a state veterinarian who shall be an experienced veterinarian properly licensed to practice veterinary medicine in this state.

The director of agriculture shall have charge and general supervision of the department and may assign supervisory and administrative duties other than those specified in RCW 43.23.070 to the division which in his or her judgment can most efficiently carry on those functions.

Sec. 247. RCW 49.74.030 and 1993 c 281 s 58 are each amended to read as follows:

The commission in conjunction with the department of personnel or the state patrol, whichever is appropriate, shall attempt to resolve the noncompliance through conciliation. If an agreement is reached for the elimination of noncompliance, the agreement shall be reduced to writing and an order shall be issued by the commission setting forth the terms of the agreement. The noncomplying state agency, institution of higher education, or state patrol shall make a good faith effort to conciliate and make a full commitment to correct the noncompliance with any action that may be necessary to achieve compliance, provided such action is not inconsistent with the rules adopted under RCW 41.06.150(((~~(21)~~))) (19) and 43.43.340(5), whichever is appropriate.

Sec. 248. RCW 49.74.030 and 2000 c . . . s 247 (section 247 of this act) are each amended to read as follows:

The commission in conjunction with the department of personnel or the state patrol, whichever is appropriate, shall attempt to resolve the noncompliance through conciliation. If an agreement is reached for the elimination of noncompliance, the agreement shall be reduced to writing and an order shall be issued by the commission setting forth the terms of the agreement. The noncomplying state agency, institution of higher education, or state patrol shall make a good faith effort to conciliate and make a full commitment to correct the noncompliance with any action that may be necessary to achieve compliance, provided such action is not inconsistent with the rules adopted under RCW 41.06.150(((~~(19)~~))) (6) and 43.43.340(5), whichever is appropriate.

Sec. 249. RCW 49.74.040 and 1985 c 365 s 11 are each amended to read as follows:

If no agreement can be reached under RCW 49.74.030, the commission may refer the matter to the administrative law judge for hearing pursuant to RCW 49.60.250. If the administrative law judge finds that the state agency, institution of higher education, or state patrol has not made a good faith effort to correct the noncompliance, the administrative law judge shall order the state agency, institution of higher education, or state patrol to comply with this chapter. The administrative law judge may order any action that may be necessary to achieve compliance, provided such action is not inconsistent with the rules adopted under RCW ((~~28B.16.100(20),~~)) 41.06.150(((~~(21),~~))) (19) and 43.43.340(5), whichever is appropriate.

An order by the administrative law judge may be appealed to superior court.

Sec. 250. RCW 49.74.040 and 2000 c . . . s 249 (section 249 of this act) are each amended to read as follows:

If no agreement can be reached under RCW 49.74.030, the commission may refer the matter to the administrative law judge for hearing pursuant to RCW 49.60.250. If the administrative law judge finds that the state agency, institution of higher education, or state patrol has not made a good faith effort to correct the noncompliance, the administrative law judge shall order the state agency, institution of higher education, or state patrol to comply with this chapter. The administrative law judge may order any action that may be necessary to achieve compliance, provided such action is not inconsistent with the rules adopted under RCW 41.06.150(((~~(19)~~))) (6) and 43.43.340(5), whichever is appropriate.

An order by the administrative law judge may be appealed to superior court.

Sec. 251. RCW 41.56.201 and 1993 c 379 s 304 are each amended to read as follows:

(1) At any time after July 1, 1993, an institution of higher education and the exclusive bargaining representative of a bargaining unit of employees classified under chapter ((~~28B.16 or~~)) 41.06 RCW as appropriate may exercise their option to have their relationship and corresponding obligations governed entirely by the provisions of this chapter by complying with the following:

(a) The parties will file notice of the parties' intent to be so governed, subject to the mutual adoption of a collective bargaining agreement permitted by this section recognizing the notice of intent. The parties shall provide the notice to the higher education personnel board or its successor and the commission;

(b) During the negotiation of an initial contract between the parties under this chapter, the parties' scope of bargaining shall be governed by this chapter and any disputes arising out of the collective bargaining rights and obligations under this subsection shall be determined by the commission. If the commission finds that the parties are at impasse, the notice filed under (a) of this subsection shall be void and have no effect; and

(c) On the first day of the month following the month during which the institution of higher education and the exclusive bargaining representative provide notice to the higher education personnel board or its successor and the commission that they

have executed an initial collective bargaining agreement recognizing the notice of intent filed under (a) of this subsection, chapter ((~~28B.16 or~~)) 41.06 RCW as appropriate shall cease to apply to all employees in the bargaining unit covered by the agreement.

(2) All collective bargaining rights and obligations concerning relations between an institution of higher education and the exclusive bargaining representative of its employees who have agreed to exercise the option permitted by this section shall be determined under this chapter, subject to the following:

(a) The commission shall recognize, in its current form, the bargaining unit as certified by the higher education personnel board or its successor and the limitations on collective bargaining contained in RCW 41.56.100 shall not apply to that bargaining unit.

(b) If, on the date of filing the notice under subsection (1)(a) of this section, there is a union shop authorized for the bargaining unit under rules adopted by the higher education personnel board or its successor, the union shop requirement shall continue in effect for the bargaining unit and shall be deemed incorporated into the collective bargaining agreement applicable to the bargaining unit.

(c) Salary increases negotiated for the employees in the bargaining unit shall be subject to the following:

(i) Salary increases shall continue to be appropriated by the legislature. The exclusive bargaining representative shall meet before a legislative session with the governor or governor's designee and the representative of the institution of higher education concerning the total dollar amount for salary increases and health care contributions that will be contained in the appropriations proposed by the governor under RCW 43.88.060;

(ii) The collective bargaining agreements may provide for salary increases from local efficiency savings that are different from or that exceed the amount or percentage for salary increases provided by the legislature in the omnibus appropriations act for the institution of higher education or allocated to the board of trustees by the state board for community and technical colleges, but the base for salary increases provided by the legislature under (c)(i) of this subsection shall include only those amounts appropriated by the legislature, and the base shall not include any additional salary increases provided under this subsection (2)(c)(ii);

(iii) Any provisions of the collective bargaining agreements pertaining to salary increases provided under (c)(i) of this subsection shall be subject to modification by the legislature. If any provision of a salary increase provided under (c)(i) of this subsection is changed by subsequent modification of the appropriations act by the legislature, both parties shall immediately enter into collective bargaining for the sole purpose of arriving at a mutually agreed upon replacement for the modified provision.

(3) Nothing in this section may be construed to permit an institution of higher education to bargain collectively with an exclusive bargaining representative concerning any matter covered by: (a) Chapter 41.05 RCW, except for the related cost or dollar contributions or additional or supplemental benefits as permitted by chapter 492, Laws of 1993; or (b) chapter 41.32 or 41.40 RCW.

PART III
COLLECTIVE BARGAINING REFORM

NEW SECTION. **Sec. 301.** All powers, duties, and functions of the department of personnel pertaining to collective bargaining are transferred to the public employment relations commission except mediation of grievances and contracts, arbitration of grievances and contracts, and unfair labor practices, filed under a collective bargaining agreement existing before the effective date of this section. Any mediation, arbitration, or unfair labor practice issue filed between July 1, 2002, and July 1, 2003, under a collective bargaining agreement existing before the effective date of this section, shall be resolved by the Washington personnel resources board in accordance with the authorities, rules, and procedures that were established under RCW 41.06.150(11) as it existed before the effective date of this section.

NEW SECTION. **Sec. 302.** All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of personnel pertaining to the powers, functions, and duties transferred in section 301 of this act shall be delivered to the custody of the public employment relations commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of personnel in carrying out the powers, functions, and duties transferred in section 301 of this act shall be made available to the public employment relations commission. All funds, credits, leases, and other assets held in connection with the powers, functions, and duties transferred in section 301 of this act shall be assigned to the public employment relations commission.

Any appropriations made to the department of personnel for carrying out the powers, functions, and duties transferred in section 301 of this act shall be deleted at the time that such powers, functions, and duties are transferred to the public employment relations commission. All funding required to perform these transferred powers, functions, and duties is to be provided by the public employment relations commission once the transfers occur.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions

transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. **Sec. 303.** After the effective date of this section, the director of personnel and the executive director of the public employment relations commission shall meet and agree upon a schedule for the transfer of department of personnel labor relation employees and property to the commission. Whenever a question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. **Sec. 304.** All business pending before the department of personnel pertaining to the powers, functions, and duties transferred in section 301 of this act shall be continued and acted upon by the public employment relations commission. All existing contracts and obligations of the department of personnel, pertaining to collective bargaining, shall remain in full force and shall be performed by the public employment relations commission.

NEW SECTION. **Sec. 305.** The transfer of the powers, duties, functions, and personnel of the department of personnel shall not affect the validity of any act performed before the effective date of this section.

NEW SECTION. **Sec. 306.** If apportionments of budgeted funds are required because of the transfers directed by sections 302 through 305 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

PART IV
MISCELLANEOUS

NEW SECTION. **Sec. 401.** The following acts or parts of acts are each repealed:

(1) RCW 41.06.163 (Comprehensive salary and fringe benefit survey plan required--Contents) and 1993 c 281 s 30, 1987 c 185 s 9, 1986 c 158 s 6, 1979 c 151 s 59, and 1977 ex.s. c 152 s 3; and

(2) RCW 41.06.165 (Salary surveys--Criteria) and 1977 ex.s. c 152 s 4.

NEW SECTION. **Sec. 402.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed:

(1) RCW 41.06.140 (Employee participation in policy and rule making, administration, etc.--Publication of board rules) and 1961 c 1 s 14;

(2) RCW 41.50.804 (Existing collective bargaining agreements not affected) and 2000 c . . . s 228 (section 228 of this act), 1993 c 281 s 40, and 1975-'76 2nd ex.s. c 105 s 17; and

(3) RCW 41.06.520 (Administration, management of institutions of higher education--Rules--Audit and review by board) and 1993 c 281 s 11.

NEW SECTION. **Sec. 403.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed:

(1) RCW 41.06.380 (Purchasing services by contract not prohibited--Limitations) and 1979 ex.s. c 46 s 2;

(2) RCW 41.06.382 (Purchasing services by contract not prohibited--Limitations) and 1979 ex.s. c 46 s 1;

(3) RCW 41.56.023 (Application of chapter to employees of institutions of higher education) and 1993 c 379 s 301;

(4) RCW 41.56.201 (Employees of institutions of higher education--Option to have relationship and obligations governed by chapter) and 1993 c 379 s 304; and

(5) RCW 28B.16.015 (Option to have relationship and obligations governed by chapter 41.56 RCW) and 1993 c 379 s 310.

NEW SECTION. **Sec. 404.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed:

(1) RCW 41.64.010 (Personnel appeals board--Created--Membership--Definitions) and 1981 c 311 s 1;

(2) RCW 41.64.020 (Removal of members--Hearing) and 1981 c 311 s 3;

(3) RCW 41.64.030 (Compensation of members--Travel expenses--Disclosure of financial affairs) and 1984 c 287 s 73, 1984 c 34 s 4, and 1981 c 311 s 4;

(4) RCW 41.64.040 (Election of chairperson--Biennial meetings) and 1981 c 311 s 5;

(5) RCW 41.64.050 (Executive secretary--Appointment of assistants) and 1981 c 311 s 6;

(6) RCW 41.64.060 (Location of principal office--Hearings--Procedure) and 1981 c 311 s 7;

(7) RCW 41.64.070 (Journal of official actions) and 1981 c 311 s 8;

(8) RCW 41.64.080 (Employee appeals--Hearings examiners) and 1981 c 311 s 9;

(9) RCW 41.64.090 (Employee appeals--Jurisdiction) and 1993 c 281 s 41 and 1981 c 311 s 10;

(10) RCW 41.64.100 (Employee appeals--Hearing--Decision to be rendered within ninety days, exceptions) and 1997 c 386 s 43 and 1981 c 311 s 11;

(11) RCW 41.64.110 (Employee appeals--Hearing--Procedure--Official record) and 1985 c 461 s 7 and 1981 c 311 s 12;

(12) RCW 41.64.120 (Employee appeals--Findings of fact, conclusions of law, order--Notice to employee and employing agency) and 1981 c 311 s 13;

(13) RCW 41.64.130 (Employee appeals--Review by superior court--Grounds--Notice, service--Certified transcript) and 1981 c 311 s 14;

(14) RCW 41.64.140 (Employee appeals--Review by superior court--Procedure--Appellate review) and 1988 c 202 s 42 and 1981 c 311 s 15; and

(15) RCW 41.64.910 (Severability--1981 c 311) and 1981 c 311 s 24.

NEW SECTION. **Sec. 405.** SECTION CAPTIONS. Part headings and section captions used in this act do not constitute part of the law.

NEW SECTION. **Sec. 406.** Until July 1, 2004, the public employment relations commission is authorized to contract with the department of personnel for labor relations staffing necessary to carry out its functions.

NEW SECTION. **Sec. 407.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 408.** (1) Sections 203, 204, 213 through 223, 227, 229 through 232, 242, 244, 248, 250, 301, 302, 305, and 402 of this act take effect July 1, 2002.

(2) Section 224 of this act takes effect March 15, 2003.

(3) Sections 208, 235 through 239, and 403 of this act take effect July 1, 2003.

(4) Sections 225, 226, 234, and 404 of this act take effect July 1, 2004."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator McDonald to Senate Bill No. 6402.

The motion by Senator McDonald failed and the striking amendment was not adopted.

MOTION

Senator Fairley moved that the rules be suspended and Engrossed Senate Bill No. 6402 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

PARLIAMENTARY INQUIRY

Senator Johnson: "Mr. President, a parliamentary inquiry. That requires a two-thirds vote, does it not?"

REPLY BY THE PRESIDENT

President Owen: "That is correct."

Senator Johnson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Fairley to suspend the rules and advance Engrossed Senate Bill No. 6402 to third reading and final passage.

ROLL CALL

The Secretary called the roll and the motion to suspend the rules and advance Engrossed Senate Bill No. 6402 to third reading and final passage failed to receive a two thirds majority by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 28.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West and Zarelli - 21.

Senate Bill No. 6402 was referred to Rules Three.

President Pro Tempore Wojahn assumed the Chair.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Honeyford, the following resolution was adopted:

SENATE RESOLUTION 2000-8707

By Senator Honeyford and Sheldon, B

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Prosser High School Mustang Football Team exhibited the highest level of excellence in winning the 1999 Washington State High School Football 3A Championship; and

WHEREAS, The Prosser High School Mustang Football Team had an outstanding season record being in the WIAA State Playoffs for the thirteenth consecutive year and winning their thirteenth consecutive league championship; and

WHEREAS, The Prosser High School Mustang Football Team has established a state record for the longest winning streak of all time in winning seventy-nine consecutive games in regular season; and

WHEREAS, The Prosser High School Mustang Football Team played in the State Championship Game for the fifth time in the 1990's and won the State Championship for the third time in the 1990's; and

WHEREAS, The Prosser High School Mustang Football Team demonstrated amazing skill and admirable sportsmanship in achieving these outstanding accomplishments; and

WHEREAS, Head Coach Tom Moore and all the players share in the Prosser High School Mustang Football Team's success by combining outstanding coaching with outstanding playing; and

WHEREAS, Head Coach Tom Moore was selected as the Seattle Post-Intelligencer Coach of the Year for his outstanding coaching this season; and

WHEREAS, The GPA of the entire varsity football team combined equaled 2.86; and

WHEREAS, All these extraordinary accomplishments could not have been achieved without the support and encouragement of all the students, cheerleaders, band members, faculty, staff, alumni, families, friends, community members, and fans who backed them all the way; and

WHEREAS, The inspiring individual and team achievements of the 1999 Prosser High School Mustang Football Team will always be remembered when commemorating their winning year; and

WHEREAS, The victorious Prosser High School Mustang Football Team is a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honor the 1999 Prosser High School Mustang Football Team; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the 1999 Prosser High School Mustang Football Team Head Coach, Tom Moore, Prosser High School Principal, George Holmgren, and Prosser School District Superintendent, Ray Tolcacher.

Senators Honeyford, Betti Sheldon and Deccio spoke to Senate Resolution 2000-8707.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced the members of the Prosser High School Mustang Football Championship Team and their coaches, who were seated in the gallery.

MOTION

At 12:25 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Tuesday, February 8, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-NINTH DAY, FEBRUARY 7, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

THIRTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 8, 2000

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner, Haugen, Patterson, Sellar, Swecker and Thibaudeau.

The Sergeant at Arms Color Guard, consisting of Pages Jennifer Deyette and Peter Yi, presented the Colors. Reverend Anna Grace, pastor of the Unity Church in Olympia, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 7, 2000

GA 9217 MARGARET BATES, appointed September 13, 1999, for a term ending June 30, 2002, as a member of the Academic

Achievement and Accountability Commission.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar, Swecker and Zarelli.

Passed to the Committee on Rules.

February 7, 2000

GA 9242 JOSE E. GAITAN, appointed September 13, 1999, for a term ending June 30, 2003, as a member of the Academic Achievement and Accountability Commission.

Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar, Swecker and Zarelli.

Passed to the Committee on Rules.

February 7, 2000

GA 9279 PATRICK F. PATRICK, appointed September 16, 1999, for a term ending June 30, 2003, as Chair of the Academic Achievement and Accountability Commission.

Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar, Swecker and Zarelli.

Passed to the Committee on Rules.

February 7, 2000

GA 9289 LEONORA SCHMIDT, appointed September 13, 1999, for a term ending June 30, 2003, as a member of the Academic Achievement and Accountability Commission.

Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar, Swecker and Zarelli.

Passed to the Committee on Rules.

February 7, 2000

GA 9291 DAVID SHAW, appointed September 13, 1999, for a term ending June 30, 2003, as a member of the Academic Achievement and Accountability Commission.

Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar, Swecker and Zarelli.

Passed to the Committee on Rules.

February 7, 2000

GA 9294 JIM SPADY, appointed September 13, 1999, for a term ending June 30, 2003, as a member of the Academic Achievement and Accountability Commission.

Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar, Swecker and Zarelli.

Passed to the Committee on Rules.

MESSAGE FROM HOUSING FINANCE COMMISSION

STATE OF WASHINGTON
HOUSING FINANCE COMMISSION
1000 Second Avenue, Suite 2700
Seattle, Washington 98104-1046

December 17, 1999

Dear Friends and Colleagues:

I am pleased to provide you with a copy of the Commission's 1999 Annual Report. The report highlights the Commission's role as a facilitator of the connections between people, resources and capabilities that enable us to meet the challenge of providing affordable housing. It also describes our programs that help meet these challenges and lists our achievements throughout the year.

The Commission faced a number of obstacles in 1999, including the soaring cost of housing, aging housing stock, and a scarcity of funding resources. However, through programs such as Home Choice, House Key Plus, our CRA Taxable Single-Family Bond Program, and our Nonprofit Program, we were able to overcome these obstacles and reach historically underseved markets in 1999 with more success than in any other year.

I hope you will find the enclosed report to be of interest. Please call me if you have any questions about the annual Report or if I can provide additional information.

Sincerely,

Kim Herman
Executive Director

The Housing Finance Commission 1999 Annual Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM WASHINGTON STATE CONVENTION AND TRADE CENTER

CHAIRMAN'S LETTER

Governor Locke and Members of the Legislature:

The tower cranes are up at the State Convention Center! After six years of planning, studies, legislation, litigation and public debate, the actual construction of 105,000 square feet of new exhibit space began in 1999. As directed by the Legislature, this expansion program is a multi-layered, public/private building project. The public elements are the exhibit hall additions, a glass canopy over Pike Street, and a new escalator lobby with meeting space on several levels at the corner of 7th and Pike. The private elements are (1) a hotel facing Pine Street with garage and retail space developed by the R. C. Hedreen Co. above and below the northwest exhibit hall, (2) an office building and garage developed by the Trammell Crow Company located above and below the new entrance lobby, and (3) a downtown site for the Museum of History & Industry located under the northeast exhibit hall.

Combining private and public facilities produces savings for each by sharing the cost of land, foundations and common structural elements. In contrast to an exclusively public building which is exempt from taxation, the private portions of this condominium project will be a net addition to the public tax roles. The flip side of multi-party development is a complex task of coordination, but this challenge is being carefully managed by Chuck Hartung and the able Expansion Project staff.

When the steel and concrete take shape next year, an additional reason for the private elements will become apparent. The hotel, office tower and museum have been designed to help blend the huge new exhibit hall into the other buildings of downtown. In the same way, our south lobby and plaza have helped fit the original exhibit hall into neighboring Freeway Park.

The basic reasons for expanding the Convention Center are the same as those which caused the state to authorize the original facility. The new space will create additional jobs and business in the private economy and will generate additional net revenues for state and local governments.

We need to keep in mind that the state of Washington relies upon sales taxes to pay most of the costs of public services. In a sale tax state, national conventions become the taxpayer's best friend. When convention visitors come here, they spend money during their stay and pay sales and hotel taxes on these expenditures. National conventions have drawn tens of thousands of delegates to Seattle and the new expansion will draw tens of thousands more.

In 1999, 95% of all guests who stayed in Seattle's downtown hotels came from sister states and foreign countries. These short-term visitors do not put their children in our schools or burden our welfare rolls. The state taxes which they pay become in effect net income for the state and local governments which collect them. Last year's annual report showed how the arts and cultural organizations in King County also share significantly in this additional revenue.

The Convention and Visitors Bureau warns us that customer concerns about the impacts of construction could temporarily reduce our convention business, but John Christison and his staff are doing a superb job of booking local events to fill holes in our schedule and maintain revenues as far as possible. Operating expenses have been well controlled and 1999 net operating revenue exceeded the record years of 1997 and 1998. However, this increase was partly due to a statutory formula change in the allocation of hotel tax receipts between capital and operating funds. Our prior years' estimates of sales taxes on delegate spending have been revised and reduced to reflect more complete and accurate data.

The Convention Center deposits its operating revenue into a special state account and pays its operating expenses out of that account. During the early years, this account borrowed money at current interest rates from the state general fund to pay start-up costs and operating deficits while business was being developed. From a high of $33.2 million, the outstanding balance of these borrowings has gradually been reduced by payments out of growing revenues to a balance of $2.9 million as of December 31, 1999. Before the new facilities are opened, this borrowing will have been repaid in full with interest.

All major construction projects face challenges and the Expansion Project is no exception. The most serious hurdles have proved to be acquiring property and securing permits for this multi-block development. The jury verdict in the final condemnation trial turned out to be much greater than the state's appraisers had estimated and required significant additional state funding. With the active leadership of State Treasurer Mike Murphy, the 1999 Legislature voted overwhelmingly to authorize this necessary financing.

Connecting the old and new exhibit halls required partial vacations of city streets and alleys. After several public hearings, the City Council approved the requested vacations with conditions acceptable to the Convention Center. In May, construction bids were received within the architect's estimates and in August financing certificates were issued, with a better credit rating than any certificates previously offered by the state.

During the hassles and interruptions of construction activity, it is worth remembering that this portion of downtown Seattle was a depressed area until the public announcement of a convention center expansion triggered the current renaissance. We believe that the special care which has been taken by project architects and the city's Design Commission will fit the completed development into the fabric of its neighborhood and reinforce people-friendly activity in the heart of the city.

This year, Director Robert Flowers was promoted by his employer, Washington Mutual Bank, to a major responsibility in Southern California. Bob Flowers brought special experience and skill to the financing and housing issues faced by the Convention Center and will be sorely missed.

The Seattle Public Library has indicated its intention to use the space now being built for the Museum of History & Industry as a temporary location for the downtown library while the voter approved library is being constructed. When the new library is finished, MOHAI will move into its downtown home at 8th and Pike.

We look forward to a time when the current construction is completed and the Convention Center neighborhood can take its place in the bustling and upbeat life of one of America's most exciting cities.

Sincerely,

JAMES R. ELLLIS

Chairman/Chief Executive Offer

The Washington State Convention and Trade Center 1999 Annual Report is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 6838 by Senators McDonald, Finkbeiner, Oke and Winsley

AN ACT Relating to organ donations; adding a new section to chapter 68.50 RCW; and making an appropriation.
Referred to Committee on Health and Long-Term Care.

SB 6839 by Senators McDonald, Finkbeiner, Oke and Winsley

AN ACT Relating to anatomical gifts; and amending RCW 68.50.560 and 68.50.610.
Referred to Committee on Health and Long-Term Care.

SB 6840 by Senators McDonald, Finkbeiner, Oke and Winsley

AN ACT Relating to witnessing anatomical gift statements; and amending RCW 46.20.113.
Referred to Committee on Health and Long-Term Care.

SB 6841 by Senators McDonald and Oke

AN ACT Relating to debit cards; and adding a new chapter to Title 19 RCW.
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6842 by Senator Snyder

AN ACT Relating to maintenance levies in diking, drainage, or sewerage improvement districts; and amending RCW 85.16.020 and 85.08.410.
Referred to Committee on Ways and Means.

SB 6843 by Senator Loveland

AN ACT Relating to human services.
Referred to Committee on Ways and Means.

SB 6844 by Senator Loveland

AN ACT Relating to human services.
Referred to Committee on Ways and Means.

SB 6845 by Senators Loveland and Snyder

AN ACT Relating to the emergency reserve fund; amending RCW 43.135.045; and declaring an emergency.
Referred to Committee on Ways and Means.

SECOND READING

SENATE BILL NO. 6219, by Senators Rasmussen and Morton (by request of Conservation Commission)

Authorizing treasurer services for conservation districts.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6219 was substituted for Senate Bill No. 6219 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6219 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6219.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6219 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 6; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senators Finkbeiner, Haugen, Patterson, Sellar, Swecker and Thibaudeau - 6.

SUBSTITUTE SENATE BILL NO. 6219, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Deccio, Senators Finkbeiner and Sellar were excused.

MOTION

On motion of Senator Franklin, Senator Thibaudeau was excused.

MOTION

On motion of Senator Eide, Senator Patterson was excused.

SECOND READING

SENATE BILL NO. 6186, by Senators Heavey, Johnson and Gardner

Revising Article 9 of the Uniform Commercial Code.

MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 6186 was substituted for Senate Bill No. 6186 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 6186 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6186.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6186 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan,

Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 45. Excused: Senators Finkbeiner, Patterson, Sellar and Thibaudeau - 4. SUBSTITUTE SENATE BILL NO. 6186, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 9:19 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 9:29 a.m. by President Owen.

SECOND READING

SENATE BILL NO. 6138, by Senators Johnson, Heavey and Gardner

Modifying disclaimer of interests under the probate and trust laws.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, Senate Bill No. 6138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6138.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6138 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Finkbeiner, Sellar and Thibaudeau - 3.

SENATE BILL NO. 6138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6154, by Senators Costa, McCaslin, Patterson and Gardner

Allowing county clerks to accept credit cards.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6154 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6154.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6154 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 45.

Voting nay: Senator Heavey - 1.

Excused: Senators Finkbeiner, Sellar and Thibaudeau - 3.

SENATE BILL NO. 6154, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6720, by Senators Rasmussen, Stevens, Honeyford, Swecker, Loveland and Snyder

Modifying the Washington state beef commission.

MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 6720 was substituted for Senate Bill No. 6720 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Loveland, the rules were suspended, Substitute Senate Bill No. 6720 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6720.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6720 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 45.

Absent: Senator Wojahn - 1.

Excused: Senators Finkbeiner, Sellar and Thibaudeau - 3.

SUBSTITUTE SENATE BILL NO. 6720, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 6402, by Senators Fairley, Winsley, Fraser, Goings, Kohl-Welles, McAuliffe, Gardner, Bauer, Costa, Shin, Kline, Franklin, Spanel, Snyder, Prentice, Hargrove, Brown, Patterson, Eide, Wojahn, Thibaudeau, Jacobsen, Rasmussen and B. Sheldon (by request of Governor Locke)

Enacting the civil service reform act of 2000.

The bill was read the third time.

Senator Fairley spoke to Engrossed Senate Bill No. 6402.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6402.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6402 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Swecker, Winsley and Wojahn - 30.

Voting nay: Senators Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Rossi, Sheldon, T., Stevens, West and Zarelli - 17.

Excused: Senators Sellar and Thibaudeau - 2.

ENGROSSED SENATE BILL NO. 6402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Snyder, Engrossed Senate Bill No. 6402 was immediately transmitted to the House of Representatives.

President Pro Tempore Wojahn assumed the Chair.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6417, by Senators McAuliffe, Eide, Loveland, Patterson, Costa, Prentice, Fraser, Kline, Rasmussen, Brown, Kohl-Welles, Bauer, B. Sheldon, Winsley and Goings

Requiring establishment of a toll-free educational help line.

The bill was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 6417 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6417.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6417 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe,

McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Winsley, Wojahn and Zarelli - 46.

Absent: Senator West - 1.

Excused: Senators Sellar and Thibaudeau - 2.

SENATE BILL NO. 6417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6210, by Senators Fraser, Morton, Eide, Jacobsen, Fairley, Prentice, McAuliffe, Winsley, Franklin, Kline, Spanel and Kohl-Welles

Making technical and clarifying amendments to oil spill prevention and response statutes.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6210 was substituted for Senate Bill No. 6210 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6210 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6210.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6210 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 47. Excused: Senators Sellar and Thibaudeau - 2. SUBSTITUTE SENATE BILL NO. 6210, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6207, by Senators Hargrove, Long, Costa, Rasmussen, Winsley and Franklin (by request of Department of Social and Health Services)

Authorizing the secretary of the department of social and health services to take all actions necessary to carry out the purposes of the sexually violent predator law.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6207 was substituted for Senate Bill No. 6207 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6207 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6207.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6207 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Sellar and Thibaudeau - 2.

SUBSTITUTE SENATE BILL NO. 6207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6251, by Senators Rasmussen, Morton, Swecker and Stevens (by request of Department of Agriculture)

Regulating horticultural plants and facilities.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 6251 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6251.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6251 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Sellar and Thibaudeau - 2.

SENATE BILL NO. 6251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Betti Sheldon, Senate Bill No. 6287, which was on the second reading calendar, was referred to the Committee on Natural Resources, Parks and Recreation.

On motion of Senator Betti Sheldon, Engrossed Substitute Senate Bill No. 5300, which was on the second reading calendar, was referred to the Committee on State and Local Government.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Morton, the following resolution was adopted:

SENATE RESOLUTION 2000-8716

By Senators Morton, Rasmussen and Roach

WHEREAS, Livestock growers in the state of Washington produce and manage approximately 1.3 million head of cattle and calves annually; and

WHEREAS, Approximately 9,000 farmers and ranchers in Washington are employed as beef producers, employed in very hard work to bring us this important, treasured, and succulent food; and

WHEREAS, The value of this agricultural commodity in Washington State totals over $465 million; and

WHEREAS, The farm gate and value added output of the livestock industry amounts in total more than $1.6 billion, clearly establishing it as a significant factor to the health of the Washington State economy; and

WHEREAS, Americans support this industry by eating, pound for pound, more beef than any other meat; and

WHEREAS, Beef is a healthy part of a balanced diet providing many important nutrients including Iron, Zinc, Vitamin B12, Vitamin B6, Vitamin B2, and high quality protein;

NOW, THEREFORE, BE IT RESOLVED, That the women and men of the cattle industry are hereby recognized by the Washington State Senate as vital contributors to the economic vitality of our state and our communities; and

BE IT FURTHER RESOLVED, That the Washington State Senate formally commend the hard work and industriousness of those men and women who raise cattle and promote a stable economic future in Washington State; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the men and women of the Washington Cattlemen's Association, the Governor, and the Director of the Department of Agriculture.

Senators Morton, Rasmussen, Honeyford, Stevens and Hochstatter spoke to Senate Resolution 2000-8716.

MOTION

At 10:35 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 6:27 p.m. by President Owen.

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 8, 2000

SB 5132 Prime Sponsor, Senator Kohl-Welles: Improving child care services. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5132 be substituted therefor, and the substitute bill do pass. Signed by Senators Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, B. Sheldon, Snyder, Spanel, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 5243 Prime Sponsor, Senator Kline: Modifying the linked deposit program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5243 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 2000

ESSB 5848 Prime Sponsor, Senator Committee on Health and Long-Term Care: Providing insurance coverage under the basic health plan. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Third Substitute Senate Bill No. 5848 be substituted therefor, and the third substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 5953 Prime Sponsor, Senator Kohl-Welles: Creating the public interest attorney loan repayment and conditional scholarship program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That it be referred without recommendation . Signed by Senators Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, Rasmussen, B. Sheldon, Snyder, Spanel and Winsley.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6141 Prime Sponsor, Senator Fairley: Adopting the personal responsibility for state workers domestic violence reporting act. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6141 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6152 Prime Sponsor, Senator Stevens: Changing provisions relating to the care, supervision, and treatment of children, developmentally disabled persons, and vulnerable adults. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6152 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6157 Prime Sponsor, Senator Patterson: Modifying the definition of "city" for the multiple-unit dwellings property tax exemption. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, B. Sheldon, Spanel and Winsley.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6167 Prime Sponsor, Senator Fairley: Changing public assistance provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6167 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6212 Prime Sponsor, Senator T. Sheldon: Authorizing private passenger-only ferries. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6212 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Prentice, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6241 Prime Sponsor, Senator Fairley: Establishing WorkFirst performance measures. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6241 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6250 Prime Sponsor, Senator Rasmussen: Providing tax exemptions and credits to encourage a reduction in agricultural burning of cereal grains and field and turf grass grown for seed. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 7, 2000

SB 6265 Prime Sponsor, Senator Eide: Including information on cell phone usage in accident reports. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6265 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Heavey, Jacobsen, Patterson, Prentice, Sheahan and Shin.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Benton, Finkbeiner, Horn, Johnson, Morton, Sellar, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6328 Prime Sponsor, Senator Franklin: Requiring training for persons administering oral medications at school. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6328 as recommended by Committee on Education be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, Rasmussen, Roach, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6333 Prime Sponsor, Senator Haugen: Modifying the sales and use tax exemption for manufacturing machinery and equipment. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6333 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6337 Prime Sponsor, Senator Hargrove: Creating a criminal investigations unit within the department of corrections. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6337 as recommended by Committee on Human Services and Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Honeyford, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley, Kohl-Welles and Zarelli.

Passed to Committee on Rules for second reading.

February 7, 2000

SB 6361 Prime Sponsor, Senator Zarelli: Protecting children at the state school for the deaf and the state school for the blind from abuse and neglect. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6361 as recommended by Committee on Human Services and Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6369 Prime Sponsor, Senator Patterson: Ordering a study of law enforcement issues in counties with over 150,000 population. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6369 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Kline, Long, Rasmussen, B. Sheldon, Snyder, Spanel, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 7, 2000

SB 6388 Prime Sponsor, Senator Haugen: Modifying electrical inspection provisions. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6388 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Horn, Morton, Oke, Patterson, Prentice, Sheahan, Shin and Swecker.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Benton, Finkbeiner, Heavey, Sellar and T. Sheldon.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6391 Prime Sponsor, Senator Thibaudeau: Authorizing the disproportionate share study. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6391 as recommended by Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6396 Prime Sponsor, Senator Patterson: Splitting the department of community, trade, and economic development and reestablishing the department of community development and the department of trade and economic development. Reported by the Committee on Ways and Means.

MAJORITY Recommendation: That Substitute Senate Bill No. 6396 be substituted therefore and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Roach, B. Sheldon, Spanel, and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6400 Prime Sponsor, Senator Wojahn: Changing provisions relating to domestic violence. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6400 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, McDonald, Rasmussen, B. Sheldon, Snyder, Spanel, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6401 Prime Sponsor, Senator Kohl-Welles: Protecting vulnerable adults. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6401 as recommended by Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Honeyford, Kline, Kohl-Welles, Long, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6412 Prime Sponsor, Senator Haugen: Adjusting civil service exemptions in the department of transportation. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Horn, Jacobsen, Morton, Oke, Prentice and Shin.

MINORITY Recommendation: Do not pass. Signed by Senators Benton and Finkbeiner.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6421 Prime Sponsor, Senator Costa: Creating domestic violence fatality review panels. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6421 as recommended by Committee on Judiciary be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, McDonald, Rasmussen, B. Sheldon, Snyder, Spanel, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6435 Prime Sponsor, Senator Brown: Clarifying the taxation of electrical energy sales. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6435 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6441 Prime Sponsor, Senator Spanel: Providing for oil and gas pipeline safety. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6441 as recommended by Committee on Environmental Quality and Water Resources be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Spanel, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6462 Prime Sponsor, Senator McAuliffe: Providing a salary bonus for teachers receiving national board for professional teaching standards certification. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6462 as recommended by Committee on Education be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, West and Winsley.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6502 Prime Sponsor, Senator Winsley: Changing provisions on long-term care training. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6502 as recommended by Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Honeyford, Kline, Kohl-Welles, Long, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6527 Prime Sponsor, Senator Jacobsen: Providing housing assistance for school district employees. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6527 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Kline, Long, McDonald, Rasmussen, Snyder, West, Winsley, Wojahn and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Fairley.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6546 Prime Sponsor, Senator Costa: Providing a program to support family and other unpaid long-term caregivers. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6546 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6548 Prime Sponsor, Senator McCaslin: Selling a vehicle by consignment at wholesale motor vehicle auctions. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6548 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Morton, Oke, Prentice, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6549 Prime Sponsor, Senator Horn: Repealing outdated railway regulations. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Heavey, Horn, Johnson, Morton, Oke, Prentice, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6552 Prime Sponsor, Senator Jacobsen: Studying recreational opportunities available in the west slope of the Cascade foothills. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6552 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6565 Prime Sponsor, Senator Horn: Revising various motorcycle laws. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Heavey, Horn, Jacobsen, Johnson, Oke, Prentice, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Finkbeiner and Morton.

Passed to Committee on Rules for second reading.

February 7, 2000

SB 6600 Prime Sponsor, Senator Haugen: Compensating highway and ferry workers for motorist assault. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Heavey, Jacobsen, Oke, Patterson, Prentice, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Horn, Johnson and Morton.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6613 Prime Sponsor, Senator Costa: Changing child passenger restraint provisions. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6613 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Heavey, Jacobsen, Oke, Prentice, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Finkbeiner, Horn, Johnson, Morton and T. Sheldon.

Passed to Committee on Rules for second reading.

February 7, 2000

SB 6630 Prime Sponsor, Senator Haugen: Funding traffic safety improvements. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6630 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Finkbeiner, Jacobsen, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6645 Prime Sponsor, Senator Eide: Changing the future teachers conditional scholarship program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6645 as recommended by Committee on Higher Education be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, Rasmussen, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6666 Prime Sponsor, Senator Gardner: Denying telecommunications services to unlicensed household goods carriers. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Jacobsen, Oke, Prentice and Shin.

MINORITY Recommendation: Do not pass. Signed by Senators Finkbeiner, Horn, Johnson and Swecker.

Passed to Committee on Rules for second reading.

February 7, 2000

SB 6667 Prime Sponsor, Senator Haugen: Exempting certain commercial vehicles from replacing license plates. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6668 Prime Sponsor, Senator McAuliffe: Promoting standards for educator quality. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6668 as recommended by Committee on Education be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, McDonald, Rasmussen, B. Sheldon, Snyder, Spanel, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6683 Prime Sponsor, Senator Franklin: Reporting information on routine traffic enforcement. Reported by Committee on Transportation

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6683 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Heavey, Horn, Jacobsen, Prentice, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6731 Prime Sponsor, Senator Spanel: Creating a Lake Whatcom forest land management plan. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6731 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, Rasmussen, B. Sheldon, Snyder, Spanel, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6740 Prime Sponsor, Senator Fraser: Providing service credit for certain members of the Washington state patrol retirement system. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6740 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6749 Prime Sponsor, Senator Long: Changing provisions relating to persons incapacitated by a chemical dependency. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6749 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Honeyford, Kline, Long, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6755 Prime Sponsor, Senator Haugen: Abolishing the state patrol highway account. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6755 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Heavey, Horn, Johnson, Morton, Oke, Prentice, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6773 Prime Sponsor, Senator Haugen: Adjusting day labor allowances for county road construction. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6773 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Eide, Finkbeiner, Horn, Jacobsen, Johnson, Morton, Oke, Sheahan and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Benton and Heavey.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6776 Prime Sponsor, Senator Eide: Providing schedules for the adoption or amendment of shoreline master programs. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6776 as recommended by Committee on Environmental Quality and Water Resources be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Fraser, Honeyford, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Winsley, Wojahn and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Fairley, Kline and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6785 Prime Sponsor, Senator Costa: Requiring ignition interlock devices upon any DUI conviction. Reported by Committee on Transportation

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6785 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Heavey, Horn, Jacobsen, Johnson, Oke, Prentice, Sheahan, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6787 Prime Sponsor, Senator Haugen: Increasing vehicle weight violation penalties. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6787 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Oke, Prentice, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6792 Prime Sponsor, Senator Snyder: Paying medical benefits provided under chapter 41.26 RCW to law enforcement officers' and fire fighters' retirement system plan 1 retirees. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6792 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6811 Prime Sponsor, Senator Kohl-Welles: Providing for sick leave and leave sharing for part-time academic employees at community and technical colleges. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6811 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6816 Prime Sponsor, Senator Haugen: Establishing the multimodal fund. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6816 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Heavey, Jacobsen, Oke, Prentice, T. Sheldon, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Finkbeiner, Horn, Johnson, Morton and Sheahan.

Passed to Committee on Rules for second reading.

February 7, 2000

SB 6818 Prime Sponsor, Senator Goings: Changing the interagency revenue task force to the transportation revenue task force. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 7, 2000

SB 6820 Prime Sponsor, Senator Goings: Modifying fuel tax provisions. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6825 Prime Sponsor, Senator Wojahn: Placing property adjacent to Western state hospital in trust. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Snyder, Spanel and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 2000

SB 6829 Prime Sponsor, Senator Winsley: Making an irrevocable choice to become a member of the Washington school employees' retirement system plan 2 or plan 3. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 8, 2000

SCR 8425 Prime Sponsor, Senator Kohl-Welles: Adopting the Recommendations of the higher education coordinating board's year 2000 update of the master plan. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Concurrent Resolution No. 8425, as recommended by Committee on Higher Education, be substituted therefor, and the concurrent resolution do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

MOTION

At 6:27 p.m., on motion of Senator Snyder, the Senate adjourned until 9:00 a.m., Wednesday, February 9, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

THIRTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 9, 2000

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Costa, Finkbeiner, Gardner, Hale, Rasmussen, Sellar, Winsley and Zarelli. On motion of Senator Honeyford, Senators Finkbeiner, Hale, Sellar, Winsley and Zarelli were excused. On motion of Senator Eide, Senators Costa, Gardner and Rasmussen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Heather McDonald and Steven Lee, presented the Colors. Senator Bob Morton offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 18, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Lyle Lovingfoss, appointed January 18, 2000, for a term ending December 1, 2004, as a member of the Board of Trustees for Lower Columbia Community College District 13.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Higher Education.

January 21, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Gerald A. Marsh, appointed January 21, 2000, for a term ending December 31, 2004, as a member of the Public Disclosure Commission.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on State and Local Government.

. INTRODUCTION AND FIRST READING

SB 6846 by Senators Bauer, Winsley, Roach and Kohl-Welles

AN ACT Relating to annual increases in retirement allowances; and amending RCW 41.40.197 and 41.32.489.

Referred to Committee on Ways and Means.

SB 6847 by Senators Rossi, T. Sheldon, McDonald, Finkbeiner, West, Hale, Johnson and Oke

AN ACT Relating to creating the education and transportation funding act of 2000; adding a new section to chapter 41.06 RCW; adding a new section to chapter 43.88 RCW; creating a new section; and repealing RCW 41.06.380 and 41.06.382.

Referred to Committee on Ways and Means.

SECOND READING

SENATE BILL NO. 6280, by Senators Haugen, Honeyford, Loveland and McAuliffe

Reporting on archaeology and historic preservation.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6280 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6280.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6280 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Eide, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Wojahn - 41.

Excused: Senators Costa, Finkbeiner, Gardner, Hale, Rasmussen, Sellar, Winsley and Zarelli - 8.

SENATE BILL NO. 6280, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator McCaslin was excused.

SECOND READING

SENATE BILL NO. 6310, by Senators Gardner, Horn, Oke, Loveland, Stevens, Wojahn, Bauer, Rasmussen, McAuliffe and Costa (by request of Joint Legislative Audit and Review Committee)

Increasing government accountability through the state sunset review process.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6310 was substituted for Senate Bill No. 6310 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 6310 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6310.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6310 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Eide, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Wojahn - 40.

Excused: Senators Costa, Finkbeiner, Gardner, Hale, McCaslin, Rasmussen, Sellar, Winsley and Zarelli - 9.

SUBSTITUTE SENATE BILL NO. 6310, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6274, by Senators Patterson, Wojahn and Winsley

Harmonizing procedures for replacement absentee and mail ballots.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6274 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6274.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6274 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Eide, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Wojahn and Zarelli - 42.

Excused: Senators Costa, Finkbeiner, Gardner, Hale, Rasmussen, Sellar and Winsley - 7.

SENATE BILL NO. 6274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5152, by Senators Kline, Fairley, Costa, Gardner and Goings

Clarifying who are appointed personnel for the purpose of public employees' collective bargaining.

The bill was read the second time.

MOTION

On motion of Senator Sheahan, the following striking amendment by Senators Sheahan and Kline was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.56.030 and 1999 c 217 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of ((~~(d)~~)) (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(5), by a county with a population of seventy thousand or more, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) fire fighters as that term is defined in RCW 41.26.030; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other fire fighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; or (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.

(8) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

Sec. 2. RCW 36.27.040 and 1975 1st ex.s. c 19 s 2 are each amended to read as follows:

The prosecuting attorney may appoint one or more deputies who shall have the same power in all respects as their principal. Each appointment shall be in writing, signed by the prosecuting attorney, and filed in the county auditor's office. Each deputy thus appointed shall have the same qualifications required of the prosecuting attorney, except that such deputy need not be a resident of the county in which he serves. The prosecuting attorney may appoint one or more special deputy prosecuting attorneys upon a contract or fee basis whose authority shall be limited to the purposes stated in the writing signed by the prosecuting attorney and filed in the county auditor's office. Such special deputy prosecuting attorney shall be admitted to practice as an attorney before the courts of this state but need not be a resident of the county in which he serves and shall not be under the legal disabilities attendant upon prosecuting attorneys or their deputies except to avoid any conflict of interest with the purpose for which he has been engaged by the prosecuting attorney. The prosecuting attorney shall be responsible for the acts of his deputies and may revoke appointments at will.

Two or more prosecuting attorneys may agree that one or more deputies for any one of them may serve temporarily as deputy for any other of them on terms respecting compensation which are acceptable to said prosecuting attorneys. Any such deputy thus serving shall have the same power in all respects as if he were serving permanently.

The provisions of chapter 39.34 RCW shall not apply to such agreements.

The provisions of RCW 41.56.030(2) shall not be interpreted to permit a prosecuting attorney to alter the at-will relationship established between the prosecuting attorney and his or her appointed deputies by this section for a period of time exceeding his or her term of office. Neither shall the provisions of RCW 41.56.030(2) require a prosecuting attorney to alter the at-will relationship established by this section."

MOTIONS

On motion of Senator Kline, the following title amendment was adopted:

On page 1, line 2 of the title, after "bargaining;" strike the remainder of the title and insert "and amending RCW 41.56.030 and 36.27.040."

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 5152 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5152.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5152 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Costa, Finkbeiner, Hale, Rasmussen and Sellar - 5.

ENGROSSED SENATE BILL NO. 5152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6168, by Senators Fairley, Patterson and Kline

Requiring the department of social and health services to have a phone system that facilitates access to a departmental employee rather than voice mail.

The bill was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 6168 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6168.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6168 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Finkbeiner, Hale and Sellar - 3.

SENATE BILL NO. 6168, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5212, by Senate Committee on Education (originally sponsored by Senators McAuliffe, Eide, Winsley, Thibaudeau, Franklin, Rasmussen and Costa)

Providing for school safety plans.

MOTIONS

On motion of Senator McAuliffe, Second Substitute Senate Bill No. 5212 was substituted for Substitute Senate Bill No. 5212 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator McAuliffe, the following amendment was adopted:

On page 4, beginning on line 16, after "~~regulations~~" strike all material through "school" on line 32, and insert "~~shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school~~))

(c) Be updated by school districts and schools at least once every five years or more frequently if circumstances change;

(d) Be developed by school districts in consultation with local law enforcement, fire, emergency medical services, and emergency management agencies;

(e) Include who to contact in an emergency;

(f) Include procedures for leaving a building safely;

(g) Include procedures for responding to an emergency;

(h) Include procedures for training students and certificated and classified staff;

(i) Include procedures for practicing the plan; and

(j) Include procedures for notifying certificated and classified staff about the plan"

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5212 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Thibaudeau: "Senator McAuliffe, I had a call and a letter from our sheriff last year, after you had passed that other good bill having to do with school safety. Interestingly enough, he didn't seem to know what the bill included, so my question has to do with whether law enforcement is coordinating with the schools? It sounds, from what you said, that it is, but I would like to have some assurance that they are."

Senator McAuliffe: "Yes, they do, to the Senator from the Forty-third District. Yes, this bill does include local police and fire, as well as the military departments. Just to clarify, last year the bill passed the Senate, but did not make it through the House at the last second. So, again we will be putting this bill through. It will be accepted very well by the House, also."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5212.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5212 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Finkbeiner and Sellar - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5212, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Mayor of the city of Bellingham, Mark Asmundson, as well as members of the Bellingham City Council, who were seated in the gallery.

SECOND READING

SENATE BILL NO. 6139, by Senators Johnson, Heavey and Gardner

Modifying estate tax apportionment.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, Senate Bill No. 6139 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6139.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6139 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Finkbeiner and Sellar - 2.

SENATE BILL NO. 6139, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Rossi was excused.

SECOND READING

SENATE BILL NO. 6140, by Senators Johnson, Heavey and Gardner

Updating probate and trust laws.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, Senate Bill No. 6140 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6140.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6140 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Finkbeiner, Rossi and Sellar - 3.

SENATE BILL NO. 6140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2337, by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Ballasiotes, O'Brien, Cairnes, Kagi, B. Chandler, Lovick, Delvin, Carlson and Conway)

Ordering implementation of a state-wide city and county jail booking and reporting system.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, Engrossed Substitute House Bill No. 2337 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2337.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2337 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Finkbeiner and Sellar - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2337, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SENATE BILL NO. 5291, by Senators Franklin, Winsley, Fairley, Prentice, Kohl-Welles, Patterson, Roach, Hargrove, Goings, Heavey and Gardner

Creating the crime of aggressive driving to combat road rage.

The bill was read the third time

Senators Franklin and Benton spoke to Senate Bill No. 5291.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5291.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5291 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 30.

Voting nay: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Morton, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 17.

Excused: Senators Finkbeiner and Sellar - 2.

SENATE BILL NO. 5291, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5610, by Senate Committee on Transportation (originally sponsored by Senators Prentice, Finkbeiner, T. Sheldon and Costa)

Authorizing the director of the department of licensing to impose a civil penalty for a violation of chapter 46.70 RCW.

MOTIONS

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5610 was returned to second reading and read the second time.

On motion of Senator Haugen the following amendments were considered simultaneously and were adopted:

On page 2, line 4, beginning with "receipt" strike everything through "issue" on line 5, and insert "issuance of a final order"

On page 2, line 8, after "vehicles" insert "that are each less than thirty years old"

MOTION

On motion of Senator Haugen, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5610 was advanced to third reading the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute Senate Bill No. 5610.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5610 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 47. Voting nay: Senator Zarelli - 1. Excused: Senator Sellar - 1. SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5610, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SENATE BILL NO. 5570, by Senators Costa, Johnson, Kline, Honeyford, Kohl-Welles, Patterson, Gardner, Winsley and Oke (by request of Washington State Patrol)

Expanding the definition of vehicular assault.

The bill was read the third time

Senator Costa spoke to Senate Bill No. 5570.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5570.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5570 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Voting nay: Senator Deccio - 1.

Excused: Senator Sellar - 1.

SENATE BILL NO. 5570, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 5580, by Senators Wojahn, Roach, Thibaudeau, Fairley, Spanel, Prentice and Kohl-Welles

Paying industrial insurance benefits during appeal.

The bill was read the third time

Senators Wojahn and Hochstatter spoke to Senate Bill No. 5580.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5580.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5580 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 29.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 19.

Excused: Senator Sellar - 1.

ENGROSSED SENATE BILL NO. 5580, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 6190, by Senators Patterson, Horn, Haugen, Johnson, Costa, Goings, McCaslin and Winsley

Promoting expeditious resolution of public use disputes in eminent domain proceedings.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, Senate Bill No. 6190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6190.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6190 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Johnson - 1.

Excused: Senator Sellar - 1.

SENATE BILL NO. 6190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Johnson was excused.

SECOND READING

SENATE JOINT MEMORIAL NO. 8017, by Senators Spanel, Gardner, Oke, Brown, Swecker, Franklin, Kline, B. Sheldon, Shin, Bauer, Eide, Patterson, Haugen, Costa, Kohl-Welles, Rasmussen, Fairley, McAuliffe, Prentice, Fraser, Goings, Hale and Winsley

Requesting federal assistance in ensuring pipeline safety.

MOTIONS

On motion of Senator Spanel, Substitute Senate Joint Memorial No. 8017 was substituted for Senate Joint Memorial No 8017 and the substitute joint memorial was placed on second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Substitute Senate Joint Memorial No. 8017 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Memorial No. 8017.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8017 and the joint memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Hargrove - 1.

Excused: Senators Johnson and Sellar - 2.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8017, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Spanel, Senator Prentice was excused.

SECOND READING

SENATE BILL NO. 5366, by Senators Patterson, McCaslin, Oke, Horn, Goings and Bauer

Changing scoring criteria for veterans' employment examinations.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5366 was substituted for Senate Bill No. 5366 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5366 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5366.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5366 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Prentice and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5366, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6273, by Senators Franklin, Fraser, Winsley, Thibaudeau, Patterson, Costa, Fairley, Brown, Wojahn and Kline

Creating a program to identify and address lead-based paint hazards.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 6273 was substituted for Senate Bill No. 6273 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 6273 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6273.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6273 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 2; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Voting nay: Senator Morton - 1.

Absent: Senators Fairley and Kline - 2.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6277, by Senators B. Sheldon, Swecker, Jacobsen, Franklin, Morton, Costa, Fraser, Eide, Spanel, Thibaudeau and Kohl-Welles

Authorizing cost-reimbursement agreements for leases and environmental permits.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6277 was substituted for Senate Bill No. 6277 and the substitute bill was placed on second reading and read the second time.

Senator Haugen moved that the following amendment by Senators Haugen and Sheahan be adopted:

On page 5, after line 19, insert the following:

"NEW SECTION. **Sec. 8.** A new section is added to chapter 90.44 RCW to read as follows:

Any one or more public water supply systems in counties surrounded by water with existing or proposed ground water withdrawals from a federally designated sole source aquifer, with applications for a new withdrawal or a change or transfer pending before the department on or before January 1, 2000, may initiate a cost-reimbursement agreement with the department to provide expedited review of the applications. If a request for a cost-reimbursement agreement is made, the department shall negotiate in good faith with the group of public water supply system applicants to provide expedited review for the applications. The department shall be guided by sections 1 through 3 of this act in negotiating a cost-reimbursement agreement. The department shall render decisions on the applications subject to the provisions of this section by June 30, 2002."

Renumber the sections consecutively and correct any internal references accordingly.

POINT OF INQUIRY

Senator Morton: "Senator Haugen, if my understanding is correct--and I have just had a moment to glance at this--there is only one county that will be affected by this. Is that your understanding?"

Senator Haugen: "That is right."

Senator Morton: "Thank you. That is very helpful and I would suggest, therefore, that we support those good residents of that Island County."

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Sheahan on page 5, after line 19, to Substitute Senate Bill No. 6277.

The motion by Senator Haugen carried and the amendment was adopted.

MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, on line 5 of the title, after "chapter 70.94 RCW;" insert "adding a new section to chapter 90.44 RCW;"

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 6277 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Honeyford, Senator Stevens was excused.

MOTION

On motion of Senator Rasmussen, Senator Kline was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6277.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6277 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Kline, Sellar and Stevens - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6277, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Goings, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Jacobsen, the following resolution was adopted:

SENATE RESOLUTION 2000-8701

By Senators Jacobsen, Thibaudeau, Kohl-Welles, Fraser, Oke, Eide, Spanel, Franklin, Fairley, Wojahn, McAuliffe, Prentice, Heavey, Kline, Roach, Brown, Sheldon, T., Morton, West, Rasmussen

WHEREAS, It is the policy of the Washington State Legislature to recognize contributions of individuals who reflect the standards of excellence that enhance the well-being and quality of life of the citizens of the state of Washington; and

WHEREAS, It is also the policy of the Washington State Legislature to honor the memory of such individuals; and

WHEREAS, Hazel Wolf, born in Victoria, British Columbia, Canada, on March 10, 1898, immigrated to the United States in 1923 and became a respected leader and activist promoting numerous social and environmental causes; and

WHEREAS, Hazel Wolf devoted her life to protecting the environment and championing human rights, crusading with such drive and exuberance as to leave friends half her age in wonder; and

WHEREAS, Hazel Wolf was a dynamic organizer responsible for starting twenty-one of the twenty-six chapters of the National Audubon Society in Washington State, served as secretary of the Seattle Audubon Society for thirty-seven years, and edited the newsletter of the Federation of Western Outdoor Clubs for over twenty years; and

WHEREAS, Hazel Wolf's activism was recognized with such awards as the Association of Biologists and Ecologists of Nicaragua Award for "Work for the Conservation of Nature" in 1985, Washington Physicians for Social

Responsibility's Paul Beeson Peace Award in 1995, the National Audubon Society's Medal of Excellence and an honorary doctorate degree from Seattle University in 1997, and Seattle's Spirit of America Award in 1999; and

WHEREAS, Hazel Wolf achieved her wish to live in three centuries before passing away on January 19, 2000, at the age of one hundred and one, having conducted herself with consummate grace and good humor and touching the lives of all who had the privilege of making her acquaintance;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the many achievements of Hazel Wolf, honor her life, and pay homage to her legacy of standing up for the needy and disenfranchised, and making the effort to make a difference in our communities; and

BE IT FURTHER RESOLVED, That the Senate recognize the continuation of the lifetime work of Hazel Wolf through the Seattle Audubon Society's "Kids for the Environment" fund which connects urban children from lower-income communities with opportunities to experience the natural environment; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to her daughter, Nydia Levick of Port Angeles, and her grandchildren, Juanita Commeree, Edward Levick, Dal Kilmer, Tom Levick and Ann Sargent, the Seattle Audubon Society, the Federation of Western Outdoor Clubs, Olympic Park Associate and North Cascades Conservation Council.

Senators Jacobsen, Thibaudeau, Kohl-Welles, Brown and Kline spoke to Senate Resolution 2000-8701.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Audubon Society, as well as Juanita Commeree, the granddaughter of Hazel Wolf, and Lucile Preston, a family friend, who were seated in the gallery.

MOTION

On motion of Senator Goings, the Senate returned to the sixth order of business.

MOTION

On motion of Senator Honeyford, Senator Winsley was excused.

SECOND READING

SENATE BILL NO. 6547, by Senators Costa, Benton, Eide, Shin, Patterson, Haugen, Gardner, Rasmussen, Prentice, Goings, McAuliffe, Winsley, Kline and Kohl-Welles

Clarifying rights and responsibilities of bicyclists.

The bill was read the second time.

MOTION

On motion of Senator Costa, the rules were suspended, Senate Bill No. 6547 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Benton: "Senator Costa, you mentioned in your opening remarks that the bicycle may be impounded and I thought I heard you say at no cost to the bicyclist. Is that correct?"

Senator Costa: "Yes, it is correct and it is only an option that the officer may use if there are no other alternatives. The officer is not required to impound the bicycle."

Senator Benton: "Okay, thank you."

Further debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Costa, if a bicyclist has to be treated the same as a pedestrian when they are crossing the road or a crosswalk, do they have to dismount or can they just swerve right off the path and on to the crosswalk?"

Senator Costa: "Senator, thank you for your question. We are clarifying that if that they are in a crosswalk, whether they are a pedestrian or a bicyclist, they must certainly take safety precautions into account. If they are in a crosswalk, then a motorist needs to stop for them.. They are not required to dismount

"Let me tell you what the Supreme Court said in their decision. They said, 'It is liken to if you would have three children walking across a crosswalk, actually one who is walking, one who is on roller skates and one who is on a bicycle--a motorist under the current law would have to stop for the first two, but would not have to stop for the one who is riding their bicycle through the crosswalk. We are clarifying that, if indeed they are in a crosswalk, motorists do have to stop for them. The bicyclists themselves have to yield for the pedestrians. If they happen to be on the roadway, they have to abide by the rules of the road."

Senator Deccio: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6547.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6547 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau and Wojahn - 39.

Voting nay: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, McCaslin, West and Zarelli - 8.

Excused: Senators Sellar and Winsley - 2.

SENATE BILL NO. 6547, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6292, by Senators Morton, Rasmussen, Jacobsen, Rossi, McCaslin, Honeyford, Sheahan, Stevens and Oke

Providing a stable timber supply for the Washington forest products industry.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 6292 was substituted for Senate Bill No. 6292 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 6292 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6292.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6292 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6292, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8422, by Senators T. Sheldon, Swecker, Fraser, Oke, Kohl-Welles, B. Sheldon, Snyder, Spanel, Heavey, Thibaudeau, Rossi, Prentice, Hale, Fairley, Morton, McAuliffe, Gardner, Rasmussen, Jacobsen, Haugen, Eide, Kline, Patterson, Franklin, Winsley and Costa

Creating a committee to improve tribal relations.

MOTIONS

On motion of Senator Heavey, Substitute Senate Concurrent Resolution No. 8422 was substituted for Senate Concurrent Resolution No. 8422 and the substitute concurrent resolution was placed on second reading and read the second time.

On motion of Senator Tim Sheldon, the following striking amendment by Senators Tim Sheldon and Swecker was adopted:

Strike everything and insert the following:

"WHEREAS, The members of the Washington state legislature recognize there are twenty-eight federally recognized Indian tribes located within the boundaries of Washington state with a combined population of approximately ninety-one thousand members occupying over three and a quarter million acres of land; and

WHEREAS, Those twenty-eight tribes are operating governments with responsibilities to their citizens and their lands like those of the state to its territory and citizens; and

WHEREAS, The relationship on an intergovernmental basis between the Washington state legislature and these Indian tribes has seen only a very limited level of development; and

WHEREAS, Because of these limitations, there is a need to inform and educate members of the legislature and their staff on the status and operations of tribal governments and to educate and inform tribal elected officials and their staff on the operations of the legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That a joint select committee on legislative/tribal relations be established to review, study, and recommend how the legislature and tribes may develop more effective relationships and arrange for intergovernmental mechanisms in order to be able to work together on common interests and problems, such as court jurisdiction, human services, gaming, tax and revenue, historic preservation, and environmental issues; and

BE IT FURTHER RESOLVED, That the efforts of the committee shall include a study of how other state legislatures and tribal governments handle their intergovernmental relationships and recommend methods of addressing issues that are significant in the area of state/tribal relations and that the committee may hold hearings and seek out the expertise of state and tribal agencies to understand and make recommendations on issues the committee may agree to address; and

BE IT FURTHER RESOLVED, That the committee shall consist of twelve members, to be comprised of eight state legislators and four tribal elected officials. Four members shall be from the Senate, two from each caucus, to be appointed by the President of the Senate; four members from the House of Representatives, two from each caucus, to be appointed by the Co-Speakers of the House of Representatives; and four elected officials from among the twenty-eight federally recognized tribes, who shall be representative of the demographic, geographic, and cultural differences among the tribes, as well as other relevant variables, to be appointed by the Chair of the Association of Washington Tribes. An ad hoc member may be designated by the Governor to be a representative of the Governor and the executive branch; and

BE IT FURTHER RESOLVED, That the committee shall be co-chaired by a legislative member and a tribal member. The members of the legislature appointed to the committee shall select their co-chair and the tribal members of the committee shall select their co-chair, the expenses of the committee shall be paid by the legislature under chapter 44.04 RCW, staff support for the committee shall be provided by the senate committee services and house of representatives office of program research and the

Northwest Indian applied research institute located at The Evergreen State College, and the committee may also call upon any of the state agencies and tribal governments to assist in research and provide information; and

BE IT FURTHER RESOLVED, That the committee shall present its report and recommendations to the legislature not later than December 1, 2000; and

BE IT FURTHER RESOLVED, That the committee shall terminate on December 15, 2000."

MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Engrossed Substitute Senate Concurrent Resolution No. 8422 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8422.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8422 and the concurrent resolution passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator McDonald - 1.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8422, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Goings, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5611, by Senate Committee on Health and Long-Term Care (originally sponsored by Senators Thibaudeau, Kline, Prentice, Winsley and Costa) (by request of Insurance Commissioner Senn)

Regulating medicare supplement insurance.

MOTIONS

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5611 was returned to second reading and read the second time.

On motion of Senator Thibaudeau, the following amendments were considered simultaneously and were adopted:

On page 2, line 15, after "Laws of" strike "1999" and insert "2000"

On page 2, line 16, after "September 1," strike "1999" and insert "2000"

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute Senate Bill No. 5611 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5611.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5611 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senators Finkbeiner and Hargrove - 2.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5611, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, Engrossed Senate Bill No. 5580, which passed the Senate earlier today, was ordered to immediately be transmitted to the House of Representatives.

MOTION

At 11:55 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 2:15 p.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Kohl-Welles, the following resolution was adopted:

SENATE RESOLUTION 2000-8715

By Senator Kohl-Welles, Wojahn, Jacobsen, Fairley, Patterson, Eide, Horn, Heavey, Spanel, Sheahan, McAuliffe, Roach, Brown, Fraser, Long, Sheldon, B., Franklin, and Rasmussen

WHEREAS, Athletics is one of the most effective ways for girls and women in the United States to develop leadership skills, self discipline, initiative, and confidence; and

WHEREAS, Sport and fitness activities contribute to emotional and physical well-being, and girls and women can benefit from both strong minds and strong bodies; and

WHEREAS, The communication and cooperation skills learned through athletic experience play a key role in the contributions of athletes to the home, workplace, and society; and

WHEREAS, Early motor skill training and enjoyable experiences of physical activity strongly influence lifelong habits of physical fitness; and

WHEREAS, Girls and women who participate in sports have increased levels of self-esteem, less depression, and reduced risk for heart disease, breast cancer, and other illnesses; and

WHEREAS, The bonds built among girls and women through athletics help break down the social barriers of racism and prejudice; and

WHEREAS, The history of girls and women in sports is rich and long, but there has been little national recognition of the significance of the athletic achievements of women; and

WHEREAS, High school athletic teams in the state of Washington have achieved many accomplishments that serve as an inspiration to young women and promote the values of teamwork and cooperation; and

WHEREAS, Washington colleges and universities have fostered outstanding achievements in women's athletics, including All-American University of Washington softball player Becky Newbry, who has been named this month as the Seattle Post-Intelligencer Women's Sports Star of the Year and the four other nominees, UW Athletic Director Barbara Hedges, U. S. National Team weight lifters Melanie Kosoff-Roach and Lea Forman, and Puyallup American record-setting swimmer Megan Quann; and

WHEREAS, Although the state of Washington is fortunate to have Barbara Hedges serving as Athletic Director at the University of Washington, an NCAA Division 1 School, women are underrepresented in the leadership positions of coaches, officials, and administrators, and there is a need for women to serve in these positions to ensure a fair representation of the abilities of women, and to provide role models for young female athletes; and

WHEREAS, Accomplished Washington women athletes are helping other highly talented, but underfunded athletes through encouragement, promotion and financial support, such as U. S. Open Womens' 58 Kgs Olympic Weightlifting Champion Melanie Kosoff Roach, who has established the Big Mountain Association to assist other young and promising athletes; and

WHEREAS, The state of Washington has produced stellar women athletes, whose spirit, talent, and accomplishments distinguished them from others and were a source of inspiration and pride to all of us, such as Michelle Akers, the star midfielder for the World Cup champion U.S. women's soccer team; and

WHEREAS, Although the athletic opportunities for female students at the college and high school level have improved because of federal and state gender equity laws, the participation rates of male and female athletes at the college and high school levels are still not equitable; and

WHEREAS, The number of funded research projects focusing on the specific needs of women athletes is limited, and the information provided by the projects is imperative to the health and performance of future women athletes;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate Washington Girls and Women in Sports Day on February 9, 2000, and encourage others to observe the day with appropriate ceremonies and activities.

Senators Kohl-Welles, Jacobsen, Patterson, Wojahn, Fraser, Stevens, Roach, Benton, Heavey and Spanel spoke to Senate Resolution 2000-8715.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the athletes participating in the Women and Girls in Sports Day, who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members from the Black Hills Gymnastics Club of Olympia, YMCA participants, Malory Frank,a soccer player from River Ridge High School and Louise Frank, assistant coach for The Evergreen State College Womens' Soccer

Team, as well as The Evergreen State College Womens' Basketball, Soccer and Swim Teams, who were seated in the gallery.

The President also introduced former Senator Ann Anderson, who was accompanied by her daughter Cori, a national and world Appaloosa Champion.

MOTION

On motion of Senator Gardner, the following resolution was adopted:

SENATE RESOLUTION 2000-8705

By Senators Gardner and Spanel

WHEREAS, The Whatcom County Historical Society and the Bellingham Herald co-published the healing works entitled: *Whatcom Memories, A Photo Album: Reflections From the Heart of a Small Community*, a 204 page book that includes more than 800 photographs; and

WHEREAS, Members of the Whatcom County Community, Danna Beach, Becky Beech Raney, Cindy Brown, Laura Jacoby, Gayle Landreth, and Dawn Landreth Buckenmeyer, formed the Maple Falls Memory Book Committee; and

WHEREAS, The Maple Falls Memory Book Committee, which started in Maple Falls, and stretched to include the Mount Baker Foothills and everyone in between, created a place for history makers to express their feelings and recollections of over one hundred and ten years; and

WHEREAS, The community was brought together in their research, uniting their memories that will be cherished and archived for future generations to come; and

WHEREAS, The legacy of Maple Falls and Whatcom County will live forever.

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and honor the talent and community involvement of the Maple Falls Memory Book Committee; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Whatcom County Historical Society, the Bellingham Herald, and the Maple Falls Memory Book Committee.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the members of the Maple Falls Memory Book Committee and other community members, who were seated in the gallery.

MOTION

On motion of Senator Goings, the following resolution was adopted:

SENATE RESOLUTION 2000-8718

By Senator Goings

WHEREAS, Mr. Lockheed Reader served honorably as Chief of the Puyallup Police Department since 1990; and

WHEREAS, Chief Reader retired from that post on January 31, 2000; and

WHEREAS, During his tenure, policing in Puyallup underwent important changes and modernization that have brought officers closer to the public they serve and protect; and

WHEREAS, Chief Reader led the department in instituting Community Oriented Policing techniques, including the Wheelbeat Bicycle Patrol, the Night Out Against Crime, and the Footbeat project; and

WHEREAS, His leadership has helped make crime-fighting in Puyallup a community priority, not solely a police responsibility; and

WHEREAS, Chief Reader also served the larger Washington community through his involvement with the Washington State Institute for Community Oriented Policing, serving as chair of its policy board for the past five years; and

WHEREAS, His has been a familiar face at the Legislature due to his active involvement with lawmakers crafting legislation designed to help local law enforcement, especially in their battle to protect the public from drug-related crime; and

WHEREAS, He will continue to serve the people of the state of Washington in his new role managing the Attorney General's Criminal Investigation Section, which is a resource for all of Washington's law enforcement agencies;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and honor Mr. Lockheed Reader for his distinguished service to the people of Puyallup, Pierce County, and

the larger state community, and wish him continued success in his ongoing efforts to serve and protect our state's citizens; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to Mr. Lockheed Reader.

MOTION

At 2:46 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 3:50 p.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the seventh order of business.

THIRD READING

SENATE BILL NO. 5920, by Senators Costa, Thibaudeau, Deccio, Haugen and Kohl-Welles

Including midwives in women's health care services.

The bill was read the third time

Senators Costa and Stevens spoke to Senate Bill No 5920.

MOTION

On motion of Senator Rasmussen, Senator Fairley was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5920.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5920 and the bill passed the Senate by the following vote:

Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Fairley and Sellar - 2.

SENATE BILL NO. 5920, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5295, by Senate Committee on Labor and Workforce Development (originally sponsored by Senators Costa, Prentice, Kohl-Welles, Thibaudeau, Fraser, Fairley and Heavey)

Protecting the act of breastfeeding.

The bill was read the third time

Senators Costa, Hochstatter, Roach and Franklin spoke to Engrossed Substitute Senate Bill No 5295.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5295.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5295 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 35.

Voting nay: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, McCaslin, Morton, Roach, Sheahan, Stevens, West and Zarelli - 13.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6010, by Senators West, Jacobsen and Sheahan

Creating operating fees waivers not supported by state general fund appropriations.

The bill was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 6010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6010.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6010 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Horn - 1.

Excused: Senator Sellar - 1.

SENATE BILL NO. 6010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6172, by Senators Fraser, Deccio, Thibaudeau, Prentice, T. Sheldon, Kohl-Welles, Fairley, McAuliffe and Oke

Allowing minors to donate bone marrow.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 6172 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Stevens: "Senator Fraser, does this bill address the need for a minor to have his parents' consent for a medical procedure?"

Senator Fraser: "The answer to that question is that existing statutes governing consent on behalf of a minor for medical treatment are not disrupted and remain in effect."

Further debate ensued.

POINT OF INQUIRY

Senator Benton: "Senator Franklin, does this bill authorize the actual donation of the bone marrow or only the testing and the placement of the name on the national registry?"

Senator Franklin: "There is a test and if there is a match, then of course, if he is able to donate that will happen, but this is a youth bill. Right now, there is an age limit. What it will do, Senator, is also encourage others to join the registry and that will send a clear message."

Senator Benton: "The question that I have is, when it comes to the donation part--not the registry part--does this require parental consent or can a fifteen or sixteen year old just decide that they are going to become a bone--"

Senator Franklin: "It requires a parental consent."

Senator Benton: "Thank you very much."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6172.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6172 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SENATE BILL NO. 6172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6233, by Senators Wojahn, McDonald, Loveland, Deccio, Snyder, Spanel, Winsley, Rasmussen, Gardner, Costa, Hale, McAuliffe and Kline

Changing developmental disabilities endowment trust fund provisions.

MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 6233 was substituted for Senate Bill No. 6233 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 6233 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6233.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6233 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6233, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8020, by Senators Loveland, Hale, Roach and B. Sheldon

Requesting full funding for a vitrification treatment plant at the Hanford site.

The joint memorial was read the second time.

MOTION

On motion of Senator Snyder, the rules were suspended, Senate Joint Memorial No. 8020 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8020.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8020 and the joint memorial passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Voting nay: Senators Jacobsen, Kline and Kohl-Welles - 3.

Excused: Senator Sellar - 1.

SENATE JOINT MEMORIAL NO. 8020, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6724, by Senators Hale, Loveland, Rossi, West, Snyder and Rasmussen

Exempting privatization contracts for the treatment of radioactive waste and hazardous substances from property taxes.

MOTIONS

On motion of Senator Hale, Substitute Senate Bill No. 6724 was substituted for Senate Bill No. 6724 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hale, the rules were suspended, Substitute Senate Bill No. 6724 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6724.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6724 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Voting nay: Senator Jacobsen - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6724, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6416, by Senators Thibaudeau, Deccio, Wojahn, Rasmussen, Johnson, Franklin, B. Sheldon, Costa, Prentice, Sheahan, Fraser, Swecker, McAuliffe, Winsley, Kohl-Welles, Haugen, Benton, Spanel, McDonald and Oke

Regulating occupational exposure to bloodborne pathogens and other infectious materials.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 6416 was substituted for Senate Bill No. 6416 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the following amendment was adopted:

On page 3, after line 7, after "the" strike "effective date of the rules adopted under subsection (1)" and insert "date required under subsection (4)"

Renumber the sections consecutively and correct any internal references accordingly.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute Senate Bill No. 6416 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6416.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6416 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Oke, Patterson,

Prentice, Rasmussen, Roach, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 39.

Voting nay: Senators Hale, Honeyford, McCaslin, McDonald, Morton, Rossi, Sheahan, Stevens and West - 9.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6416, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Hochstatter was excused.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5453, by Senate Committee on Transportation (originally sponsored by Senators Horn, Benton, Haugen, Goings and Eide)

Enhancing regional transportation planning.

The bill was read the second time.

MOTION

On motion of Senator Gardner, the rules were suspended, Substitute Senate Bill No. 5453 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5453.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5453 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Kline - 1.

Excused: Senators Hochstatter and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5453, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, Senators Brown and Kline were excused.

SECOND READING

SENATE BILL NO. 6307, by Senators Morton, Haugen, Honeyford, T. Sheldon, Gardner, Sellar and Hochstatter

Changing provisions relating to county roads that cross county boundaries.

The bill was read the second time.

MOTION

On motion of Senator Gardner, the rules were suspended, Senate Bill No. 6307 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6307.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6307 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Brown, Kline and Sellar - 3.

SENATE BILL NO. 6307, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

SECOND READING

SENATE BILL NO. 6463, by Senators McAuliffe, Kohl-Welles, Fairley, Goings, Eide, Patterson, Kline and Rasmussen

Providing for early vision and hearing screening.

The bill was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 6463 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6463.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6463 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Brown, Kline and Sellar - 3.

SENATE BILL NO. 6463, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6448, by Senators T. Sheldon, Hale, Gardner, Sellar, Haugen and Rasmussen

Promoting the improvement of port district employees.

The bill was read the second time.

MOTIONS

On motion of Senator Tim Sheldon, the following amendments were considered simultaneously and adopted:

On page 2, beginning on line 29, strike all material from "Nothing" through "agency."

On page 2, on line 32, strike "and other chapters of this"

On page 2, beginning on line 33, strike "the Washington public ports association, and"

On page 2, on line 35, strike ","

On page 2, line 36, strike "coordinating or other"

On motion of Senator Tim Sheldon, the rules were suspended, Engrossed Senate Bill No. 6448 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6448.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6448 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Voting nay: Senator Heavey - 1.

Absent: Senator Loveland - 1.

Excused: Senators Brown and Sellar - 2.

ENGROSSED SENATE BILL NO. 6448, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5408, by Senators Benton, Hale, Shin, Winsley, Patterson and Rossi

Creating a state medal of valor.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5408 was substituted for Senate Bill No. 5408 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5408 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5408.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5408 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Brown and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5408, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

STATEMENT FOR THE JOURNAL

I intended to vote 'yes' on final passage of Senate Bill No. 6201.

SENATOR LARRY SHEAHAN, Ninth District

STATEMENT FOR THE JOURNAL

I intended to vote 'yes' on final passage of Senate Bill No. 6201.

SENATOR VAL STEVENS, Thirty-ninth District

SECOND READING

SENATE BILL NO. 6201, by Senators Goings and Rasmussen

Setting penalties for infractions involving drug paraphernalia.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, Senate Bill No. 6201 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6201.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6201 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41.

Voting nay: Senators Deccio, Finkbeiner, Kohl-Welles, Morton, Sheahan and Stevens - 6.

Excused: Senators Brown and Sellar - 2.

SENATE BILL NO. 6201, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6037, by Senators Shin and Prentice

Rescinding a retirement allowance agreement.

The bill was read the second time.

MOTION

On motion of Senator Shin, the rules were suspended, Senate Bill No. 6037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6037.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6037 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Brown and Sellar - 2.

SENATE BILL NO. 6037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6213, by Senators Deccio and Winsley

Requiring guidelines for the response of emergency medical personnel to directives.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 6213 was substituted for Senate Bill No. 6213 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 6213 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6213.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6213 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Brown and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 6213, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6121, by Senators Wojahn, Deccio, Thibaudeau, Winsley, Fairley, Rasmussen, Patterson and Kohl-Welles

Continuing the diabetes cost reduction act.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 6121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6121.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6121 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47. Excused: Senators Brown and Sellar - 2. SENATE BILL NO. 6121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

NOTICE FOR RECONSIDERATION

Having voted on prevailing side, Senator Johnson served notice to reconsider the vote by which Senate Bill No. 6201 passed the Senate earlier today.

SECOND READING

SENATE BILL NO. 6464, by Senators McAuliffe, Kohl-Welles, Goings, Eide, Patterson and Kline

Requiring information on selecting early childhood education programs and kindergarten readiness.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 6464 was substituted for Senate Bill No. 6464 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 6464 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6464.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6464 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Brown and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 6464, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6117, by Senators McCaslin and Winsley

Increasing penalties for persons who interfere with school activities.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 6117 was substituted for Senate Bill No. 6117 and the substitute bill was placed on second reading and read the second time.

Senator Hochstatter moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 20, after "studies" insert "on school grounds or a site where a school-sponsored activity is occurring"

On page 3, line 2, after "studies" insert "on school grounds or a site where a school-sponsored activity is occurring"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Hochstatter on page 2, line 20, and page 3, line 2, to Substitute Senate Bill No. 6117.

The motion by Senator Hochstatter failed and the amendments were not adopted.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 6117 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Franklin, Senator Thibaudeau was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6117.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6117 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 15; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Horn, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Swecker, West, Winsley and Wojahn - 31.

Voting nay: Senators Benton, Finkbeiner, Hargrove, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Patterson, Rossi, Sheldon, T., Stevens and Zarelli - 15.

Excused: Senators Brown, Sellar and Thibaudeau - 3.

SUBSTITUTE SENATE BILL NO. 6117, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 6:01 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Thursday, February 10, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

THIRTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 10, 2000

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner, Sellar and Zarelli. On motion of Senator Honeyford, Senators Finkbeiner and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages Allison Dellwo and Kory Hedrick, presented the Colors. Bishop William Skyland of the Catholic Diocese of Spokane offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE HOUSE

February 8, 2000

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1383,
HOUSE BILL NO. 1579,
SUBSTITUTE HOUSE BILL NO. 1990,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2078,
SUBSTITUTE HOUSE BILL NO. 2320,
SUBSTITUTE HOUSE BILL NO. 2321,
HOUSE BILL NO. 2330,
HOUSE BILL NO. 2333,
HOUSE BILL NO. 2344,
SUBSTITUTE HOUSE BILL NO. 2345,
HOUSE BILL NO. 2353,
HOUSE BILL NO. 2375,
HOUSE BILL NO. 2397,
SUBSTITUTE HOUSE BILL NO. 2441,
HOUSE BILL NO. 2449,
HOUSE BILL NO. 2459,
SUBSTITUTE HOUSE BILL NO. 2476,
SUBSTITUTE HOUSE BILL NO. 2477,
SUBSTITUTE HOUSE BILL NO. 2493,
HOUSE BILL NO. 2516,
HOUSE BILL NO. 2519,
HOUSE BILL NO. 2576,
SUBSTITUTE HOUSE BILL NO. 2590,
HOUSE BILL NO. 2600,
SUBSTITUTE HOUSE BILL NO. 2604,
SUBSTITUTE HOUSE BILL NO. 2628,
HOUSE BILL NO. 2630,
SUBSTITUTE HOUSE BILL NO. 2633,

HOUSE BILL NO. 2650,
HOUSE BILL NO. 2657,
HOUSE BILL NO. 2660,
HOUSE BILL NO. 2662,
HOUSE BILL NO. 2686,
SUBSTITUTE HOUSE BILL NO. 2721,
SUBSTITUTE HOUSE BILL NO. 2772,
HOUSE BILL NO. 2775,
SUBSTITUTE HOUSE BILL NO. 2776,
HOUSE BILL NO. 2868,
SUBSTITUTE HOUSE BILL NO. 2903,
SUBSTITUTE HOUSE BILL NO. 3032,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4020, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SJM 8028 by Senators Benton, Swecker, Honeyford, Hochstatter, Morton, Zarelli, Roach, Deccio and Stevens

Asking Congress to require the secretary of transportation to waive repayment of federal-aid highway funds used to build high occupancy vehicle lanes.

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1383 by Representatives Constantine, Delvin, Lambert, Esser, Linville, Pennington, O'Brien and Ogden

Authorizing local government purchase of liability insurance for law enforcement personnel.

Referred to Committee on State and Local Government.

HB 1579 by Representatives Quall and Cooper

Clarifying the review process for appeals from decisions of the Washington Interscholastic Activities Association.

Referred to Committee on Judiciary.

SHB 1990 by House Committee on Health Care (originally sponsored by Representatives Cody, Ballasiotes, Schual-Berke, Kenney, Keiser and Veloria) (by request of Department of Social and Health Services)

Concerning background checks for certain potential state employees.

Referred to Committee on Human Services and Corrections.

ESHB 2078 by House Committee on Natural Resources (originally sponsored by Representatives Buck, Regala, Eickmeyer and Anderson)

Merging Titles 75 and 77 RCW.

Referred to Committee on Natural Resources, Parks and Recreation.

SHB 2320 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Esser, Constantine, Hurst and Ruderman)

Authorizing and applying electronic notice and proxies.

Referred to Committee on Judiciary.

SHB 2321 by House Committee on Judiciary (originally sponsored by Representatives Esser, Lantz, Constantine, Hurst, Ruderman and D. Sommers)

Authorizing the transmission of electronic proxy appointments.

Referred to Committee on Judiciary.

HB 2330 by Representatives McMorris and Scott

Allowing liquor revolving fund disbursements to the death investigations account.

Referred to Committee on Ways and Means.

HB 2333 by Representatives Schual-Berke, Dickerson, Carlson, Hurst and D. Sommers

Clarifying rights and responsibilities of bicyclists.

Referred to Committee on Transportation.

HB 2344 by Representatives Huff, McIntire, Linville, Alexander, Kenney and Parlette (by request of Caseload Forecast Council)

Authorizing the caseload forecast council to forecast community corrections caseloads.

Referred to Committee on Ways and Means.

SHB 2345 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives O'Brien, Ballasiotes, Ruderman, Hurst and Lovick) (by request of Department of Social and Health Services)

Requiring the secretary of social and health services to adopt rules for oversight and operation of the sexually violent predator program.

Referred to Committee on Human Services and Corrections.

HB 2353 by Representatives Wood, Carrell and Hurst (by request of Gambling Commission)

Allowing criminal history records to be sent to the Washington state gambling commission.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

HB 2375 by Representatives Lantz, Esser, Carlson, Kenney, Dunn, O'Brien and Haigh

Addressing information technology literacy at baccalaureate institutions of higher education.

Referred to Committee on Higher Education.

HB 2397 by Representatives Scott, Mulliken, Doumit, Mielke, Fisher, Reardon, Edwards, Fortunato, Haigh, Wolfe and Ogden

Revising provisions relating to local government fiscal notes.

Referred to Committee on State and Local Government.

SHB 2441 by House Committee on State Government (originally sponsored by Representatives Wensman, Ogden, Rockefeller, McMorris, Alexander, Regala, Mielke, Doumit, Thomas, Kessler, Hatfield, O'Brien, Lisk, McDonald, Carlson, Conway, Mulliken, Koster, Woods, Talcott, Huff, Radcliff, Wolfe, Ruderman, Edmonds, Pflug, Parlette, Esser, Hurst and Benson) (by request of Joint Legislative Audit and Review Committee)

Increasing government accountability through the state sunset review process.

Referred to Committee on State and Local Government.

HB 2449 by Representatives Pennington, Constantine and Mitchell

Revising provisions relating to ethics board staff review of ethics complaints.

Referred to Committee on State and Local Government.

HB 2459 by Representatives Regala, Parlette and Lantz (by request of Parks and Recreation Commission)

Extending the tenure of the winter recreation advisory committee.

Referred to Committee on Natural Resources, Parks and Recreation.

SHB 2476 by House Committee on Judiciary (originally sponsored by Representatives Lambert, Kagi, Dickerson, Hurst, Cox, Carrell, Boldt, D. Sommers, Mulliken, Esser, Stensen, McDonald, Ruderman, Edwards, Keiser and Rockefeller)

Investigating deaths of children.

Referred to Committee on Judiciary.

SHB 2477 by House Committee on Appropriations (originally sponsored by Representatives D. Schmidt, Scott, Esser, Mielke, Mulliken, Fisher, O'Brien, Edwards, Doumit, Kastama, Ruderman, Linville, Romero, Lantz, Edmonds, Kenney and Van Luven)

Funding the municipal research council.

Referred to Committee on State and Local Government.

SHB 2493 by House Committee on Finance (originally sponsored by Representatives Ruderman, Cox, Dunshee, Thomas and Kenney) (by request of Department of Revenue)

Simplifying implementation of sales and use tax rate changes.

Referred to Committee on Ways and Means.

HB 2516 by Representatives Stensen, Cox, Cooper and Thomas (by request of Department of Revenue)

Regarding disclosure of information to persons against whom successor tax liability is asserted.

Referred to Committee on Ways and Means.

HB 2519 by Representatives Lovick, Fortunato, Dunshee, Thomas, Haigh and Kenney (by request of Department of Revenue)

Simplifying the excise tax code.

Referred to Committee on Ways and Means.

HB 2576 by Representatives D. Sommers and Veloria (by request of Department of Licensing)

Modifying provisions concerning the registration of business trade names.

Referred to Committee on Judiciary.

SHB 2590 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Benson and Hatfield) (by request of Pollution Liability Insurance Agency)

Extending the expiration date on certain pollution liability insurance programs.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

HB 2600 by Representatives Santos, Bush and Tokuda

Controlling domestic insurance companies.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SHB 2604 by House Committee on Appropriations (originally sponsored by Representatives Doumit, Alexander, Wolfe, Delvin, Conway, Carlson, H. Sommers, McDonald, Schoesler, Pflug, Talcott, Clements, Bush, Keiser, Haigh, Rockefeller, Kagi and Hurst) (by request of Joint Committee on Pension Policy)

Creating additional options for payment of retirement allowances.

Referred to Committee on Ways and Means.

SHB 2628 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Linville and G. Chandler)

Modifying prohibitions on colostrum milk.

Referred to Committee on Agriculture and Rural Economic Development.

HB 2630 by Representatives Schoesler, Mastin, Linville and Anderson (by request of Commissioner of Public Lands Belcher)

Changing warehouse receipts.

Referred to Committee on Natural Resources, Parks and Recreation.

SHB 2633 by House Committee on Commerce and Labor (originally sponsored by Representatives B. Chandler, O'Brien, McMorris, Wood, Conway, Clements and Hurst)

Registering structural engineers.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

HB 2650 by Representatives Romero, McMorris, Campbell, Dunshee, Lambert, D. Schmidt, Kenney and Miloscia (by request of Department of General Administration)

Simplifying agency to agency transfer of small amounts of personal property.

Referred to Committee on State and Local Government.

HB 2657 by Representatives B. Chandler, Conway, Clements and Wood

Allowing a licensed distiller to hold a spirits, beer, and wine license.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

HB 2660 by Representatives Huff, H. Sommers, Hatfield and Benson (by request of State Investment Board)

Changing record checks for the state investment board.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

HB 2662 by Representatives Haigh, Quall, Talcott, Keiser, Rockefeller and Santos

Studying the feasibility of a central repository of teacher education and experience information.

Referred to Committee on Education.

HB 2686 by Representatives Tokuda and D. Sommers (by request of Department of Social and Health Services)

Updating definitions of income and resources.

Referred to Committee on Labor and Workforce Development.

SHB 2721 by House Committee on Judiciary (originally sponsored by Representatives Morris, Schoesler, Grant, Mastin, Quall, Dunn and Anderson)

Changing provisions relating to venue of actions by or against counties.

Referred to Committee on Judiciary.

SHB 2772 by House Committee on Judiciary (originally sponsored by Representatives Hurst, Constantine, Lambert and Edwards)

Requiring new courts to report their establishment to the supreme court.

Referred to Committee on Judiciary.

HB 2775 by Representatives Lambert, Constantine, Carrell, Hurst, Lantz and Cox

Clarifying requirements for the transfer of cases from commissioners to judges.

Referred to Committee on Judiciary.

SHB 2776 by House Committee on Judiciary (originally sponsored by Representatives Constantine, Carrell, Lantz and Hurst)

Providing for deferred findings and collection of an administrative fee in an infraction case.

Referred to Committee on Judiciary.

HB 2868 by Representatives Ericksen and Linville

Allowing electronic warehouse receipts.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SHB 2903 by House Committee on Judiciary (originally sponsored by Representatives Delvin, Lovick, B. Chandler, Grant, Hankins, Lisk, Buck, Ballasiotes, O'Brien, Hurst, Talcott and Fortunato)

Authorizing sound recordings without prior consent that correspond to video recordings from cameras mounted in law enforcement vehicles.

Referred to Committee on Judiciary.

SHB 3032 by House Committee on Local Government (originally sponsored by Representative Mulliken)

Extending annexation authority to certain port districts along the Interstate 90 corridor.

Referred to Committee on State and Local Government.

SHJM 4020 by House Committee on Education (originally sponsored by Representatives Wensman, Quall, Cox, Keiser, Talcott, Rockefeller, Thomas, Haigh, Carlson, Schindler, D. Schmidt, Sump, Mulliken, Benson, Barlean, H. Sommers, Pennington, Lisk, Dunn, Delvin, McDonald, Schual-Berke, O'Brien and Esser)

Requesting a review of special education paperwork.

Referred to Committee on Education.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9181, Richard N. Wadley, as a member of the Board of Trustees for South Puget Sound Community College District No. 24, was confirmed.

Senators Goings and Fraser spoke to the confirmation of Richard N. Wadley as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

APPOINTMENT OF RICHARD N. WADLEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 46.

Absent: Senator Zarelli - 1.

Excused: Senators Finkbeiner and Sellar - 2.

MOTION

On motion of Senator Honeyford, Senator Zarelli was excused.

MOTION

On motion of Senator Gardner, Gubernatorial Appointment No. 9112, Robert B. Fong, as a member of the Board of Trustees for Whatcom Community College District No. 21, was confirmed.

APPOINTMENT OF ROBERT B. FONG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 46.

Excused: Senators Finkbeiner, Sellar and Zarelli - 3.

STATEMENT FOR THE JOURNAL

I intended to vote 'yes' on Substitute Senate Bill No. 6644.

SENATOR LARRY SHEAHAN, Ninth District

SECOND READING

SENATE BILL NO. 6644, by Senators Goings, Prentice, Fairley, Rasmussen, Haugen and Costa

Making technical corrections to fire protection laws.

MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 6644 was substituted for Senate Bill No. 6644 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Goings, the rules were suspended, Substitute Senate Bill No. 6644 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Honeyford, Senator Hochstatter was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6644.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6644 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 43.

Absent: Senators Heavey and Sheahan - 2.

Excused: Senators Finkbeiner, Hochstatter, Sellar and Zarelli - 4.

SUBSTITUTE SENATE BILL NO. 6644, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, Senator Loveland was excused.

SECOND READING

SENATE BILL NO. 6621, by Senators Costa, McCaslin, Kline, Long, Heavey, Haugen, Hargrove, Thibaudeau, Zarelli, Oke, Rasmussen and Kohl-Welles

Creating a task force to study the interstate compact for adult offender supervision.

MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 6621 was substituted for Senate Bill No. 6621 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the rules were suspended, Substitute Senate Bill No. 6621 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6621.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6621 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45.

Excused: Senators Finkbeiner, Loveland, Sellar and Zarelli - 4.

SUBSTITUTE SENATE BILL NO. 6621, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6700, by Senators Swecker, Rasmussen, Snyder, Eide, Hargrove, Roach, Honeyford, Jacobsen, Sheahan, Zarelli, Oke, Hochstatter, Fraser and Benton

Removing provisions that would forfeit the sales and use tax exemption for coal-fired thermal electric generation facilities if the coal used was mined outside of specified counties.

The bill was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Senate Bill No. 6700 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6700.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6700 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 44.

Absent: Senators Hargrove and McDonald - 2.

Excused: Senators Loveland, Sellar and Zarelli - 3.

SENATE BILL NO. 6700, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6378, by Senators Fraser, Brown and Snyder (by request of Department of Emergency Management)

Extending the tenure of the enhanced 911 advisory committee.

The bill was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Senate Bill No. 6378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6378.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6378 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 46.

Excused: Senators Loveland, Sellar and Zarelli - 3.

SENATE BILL NO. 6378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6411, by Senators Spanel, Gardner, Brown, Fairley, Franklin, B. Sheldon, Shin, Kline, Patterson, Haugen, Kohl-Welles, Costa, Thibaudeau, Prentice, Fraser and Goings

Studying the energy facility siting process.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 6411 was substituted for Senate Bill No. 6411 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 6411 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6411.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6411 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Wojahn - 44.

Voting nay: Senators Hochstatter and West - 2.

Excused: Senators Loveland, Sellar and Zarelli - 3.

SUBSTITUTE SENATE BILL NO. 6411, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6194, by Senators T. Sheldon, Oke, Jacobsen, Stevens, Morton, Rasmussen, Gardner and Spanel

Attempting to limit the incidents of rural garbage dumping.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 6194 was substituted for Senate Bill No. 6194 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 6194 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6194.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6194 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Loveland and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 6194, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5349, (Committee on Health and Long-Term Care) (originally sponsored by Senators Costa, Spanel, Long, Fairley, Kohl-Welles, Snyder, Kline, Franklin, Thibaudeau, Wojahn, Rasmussen, Patterson, Deccio and Prentice)

Providing insurance coverage for cranial hair.

The bill was read the third time.

Senator Costa spoke to Substitute Senate Bill No. 5349.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5349.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5349 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Honeyford, Jacobsen, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 32.

Voting nay: Senators Benton, Finkbeiner, Hale, Hochstatter, Horn, Johnson, McDonald, Morton, Roach, Rossi, Sheahan, Sheldon, T., Stevens, West and Zarelli - 15.

Excused: Senators Loveland and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5349, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 5881, by Senators Thibaudeau, Oke, Costa and Winsley (by request of Governor Locke and Attorney General Gregoire)

Regulating youth access to tobacco products.

MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 5881 was substituted for Engrossed Senate Bill No. 5581 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5581 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5881.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5881 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Loveland and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5881, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 10:11 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:10 a.m. by President Owen.

MOTION

On motion of Senator Franklin, Senator Fairley was excused.

MOTION

On motion of Senator Eide, Senator Tim Sheldon was excused.

SECOND READING

SENATE JOINT RESOLUTION NO. 8214, by Senators Wojahn, McDonald, Loveland and Winsley

Amending the Constitution to allow certain trust fund moneys to be invested as authorized by the legislature.

The joint resolution was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Joint Resolution No. 8214 was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Resolution No. 8214.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8214 and the joint resolution passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Kohl-Welles - 1.

Excused: Senators Fairley, Sellar and Sheldon, T. - 3.

SENATE JOINT RESOLUTION NO. 8214, having received the constitutional two-thirds majority, was declared passed.

SECOND READING

SENATE BILL NO. 6295, by Senators Heavey, McCaslin, Johnson, T. Sheldon, Swecker, Long and Deccio

Changing garnishment proceedings.

MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 6295 was substituted for Senate Bill No. 6295 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the following amendment by Senators Heavey and Johnson was adopted:

On page 1, beginning on line 16, strike all material through "obligations." on line 17

MOTION

On motion of Senator Heavey, the rules were suspended, Engrossed Substitute Senate Bill No. 6295 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6295.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6295 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Hargrove - 1.

Excused: Senators Sellar and Sheldon, T. - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5033, by Senators Winsley, Fraser, Long, Jacobsen, Bauer, Franklin, Roach and Rasmussen (by request of Joint Committee on Pension Policy)

Separating from public employees' retirement system plan 1.

The bill was read the second time.

MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5033 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5033.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5033 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Hochstatter - 1.

Excused: Senators Sellar and Sheldon, T. - 2.

SENATE BILL NO. 5033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6530, by Senators Fraser, Long, Snyder, Franklin, Bauer, Honeyford, Jacobsen, Fairley, Haugen, Roach, Zarelli, Rasmussen, Goings, McAuliffe, Patterson, Eide, Winsley, Hale, Costa, Kohl-Welles, Stevens, B. Sheldon, Gardner and Spanel (by request of Joint Committee on Pension Policy)

Pertaining to plans 2 and 3 of the state retirement systems.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6530 was substituted for Senate Bill No. 6530 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the following amendment by Senators Fraser and Long was adopted:

On page 40, after line 29, strike section 508 of the bill and insert the following:

"NEW SECTION. **Sec. 508.** A new section is added to chapter 41.45 RCW to read as follows:

(1) Beginning May 1, 2000, through June 30, 2001, the basic state contribution rate for the law enforcement officers' and fire fighters' retirement system plan 2, and the basic employer contribution rates for the public employees' retirement system, the school employees' retirement system, and the teachers retirement system, shall be as follows:

(a) 2.16 percent for all plan 2 members of the law enforcement officers' and fire fighters' retirement system;

(b) 3.58 percent for all members of the public employees' retirement system;

(c) 3.58 percent for all members of the school employees' retirement system, effective as of the establishment of the new retirement system on September 1, 2000; and

(d) 6.03 percent for all members of the teachers' retirement system.

(2) The department shall also adjust employer and member contribution rates for the law enforcement officers and fire fighters retirement system plan 2, on May 1, 2000."

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 6530 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6530.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6530 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Sellar and Sheldon, T. - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6530, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6531, by Senators Long, Fraser, Winsley, Honeyford, Fairley, McAuliffe, Franklin, Bauer, Goings, Haugen, Hale, Rasmussen, Patterson, Eide, Kohl-Welles, Snyder, Stevens, B. Sheldon, Gardner, Spanel and Zarelli (by request of Joint Committee on Pension Policy)

Modifying the Washington school employees' retirement system plan 2 and 3.

MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 6531 was substituted for Senate Bill No. 6531 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the rules were suspended, Substitute Senate Bill No. 6531 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6531.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6531 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Sellar and Sheldon, T. - 2.

SUBSTITUTE SENATE BILL NO. 6531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6829, by Senators Winsley, Costa, Long, Fairley, Snyder, Bauer, Fraser, Franklin and Kohl-Welles

Making an irrevocable choice to become a member of the Washington school employees' retirement system plan 2 or plan 3.

The bill was read the second time.

MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 6829 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6829.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6829 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Sellar and Sheldon, T. - 2.

SENATE BILL NO. 6829, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6532, by Senators Honeyford, Winsley, Long, Fraser, Bauer, Kohl-Welles, Costa, Hale, Stevens, B. Sheldon, Gardner and Zarelli (by request of Joint Committee on Pension Policy)

Decreasing the employee contribution rate for the Washington state patrol retirement system.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 6532 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6532.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6532 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Sellar and Sheldon, T. - 2.

SENATE BILL NO. 6532, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:52 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 2:02 p.m. by President Owen.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Gardner, Gubernatorial Appointment No. 9162, Nancy Truitt Pierce, as a member of the Board of Trustees for Everett Community College District No. 5, was confirmed.

APPOINTMENT OF NANCY TRUITT PIERCE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 6; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 41.

Absent: Senators Hargrove, Haugen, Morton, Oke, Roach and West - 6.

Excused: Senators Sellar and Sheldon, T. - 2.

MOTION

On motion of Senator McCaslin, Senator Morton was excused.

MOTION

On motion of Senator Deccio, Senator Hale was excused.

SECOND READING

SENATE BILL NO. 6533, by Senators Franklin, Winsley, Bauer, Honeyford, Jacobsen, Long, Haugen, Fairley, Goings, Rasmussen, Patterson, Eide, Kohl-Welles, Stevens, B. Sheldon, Gardner, Spanel and Zarelli (by request of Joint Committee on Pension Policy)

Creating additional options for payment of retirement allowances.

MOTIONS

On motion of Senator Franklin, Substitute Senate Bill No. 6533 was substituted for Senate Bill No. 6533 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the following amendment by Senators Long, Fraser and Franklin was adopted:

On page 16, after line 25, insert the following:

"**Sec. 8.** RCW 43.43.278 and 1999 c 74 s 4 are each amended to read as follows:

By July 1, 2000, the department of retirement systems shall adopt rules that allow a member to select((~~, in lieu of benefits under RCW 43.43.270,~~)) an actuarially equivalent retirement option that pays the member a reduced retirement allowance and upon death shall be continued throughout the life of a lawful surviving spouse. The continuing allowance to the lawful surviving spouse shall be subject to the yearly increase provided by RCW 43.43.260(5) in lieu of the annual increase provided in RCW 43.43.272. The allowance to the lawful surviving spouse under this section, and the allowance for an eligible child or children under RCW 43.43.270, shall not be subject to the limit for combined benefits under RCW 43.43.270."

Renumber the remaining section.

MOTIONS

On motion of Senator Franklin, the following title amendment was adopted:

On page 1, line 3 of the title, strike "and 41.40.660" and insert "41.40.660, and 43.43.278"

On motion of Senator Franklin, the rules were suspended, Engrossed Substitute Senate Bill No. 6533 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6533.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6533 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Hale, Morton, Sellar and Sheldon, T. - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6533, having received the constitutional majority, was declared passed. There being no objection, the title of the of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6534, by Senators Bauer, Winsley, Long, Franklin, Honeyford, Fairley, Haugen, Rasmussen, Jacobsen, McAuliffe, Goings, Patterson, Eide, Kohl-Welles, Stevens, B. Sheldon, Gardner and Spanel (by request of Joint Committee on Pension Policy)

Establishing eligibility for the employee attendance incentive program.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 6534 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6534.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6534 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Hale, Morton, Sellar and Sheldon, T. - 4.

SENATE BILL NO. 6534, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6383, by Senators Loveland and Haugen

Restricting eligibility for retirement allowance adjustments.

MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 6383 was substituted for Senate Bill No. 6383 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Loveland, the rules were suspended, Substitute Senate Bill No. 6383 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6383.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6383 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45.

Absent: Senator Zarelli - 1.

Excused: Senators Morton, Sellar and Sheldon, T. - 3.

SUBSTITUTE SENATE BILL NO. 6383, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOMENT OF SILENCE

The President requested a moment of silence for former Representative Bob Basich who passed away this morning.

SECOND READING

SENATE BILL NO. 6602, by Senators Loveland and Patterson

Revising membership of certain LEOFF disability boards.

The bill was read the second time.

MOTION

On motion of Senator Loveland, the rules were suspended, Senate Bill No. 6602 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6602.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6602 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Sellar and Sheldon, T. - 2.

SENATE BILL NO. 6602, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6740, by Senators Fraser, Long, Hale, Kohl-Welles and Rasmussen (by request of Washington State Patrol)

Providing service credit for certain members of the Washington state patrol retirement system.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6740 was substituted for Senate Bill No. 6740 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6740 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6740.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6740 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Sellar and Sheldon, T. - 2.

SUBSTITUTE SENATE BILL NO. 6740, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6792, by Senators Snyder, Long, Fraser, Loveland, Winsley, Horn, Benton, Franklin, Honeyford, B. Sheldon, Bauer, Kline, Haugen, Rasmussen, McDonald, Gardner, West, Hargrove, Rossi, Kohl-Welles, McAuliffe, Fairley, Prentice, Goings, Jacobsen, Spanel, Oke, Hale, Morton, Roach, Sellar, Finkbeiner, Sheahan, Stevens, Patterson and Johnson

Paying medical benefits provided under chapter 41.26 RCW to law enforcement officers' and fire fighters' retirement system plan 1 retirees.

MOTIONS

On motion of Senator Snyder, Substitute Senate Bill No. 6792 was substituted for Senate Bill No. 6792 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Snyder, the rules were suspended, Substitute Senate Bill No. 6792 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6792.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6792 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Sellar and Sheldon, T. - 2.

SUBSTITUTE SENATE BILL NO. 6792, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6537, by Senators Fraser, Winsley, Bauer, Franklin, Jacobsen, Patterson, Kohl-Welles, Snyder, Costa and Gardner (by request of Governor Locke)

Providing for early retirement under the public employees' retirement system for affected employees of specific state agencies specifically designated for a reduction in staffing.

The bill was read the second time.

MOTIONS

Senator Fraser moved that the following amendment by Senators Fraser, Winsley and Snyder be adopted:

On page 3, after line 4, insert the following:

"NEW SECTION. **Sec. 5.** For the period ending December 31, 2000, members of the public employees retirement system who are employed by a transit district, and were employed by the district on November 1, 1999, shall be eligible for the early retirement options provided by section 4 of this act. A member wishing to retire pursuant to this section must provide written notification to the member's employer, and submit the required application form to the department of retirement systems, no later than August 31, 2000, setting forth that the member shall be retired no later than December 31, 2000."

Debated ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser, Winsley and Snyder on page 3, after line 4, to Senate Bill No. 6537.

The motion by Senator Fraser carried and the amendment was adopted.

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Senate Bill No. 6537 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6537.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6537 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 40.

Voting nay: Senators Hochstatter, Honeyford, Horn, Long, McDonald, Morton, Rossi and Stevens - 8.

Excused: Senator Sellar - 1.

ENGROSSED SENATE BILL NO. 6537, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5470, by Senate Committee on Labor and Workforce Development (originally sponsored by Senators Kline, Oke, Fairley, Prentice, Spanel, Wojahn, Franklin, McAuliffe, Winsley, Roach and Costa)

Studying chemically related illnesses and injuries.

MOTIONS

On motion of Senator Kline, the rules were suspended, Engrossed Substitute Senate Bill No. 5470 was returned to second reading and read the second time.

On motion of Senator Kline, the following amendments were considered simultaneously and were adopted:

On page 2, on line 3, after "31," strike "1998" and insert "1999"

On page 3, on line 6, after "December" strike "1999" and insert "2000"

On page 3, on line 7, after "December" strike "2000" and insert "2001"

MOTION

On motion of Senator Hochstatter, further consideration of Engrossed Substitute Senate Bill No. 5470 was deferred.

MOTION

On motion of Senator Goings, the Senate reverted to the sixth order of business.

SECOND READING

SENATE JOINT MEMORIAL NO. 8019, by Senators Eide, Patterson, Johnson, Kohl-Welles, Rasmussen, McDonald, McAuliffe, Sellar, Roach, Kline, B. Sheldon and Gardner

Petitioning Congress to consider formula grants for gifted and talented education programs in its reauthorization of the Elementary and Secondary Education Act.

The joint memorial was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Joint Memorial No. 8019 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8019.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8019 and the joint memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SENATE JOINT MEMORIAL NO. 8019, having received the constitutional majority, was declared passed.

MOTION

At 3:14 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 4:37 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6264, by Senators Eide, Costa, Swecker, Gardner, Kohl-Welles, Shin, Patterson, Brown, Haugen, Jacobsen, McAuliffe, Sheahan, Rasmussen, Fairley, Goings and Franklin

Establishing intermediate drivers' licenses.

MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 6264 was substituted for Senate Bill No. 6264 and the substitute bill was placed on second reading and read the second time.

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Benton and Eide be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature has recognized the need to develop a graduated licensing system in light of the disproportionately high incidence of motor vehicle crashes involving youthful motorists. This system will improve highway safety by progressively developing and improving the skills of younger drivers in the safest possible environment, thereby reducing the number of vehicle crashes.

NEW SECTION. **Sec. 2.** A new section is added to chapter 46.20 RCW to read as follows:

(1) An intermediate license authorizes the holder to drive a motor vehicle under the conditions specified in this section. An applicant for an intermediate license must be at least sixteen years of age and:

(a) Have possessed a valid instruction permit for a period of not less than six months;

(b) Have passed a driver licensing examination administered by the department;

(c) Have passed a course of driver's education in accordance with the standards established in RCW 46.20.100;

(d) Present certification by his or her parent, guardian, or employer to the department stating (i) that the applicant has had at least fifty hours of driving experience, ten of which were at night, during which the driver was supervised by a person at least twenty-one years of age who has had a valid driver's license for at least three years, and (ii) that the applicant has not been issued a notice of traffic infraction or cited for a traffic violation that is pending at the time of the application for the intermediate license;

(e) Not have been convicted of or found to have committed a traffic violation within the last six months before the application for the intermediate license; and

(f) Not have been adjudicated for an offense involving the use of alcohol or drugs during the period the applicant held an instruction permit.

(2) For the first six months after the issuance of an intermediate license or until the holder reaches eighteen years of age, whichever occurs first, the holder of the license may not operate a motor vehicle that is carrying any passengers under the age of twenty who are not members of the holder's immediate family as defined in RCW 42.17.020. For the remaining period of the intermediate license, the holder may not operate a motor vehicle that is carrying more than three passengers who are under the age of twenty who are not members of the holder's immediate family.

(3) The holder of an intermediate license may not operate a motor vehicle between the hours of 12 a.m. and 5 a.m. except when:

(a) The holder is accompanied by a parent, guardian, or a licensed driver who is at least twenty-five years of age;

(b) The holder is driving between the holder's home and place of employment;

(c) The holder is driving between the holder's home and a school event for which no other transportation is available;

(d) The holder is driving for employment purposes; or

(e) The holder is not an employee of a farm, but is moving a vehicle from one farm to another, or to a farm employee.

(4) It is a traffic infraction for the holder of an intermediate license to operate a motor vehicle in violation of the restrictions imposed under this section.

(5) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this title or an equivalent local ordinance or some other offense.

(6) An intermediate licensee may drive at any hour without restriction on the number of passengers in the vehicle if required due to an emergency.

(7) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if required by family necessity as evidenced by a signed statement of a parent or guardian. The note must be dated and is effective for only one day.

NEW SECTION. **Sec. 3.** A new section is added to chapter 46.20 RCW to read as follows:

If a person issued an intermediate license is convicted of or found to have committed a traffic offense described in chapter 46.61 RCW or violated restrictions placed on an intermediate license under section 2 of this act:

(1) On the first such conviction or finding, the department shall mail the parent or guardian of the person a letter warning the person of the provisions of this section;

(2) On the second such conviction or finding, the department shall suspend the person's intermediate driver's license for a period of six months or until the person reaches eighteen years of age, whichever occurs first;

(3) On the third such conviction or finding, the department shall suspend the person's intermediate driver's license until the person reaches eighteen years of age.

For the purposes of this section, a single ticket for one or more traffic offenses constitutes a single traffic offense.

Sec. 4. RCW 46.20.091 and 1999 c 6 s 14 are each amended to read as follows:

(1) **Application**. In order to apply for a driver's license or instruction permit the applicant must provide his or her:

(a) Name of record, as established by documentation required under RCW 46.20.035;

(b) Date of birth, as established by satisfactory evidence of age;

(c) Sex;

(d) Washington residence address;

(e) Description;

(f) Driving licensing history, including:

(i) Whether the applicant has ever been licensed as a driver or chauffeur and, if so, (A) when and by what state or country; (B) whether the license has ever been suspended or revoked; and (C) the date of and reason for the suspension or revocation; or

(ii) Whether the applicant's application to another state or country for a driver's license has ever been refused and, if so, the date of and reason for the refusal; and

(g) Any additional information required by the department.

(2) **Sworn statement**. An application for an instruction permit or for an original driver's license must be made upon a form provided by the department. The form must include a section for the applicant to indicate whether he or she has received driver training and, if so, where. The identifying documentation verifying the name of record must be accompanied by the applicant's written statement that it is valid. The information provided on the form must be sworn to and signed by the applicant before a person authorized to administer oaths. An applicant who makes a false statement on an application for a driver's license or instruction permit is guilty of false swearing, a gross misdemeanor, under RCW 9A.72.040.

(3) **Driving records from other jurisdictions**. If a person previously licensed in another jurisdiction applies for a Washington driver's license, the department shall request a copy of the applicant's driver's record from the other jurisdiction. The driving record from the other jurisdiction becomes a part of the driver's record in this state.

(4) **Driving records to other jurisdictions**. If another jurisdiction requests a copy of a person's Washington driver's record, the department shall provide a copy of the record. The department shall forward the record without charge if the other jurisdiction extends the same privilege to the state of Washington. Otherwise the department shall charge a reasonable fee for transmittal of the record.

Sec. 5. RCW 46.20.105 and 1987 c 463 s 3 are each amended to read as follows:

(1) The department may provide a method to distinguish the driver's license of a person who is under the age of twenty-one from the driver's license of a person who is twenty-one years of age or older.

(2) An instruction permit must be identified as an "instruction permit" and issued in a distinctive form as determined by the department.

(3) An intermediate license must be identified as an "intermediate license" and issued in a distinctive form as determined by the department.

Sec. 6. RCW 46.20.161 and 1999 c 308 s 2 are each amended to read as follows:

The department, upon receipt of a fee of twenty-five dollars, unless the driver's license is issued for a period other than five years, in which case the fee shall be five dollars for each year that the license is issued, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. A driver's license issued to a person under the age of eighteen is an intermediate license, subject to the restrictions imposed under section 2 of this act, until the person reaches the age of eighteen. The license must include a distinguishing number assigned to the licensee, the name of record, date of birth, Washington residence address, photograph, a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license. No license is valid until it has been so signed by the licensee.

Sec. 7. RCW 46.20.311 and 1998 c 212 s 1 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under section 3 of this act, RCW 46.20.342, or other provision of law. Except for a suspension under section 3 of this act, RCW 46.20.289, 46.20.291(5), or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW or a residential or visitation order, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(b)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars.

(ii) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars.

(ii) If the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars.

(b) If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred fifty dollars.

Sec. 8. RCW 46.20.342 and 1999 c 274 s 3 are each amended to read as follows:

(1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

(a) A person found to be an habitual offender under chapter 46.65 RCW, who violates this section while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect, is guilty of driving while license suspended or revoked in the first degree, a gross misdemeanor. Upon the first such conviction, the person shall be punished by imprisonment for not less than ten days. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one hundred eighty days. If the person is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, the minimum sentence of confinement shall be not less than ninety days. The minimum sentence of confinement required shall not be suspended or deferred. A conviction under this subsection does not prevent a person from petitioning for reinstatement as provided by RCW 46.65.080.

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in (c) of this subsection, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

(i) A conviction of a felony in the commission of which a motor vehicle was used;

(ii) A previous conviction under this section;

(iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;

(iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational driver's license;

(v) A conviction of RCW ((~~46.20.420~~)) 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license;

(vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles;

(viii) A conviction of RCW 46.61.500, relating to reckless driving;

(ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs;

(x) A conviction of RCW 46.61.520, relating to vehicular homicide;

(xi) A conviction of RCW 46.61.522, relating to vehicular assault;

(xii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers;

(xiii) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;

(xiv) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running;

(xv) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes;

(xvi) An administrative action taken by the department under chapter 46.20 RCW; or

(xvii) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this subsection.

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because (i) the person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program, (ii) the person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW, (iii) the person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents, (iv) the person has

failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289, (v) the person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license, ((~~or~~)) (vi) the person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation, or (vii) the person has received traffic citations or notices of traffic infraction that have resulted in a suspension under section 3 of this act relating to intermediate drivers' licenses, or any combination of (i) through (((~~vi~~))) (vii), is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

(2) Upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section, the department shall:

(a) For a conviction of driving while suspended or revoked in the first degree, as provided by subsection (1)(a) of this section, extend the period of administrative revocation imposed under chapter 46.65 RCW for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(b) For a conviction of driving while suspended or revoked in the second degree, as provided by subsection (1)(b) of this section, not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(c) Not extend the period of suspension or revocation if the conviction was under subsection (1)(c) of this section. If the conviction was under subsection (1) (a) or (b) of this section and the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended.

Sec. 9. RCW 28A.220.030 and 1979 c 158 s 196 are each amended to read as follows:

(1) The superintendent of public instruction is authorized to establish a section of traffic safety education, and through such section shall: Define a "realistic level of effort" required to provide an effective traffic safety education course, establish a level of driving competency required of each student to successfully complete the course, and ensure that an effective state-wide program is implemented and sustained, administer, supervise, and develop the traffic safety education program and shall assist local school districts in the conduct of their traffic safety education programs. The superintendent shall adopt necessary rules and regulations governing the operation and scope of the traffic safety education program; and each school district shall submit a report to the superintendent on the condition of its traffic safety education program: PROVIDED, That the superintendent shall monitor the quality of the program and carry out the purposes of this chapter.

(2) The board of directors of any school district maintaining a secondary school which includes any of the grades 10 to 12, inclusive, may establish and maintain a traffic safety education course. If a school district elects to offer a traffic safety education course and has within its boundaries a private accredited secondary school which includes any of the grades 10 to 12, inclusive, at least one class in traffic safety education shall be given at times other than regular school hours if there is sufficient demand therefor.

(3) The board of directors of a school district, or combination of school districts, may contract with any drivers' school licensed under the provisions of chapter 46.82 RCW to teach the laboratory phase of the traffic safety education course. Instructors provided by any such contracting drivers' school must be properly qualified teachers of traffic safety education under the joint qualification requirements adopted by the superintendent of public instruction and the director of licensing.

(4) The superintendent shall establish a required minimum number of hours of continuing traffic safety education for traffic safety education instructors. The superintendent may phase in the requirement over not more than five years.

Sec. 10. RCW 28A.220.040 and 1984 c 258 s 331 are each amended to read as follows:

(1) Each school district shall be reimbursed from funds appropriated for traffic safety education((: ~~PROVIDED, That~~)).

(a) The state superintendent shall determine the per-pupil reimbursement amount for the traffic safety education course to be funded by the state. Each school district offering an approved standard traffic safety education course shall be reimbursed or granted an amount up to the level established by the superintendent of public instruction as may be appropriated.

(b) The state superintendent may provide per-pupil reimbursements to school districts only where all the traffic educators have satisfied the continuing education requirement of RCW 28A.220.030(5).

(2) The board of directors of any school district or combination of school districts may establish a traffic safety education fee, which fee when imposed shall be required to be paid by any duly enrolled student in any such school district prior to or while enrolled in a traffic safety education course. Traffic safety education fees collected by a school district shall be deposited with the county treasurer to the credit of such school district, to be used to pay costs of the traffic safety education course.

NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.220 RCW to read as follows:

The superintendent of public instruction, in consultation with the department of licensing, shall adopt rules for implementing section 2(1)(d) of this act.

NEW SECTION. **Sec. 12.** Sections 1 through 10 of this act take effect July 1, 2001."

MOTION

Senator Tim Sheldon moved that the following amendment to the striking amendment by Senators Hargrove, Benton and Eide be adopted:

On page 2 of the striking amendment, line 19, after "a" insert "public, private, or home"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Tim Sheldon on page 2, line 19, to the striking amendment by Senators Hargrove, Benton and Eide to Substitute Senate Bill No. 6264.

The motion by Senator Tim Sheldon carried and the amendment to the striking amendment was adopted.

MOTION

Senator Tim Sheldon moved that the following amendment to the striking amendment by Senators Hargrove, Benton and Eide be adopted:

On page 2 of the striking amendment, after line 37, insert the following:

"(8) Subsections (2), (3), and (4) of this section apply only in counties with a population density of more than one hundred persons per square mile."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Tim Sheldon on page 2, after line 37, to the striking amendment by Senators Hargrove, Benton and Eide to Substitute Senate Bill No. 6264.

The motion by Senator Tim Sheldon failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Morton moved that the following amendment to the striking amendment by Senators Hargrove, Benton and Eide be adopted:

On page 2, after line 37, insert the following:

"(8) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if necessary for agricultural purposes."

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 2, after line 37, to the striking amendment by Senators Hargrove, Benton and Eide to Substitute Senate Bill No. 6264.

Debate ensued.

The motion by Senator Morton carried and the amendment to the striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Benton and Eide, as amended, to Substitute Senate Bill No. 6264.

Debate ensued.

The motion by Senator Hargrove carried and the striking amendment, as amended, was adopted.

MOTION S

On motion of Senator Eide, the following title amendment was adopted:

On line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 46.20.091, 46.20.105, 46.20.161, 46.20.311, 46.20.342, 28A.220.030, and 28A.220.040; adding new sections to chapter 46.20 RCW; adding a new section to chapter 28A.220 RCW; creating a new section; and providing an effective date."

On motion of Senator Eide, the rules were suspended, Engrossed Substitute Senate Bill No. 6264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Roach: "Senator Eide, does this bill say that between the ages of sixteen and sixteen and a half, you would not be able to take a girl friend or a boy friend to a show--just the two of you in the car? Would you care to answer?"

Senator Eide: "Actually, they need to be home by midnight. My daughter drives to the movies all the time in her car by herself. They can all meet there. I don't see anything wrong with that."

Senator Roach: "The question was, if this bill were to pass, would someone between the ages of sixteen and sixteen and a half be able to go with a date--that means two people in the car--and back? No? All right. Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6264.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6264 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 43.

Voting nay: Senators Finkbeiner, Hochstatter, Roach, Sheldon, T. and Zarelli - 5.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Senator Benton was excused.

STATEMENT FOR THE JOURNAL

I asked to be excused from the vote on Engrossed Third Substitute Senate Bill No. 5598 in order to meet with Governor Locke concerning the 192/14 interchange.

SENATOR DON BENTON, Seventeenth District

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5598, by Senate Committee on Ways and Means (originally sponsored by Senators McAuliffe, Finkbeiner, West, Jacobsen, Long, Kline, Costa, Snyder, Eide, Patterson, Hale and Winsley) (by request of Governor Locke)

Creating the Washington's promise scholarship program.

MOTIONS

On motion of Senator Kohl-Welles, Third Substitute Senate Bill No. 5598 was substituted for Engrossed Second Substitute Senate Bill No. 5598 and the third substitute bill was placed on second reading and read the second time.

Senator Sheahan moved that the following amendments by Senators Sheahan, Zarelli, Kohl-Welles, Stevens, McAuliffe, Finkbeiner, Swecker and Hochstatter be considered simultaneously and be adopted:

On page 2, line 16, strike "and"

On page 2, line 19, after "grade" insert "; or (iv) students graduating from public high school, approved private high schools under chapter 28A.195 RCW and students participating in home-based instruction as provided in chapter 28A.200 RCW must equal or exceed a cumulative Scholastic Achievement Test score of 1200 on their first attempt"

On page 2, line 24, after "grade" insert "or those students who on their first attempt during their high school years achieve a cumulative Scholastic Achievement Test state percentile ranking equivalent to or above the corresponding percentage of students that passed the certificate of mastery. This determination shall be made by the superintendent of public instruction who shall provide the methodology by which the determination is made"

On page 4, line 11, after "year" insert "including the names, addresses, and birth dates of other eligible students who have met the requirements described in section 2 of this act"

On page 4, line 16, after "attempt" insert "including the names, addresses, and birth dates of other eligible students who have met the requirements described in section 2 of this act "

On page 5, after line 12 insert the following:

"NEW SECTION. **Sec. 7.** The provisions of chapter ..., Laws of 2000 (this act) shall not be construed to change current state requirements for students who received home-based instruction under chapter 28A.200 RCW."

On page 6, line 20, strike "6" and insert "7"

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Sheahan Zarelli, Kohl-Welles, Stevens, McAuliffe, Finkbeiner, Swecker and Hochstatter on page 2, lines 16, 19 and 24; page 4, lines 11 and 16; page 5, after line 12; and page 6, line 20; to Third Substitute Senate Bill No. 5598.

The motion by Senator Sheahan carried and the amendments were adopted.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Third Substitute Senate Bill No. 5598 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Honeyford, Senator Benton was excused.

MOTION

On motion of Senator Franklin, Senator Fairley was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Third Substitute Senate Bill No. 5598.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Third Substitute Senate Bill No. 5598 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Benton, Fairley and Sellar - 3.

ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 5598, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5470, deferred earlier today after the amendments by Senator Kline on page 2, line 3, and page 3, lines 6 and 7, were adopted.

MOTION

Senator Kline moved that the following amendment be adopted:

On page 2, after line 13, insert the following:

"(e) the medical diagnosis made by physicians pertaining to these claims and an analysis of the scientific adequacy of the tests and examinations used in the diagnosis."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 2, after line 13, to Engrossed Substitute Senate Bill No. 5470.

The motion by Senator Kline carried and the amendment was adopted on a rising vote.

MOTION

Senator Hochstatter moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that chemically related illnesses continue to present unique challenges to the state industrial insurance system. Many of these illnesses are difficult to diagnose and create real hardship for individuals who suffer from related health problems. At the same time many of these illnesses are not work-related, but nonetheless result in extensive litigation which imposes great costs and hardship on employers.

(2) The legislature further recognizes that the department, in order to accept a claim for a chemically related illness, or any other occupational disease, must meet a minimum standard of causality in the relationship between a putative exposure and a claimed illness.

NEW SECTION. **Sec. 2.** A study shall be conducted to determine:

(1) Which occupational diseases should be considered chemically related illnesses so that an accurate annual count of such illnesses may be reported;

(2) The best method of reporting such diseases annually, including the most accurate set of available or obtainable data elements;

(3) A review of relevant scientific literature regarding the criteria for determining causality or work-relatedness in occupational diseases. This review shall at least include:

(a) Methods generally accepted in the determination of whether an exposure or exposures are likely to be toxic and/or causative;

(b) Methods generally accepted in the determination of the presence or absence of a definable clinical condition;

(c) Methods generally accepted in determining the relationship between the exposure and the clinical condition;

(d) How the methods enumerated in 3(a), 3(b), and 3(c) are related to the current statutory, regulatory, case law, policy and claims administration criteria for determining causality in occupational diseases in Washington state.

(4) A review of the current process for handling chemically related illness claims at the department of labor and industries and the disposition of these claims;

(5) The medical diagnosis made by physicians for a random sample of such claims filed with the department and an analysis of the scientific adequacy of the tests and examinations used in the diagnosis;

(6) A review of industries with the highest incident rate of chemically related illnesses and an examination of incident rates and dispositions in other states with similar industries;

(7) The most appropriate approach to better utilize SHARP and University of Washington programs funded by the department to expand medical research and cooperative efforts in areas where existing research is not adequate.

NEW SECTION. **Sec. 3.** The workers' compensation advisory committee shall advise and provide oversight to the study in section 2 of this act. The committee shall report back to the legislature on an interim basis in December 2000, and with a final report in June, 2001. The final report shall make recommendations which are a consensus of the committee.

NEW SECTION. **Sec. 4.** (1) The department may contract with one or more occupational medicine, industrial hygiene, toxicology, epidemiology, or other appropriate nationally recognized experts to conduct the study.

(2) A sum of $250,000 allocated equally from the Medical Aid Fund, with self-insured employers and the state fund each paying a proportionate share is appropriated for the purposes of conducting the study."

Debate ensued.

Senator Johnson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator Hochstatter to Engrossed Substitute Senate Bill No. 5470.

ROLL CALL

The Secretary called the roll and the striking amendment was not adopted by the following vote: Yeas, 21; Nays, 22; Absent, 4; Excused, 2.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 21.

Voting nay: Senators Bauer, Costa, Eide, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel and Thibaudeau - 22.

Absent: Senators Brown, Hargrove, Oke and Wojahn - 4.

Excused: Senators Fairley and Sellar - 2.

MOTION

On motion of Senator Kline, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5470 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Betti Sheldon, further consideration of Second Engrossed Substitute Senate Bill No. 5470 was deferred.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the seventh order of business.

THIRD READING

SENATE BILL NO. 5944, by Senators Haugen and Snyder

Describing those lands eligible to be included in a city district aquatic lands management agreement.

The bill was read the third time.

Senator Jacobsen spoke to Senate Bill No. 5944.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5944.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5944 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senators Brown and Wojahn - 2.

Excused: Senators Fairley and Sellar - 2.

SENATE BILL NO. 5944, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6680, by Senators Rasmussen, Winsley, Gardner, Deccio, Heavey, Shin, Prentice, Hale, T. Sheldon, Sheahan, Swecker, Eide, Stevens, Fraser, Morton, Honeyford, Spanel, Jacobsen, B. Sheldon, Patterson and Oke

Requiring recommendations for continued funding assistance of fairs and youth shows.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6680 was substituted for Senate Bill No. 6680 and the substitute bill was placed on second reading and read the second time.

Senator Sheahan moved that the following amendment by Senators Sheahan, Honeyford, Rossi, Stevens, Hale, Swecker, Morton, McCaslin and Oke be adopted:

On page 3, after line 10, insert the following:

"**Sec. 1.** RCW 67.70.190 and 1994 c 218 s 5 are each amended to read as follows:

Unclaimed prizes shall be retained in the state lottery account for the person entitled thereto for one hundred eighty days after the drawing in which the prize is won, or after the official end of the game for instant prizes. If no claim is made for the prize within this time, the prize shall be distributed as follows: the first two million seven hundred fifty thousand dollars in each fiscal year shall be transferred to the fair fund created in RCW 15.76.115, and any remaining funds shall be retained in the state lottery fund for further use as prizes, and all rights to the prize shall be extinguished."

Renumber the remaining sections and correct any internal references accordingly.

Debate ensued.

Senator Johnson demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Sheahan, Honeyford, Rossi, Stevens, Hale, Swecker, Morton, McCaslin and Oke on page 3, after line 10, to Substitute Senate Bill No. 6680.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 18; Nays, 28; Absent, 2; Excused, 1.

Voting yea: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 18.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 28.

Absent: Senators Finkbeiner and McCaslin - 2.

Excused: Senator Sellar - 1.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6680 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6680.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6680 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senators Finkbeiner and McCaslin - 2.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6680, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Goings, Senator Franklin was excused.

MOTION

On motion of Senator Honeyford, Senator McCaslin was excused.

SECOND READING

SENATE BILL NO. 6678, by Senators Rasmussen, Roach, Patterson, West, Heavey, Deccio, Winsley, Honeyford, Snyder, Morton, T. Sheldon, Benton, Johnson, Gardner, McDonald, Stevens, Eide, Kohl-Welles, Bauer, Sheahan, Thibaudeau and Shin

Repealing parimutuel wagering sunset provisions.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6678 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6678.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6678 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Fraser, Gardner, Goings, Hale, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senators Fairley, Hargrove and Haugen - 3.

Excused: Senators Franklin, McCaslin and Sellar - 3.

SENATE BILL NO. 6678, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Goings, Senators Thibaudeau and Wojahn were excused.

SECOND READING

SENATE BILL NO. 6479, by Senators Eide, McAuliffe, Goings, Brown, Patterson, Costa, Fraser, Jacobsen, Kline, Rasmussen and Kohl-Welles

Addressing concerns about pesticide use in schools.

MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 6479 was substituted for Senate Bill No. 6479 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 6479 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6479.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6479 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 45.

Excused: Senators Franklin, Sellar, Thibaudeau and Wojahn - 4.

SUBSTITUTE SENATE BILL NO. 6479, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6732, by Senators Spanel, Haugen and Sellar

Clarifying the definition of "tourism-related facility."

MOTIONS

On motion of Senator Spanel, Substitute Senate Bill No. 6732 was substituted for Senate Bill No. 6732 and the substitute bill was placed on second reading and read the second time.

Senator Hochstatter moved that the following amendment be adopted:

On page 2, line 20, after "means" insert "public libraries,"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hochstatter on page 2, line 20, to Substitute Senate Bill No. 6732.

The motion by Senator Hochstatter failed and the amendment was not adopted.

MOTION

On motion of Senator Spanel, the following striking amendment by Senators Spanel, Haugen, Patterson, Horn and McCaslin was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** Nothing in chapter 452, Laws of 1997, or chapter 35, Laws of 1998, is intended to disallow any use or purpose permitted under section 1, chapter 290, Laws of 1994 as long as the use or purpose was proposed by the local government, but not implemented by May 20, 1997."

MOTIONS

On motion of Senator Spanel, the following title amendment was adopted:

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "and creating a new section."

On motion of Senator Spanel, the rules were suspended, Engrossed Substitute Senate Bill No. 6732 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6732.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6732 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 45.

Absent: Senator Brown - 1.

Excused: Senators Sellar, Thibaudeau and Wojahn - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6732, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 6:55 p.m., Senator Betti Sheldon moved that the Senate adjourn until 9:00 a.m., Friday, February 11, 2000.

PARLIAMENTARY INQUIRY

Senator Johnson: "A point of parliamentary inquiry, can that motion be pending while Senator Sheahan is recognized to give notice of reconsideration?"

REPLY BY THE PRESIDENT

President Owen: "A motion to adjourn is nondebatable."

MOTION

Senator Johnson moved to table the motion to adjourn.

RULING BY THE PRESIDENT

President Owen: "The President believes that a motion to adjourn--he doesn't believe--he knows--is the highest order and privileged motion of the highest order and nondebatable. There is no other motion that can be debated until that motion is taken care of--disposed of."

MOTION

Senator Johnson moved to table the motion to adjourn.

REPLY BY THE PRESIDENT

President Owen: "The President believes that a motion to table can not be made, but we will find out."

RULING BY THE PRESIDENT

President Owen: "In ruling upon the inquiry by Senator Johnson, in Reed's Rules, it states, 'To adjourn--not amendable, not debatable; has precedence over all other motions.' So, the only motion before us, unless withdrawn, is the motion by Senator Betti Sheldon to adjourn until Friday at 9:00 a.m."

At 7:00 p.m., the Senate adjourned until 9:00 a.m., Friday, February 11, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-SECOND DAY, FEBRUARY 10, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

THIRTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 11, 2000

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Finkbeiner, Haugen, Honeyford, Horn, Loveland, McCaslin, McDonald, Patterson, Sellar and Zarelli. On motion of Senator Deccio, Senators Honeyford, Horn, McCaslin, McDonald, Sellar and Zarelli were excused.

The Sergeant at Arms Color Guard, consisting of Pages Brett Shearer and Chris Schuyler, presented the Colors. Reverend Anna Grace
pastor of the Unity Church of Olympia, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

December 9, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

George Orr, to be appointed January 15, 2000, for a term ending June 30, 2005, as a member of the Gambling Commission.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Commerce, Trade, Housing, and Financial Institutions.

January 21, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Donna DeJarnatt, reappointed January 21, 2000, for a term ending September 30, 2002, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Higher Education.

January 27, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Cynthia A. Shiota, appointed January 27, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Eastern Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Higher Education.

January 28, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Margaret Allen, appointed January 27, 2000, for a term ending June 30, 2000, as a member of the Washington Public Power Supply System Board of Directors.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Energy, Technology and Telecommunications.

February 7, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Lawrence Kenney, appointed February 7, 2000, for a term ending June 30, 2002 as a member of the Washington Public Power Supply System Board of Directors.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Energy, Technology and Telecommunications.

MESSAGES FROM THE HOUSE

February 9, 2000

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1945,
HOUSE BILL NO. 2031,
SUBSTITUTE HOUSE BILL NO. 2343,
SUBSTITUTE HOUSE BILL NO. 2358,
HOUSE BILL NO. 2456,
SUBSTITUTE HOUSE BILL NO. 2462,
HOUSE BILL NO. 2495,
HOUSE BILL NO. 2496,
SUBSTITUTE HOUSE BILL NO. 2513,
HOUSE BILL NO. 2522,
SUBSTITUTE HOUSE BILL NO. 2542,
SUBSTITUTE HOUSE BILL NO. 2644,
SUBSTITUTE HOUSE BILL NO. 2649,
SUBSTITUTE HOUSE BILL NO. 2667,
SUBSTITUTE HOUSE BILL NO. 2670, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

February 9, 2000

MR. PRESIDENT:

The House has passed:
ENGROSSED HOUSE BILL NO. 2561,
HOUSE BILL NO. 2683,
HOUSE BILL NO. 2684,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2712,
SUBSTITUTE HOUSE BILL NO. 2719,
HOUSE BILL NO. 2722,

SUBSTITUTE HOUSE BILL NO. 2729,
HOUSE BILL NO. 2765,
HOUSE BILL NO. 2771,
SUBSTITUTE HOUSE BILL NO. 2792,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2798,
SUBSTITUTE HOUSE BILL NO. 2799,
HOUSE BILL NO. 2807,
SUBSTITUTE HOUSE BILL NO. 2819,
SUBSTITUTE HOUSE BILL NO. 2846,
HOUSE BILL NO. 2904,
SUBSTITUTE HOUSE BILL NO. 2912,
HOUSE BILL NO. 2931,
ENGROSSED HOUSE BILL NO. 2952,
HOUSE BILL NO. 2993,
HOUSE BILL NO. 3005,
HOUSE BILL NO. 3028,
HOUSE CONCURRENT RESOLUTION NO. 4407, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 6848 by Senators Roach, Fraser, Goings, Rasmussen, Franklin, Winsley, Oke and Swecker

AN ACT Relating to removing ten-year time limitations affecting lake management districts; and amending RCW 36.61.020 and 36.61.260.

Referred to Committee on Environmental Quality and Water Resources.

SJM 8029 by Senators Johnson, Benton, Heavey, Horn, Goings, Rossi, Sheahan, Finkbeiner, Oke, T. Sheldon, Hale, Deccio, Eide, Stevens and Rasmussen

Requesting that Congress direct the Secretary of Transportation to provide waivers and assistance for privatization of rest stop and safety areas.

Referred to Committee on Transportation.

SCR 8428 by Senators Shin, Rasmussen, Prentice, Roach and Benton

Establishing protocols for agency trade missions.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1945 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives O'Brien and Koster)

Modifying collection agency laws.

Referred to Committee on Judiciary.

HB 2031 by Representatives Ruderman, Dunn, Dickerson, Fortunato, Conway, Boldt, Kessler, Murray, O'Brien, Romero, Cairnes, Ogden, Rockefeller, Linville, Kenney, Edmonds, Schual-Berke, Kagi, Tokuda, McIntire, Keiser, Cooper, Lantz, Santos and Miloscia

Including midwives in women's health care services.

Referred to Committee on Health and Long-Term Care.

SHB 2343 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Hatfield, Benson and Esser)

Allowing the redemption of vehicles by payments from financial institutions.

Referred to Committee on Transportation.

SHB 2358 by House Committee on Commerce and Labor (originally sponsored by Representatives Wood, McMorris, Clements, Conway and Radcliff)

Allowing charitable organizations to hire vendors to conduct fund raising events.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

HB 2456 by Representatives Cairnes, Ballasiotes, Koster, B. Chandler, Talcott, Radcliff, Pflug, Esser and Benson

Increasing seriousness of identity crimes.

Referred to Committee on Judiciary.

SHB 2462 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Reardon, Scott, Cooper, Linville, G. Chandler, Stensen, Barlean, Regala, Santos, Rockefeller, Dunshee, Ruderman, Grant, Kessler, Cody, Kenney, Conway, Wolfe, Ogden, Murray, Schual-Berke, Keiser, Edmonds and Hurst)

Requiring notification when microbial contamination in untreated water segments exceeds allowable standards and poses a public health risk.

Referred to Committee on Environmental Quality and Water Resources.

HB 2495 by Representatives Pennington and Benson (by request of Department of Fish and Wildlife)

Allowing holders of big and small game hunting licenses to hunt unclassified wildlife.

Referred to Committee on Natural Resources, Parks and Recreation.

HB 2496 by Representatives Delvin, Wood, Clements, Conway and B. Chandler

Creating an exemption for out-of-state certificate of approval holders that furnish wine or beer to nonprofit charitable organizations.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SHB 2513 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Ballasiotes, O'Brien, Koster and Hurst) (by request of Department of Social and Health Services and Department of Corrections)

Providing for the release of mental health information under certain circumstances.

Referred to Committee on Human Services and Corrections.

HB 2522 by Representatives Lantz, McDonald, Constantine, Lambert, Dickerson, Barlean, Hurst and Carrell

Modifying court jurisdiction.

Referred to Committee on Judiciary.

SHB 2542 by House Committee on Education (originally sponsored by Representatives Keiser, Talcott, Santos, Radcliff and Rockefeller)

Requiring alternative education providers operating under contracts with school districts to receive a minimum amount of state general fund moneys generated per student.

Referred to Committee on Education.

EHB 2561 by Representatives Rockefeller, Woods, Mulliken, Scott, Lantz, Ogden, Constantine and Haigh

Authorizing the preservation and development of national historic towns outside of urban growth areas.

Referred to Committee on State and Local Government.

SHB 2644 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Delvin, Grant, Hankins, Linville and G. Chandler)

Restoring unfinished nuclear power sites.

Referred to Committee on Energy, Technology and Telecommunications.

SHB 2649 by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Wolfe, Radcliff and Ruderman) (by request of Department of Information Services)

Granting the department of information services the authority to provide services to nonprofit organizations.

Referred to Committee on Energy, Technology and Telecommunications.

SHB 2667 by House Committee on State Government (originally sponsored by Representatives Veloria, Clements, Conway, G. Chandler, Gombosky, Dunn, Cooper, Campbell, Kenney and Buck)

Establishing standards for the prompt payment of bills incurred by state government.

Referred to Committee on State and Local Government.

SHB 2670 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Delvin, Linville, G. Chandler and Hankins)

Authorizing the department of ecology to waive the requirement for a reserve account for local governments maintaining landfills.

Referred to Committee on Environmental Quality and Water Resources.

HB 2683 by Representatives Conway, Cody, Haigh and O'Brien (by request of Department of Social and Health Services)

Protecting patients in state hospitals.

Referred to Committee on Health and Long-Term Care.

HB 2684 by Representatives D. Sommers and Tokuda (by request of Department of Social and Health Services)

Clarifying what records are available to the department of social and health services.

Referred to Committee on Human Services and Corrections.

ESHB 2712 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Lambert, Lovick, Rockefeller, Woods, Haigh, Cox, Ruderman and Fortunato)

Changing sexual misconduct laws with regard to school employees.

Referred to Committee on Judiciary.

SHB 2719 by House Committee on Natural Resources (originally sponsored by Representatives Ericksen, Linville, Sump, Koster, Regala, Lambert, Morris, Eickmeyer, Anderson, Fortunato, Haigh, G. Chandler, Kagi and Rockefeller)

Providing immunity for placement of large woody debris into streams.

Referred to Committee on Natural Resources, Parks and Recreation.

HB 2722 by Representatives Kenney, Carlson and Esser (by request of University of Washington)

Excluding exempt positions from bargaining units of employees of institutions of higher education governed by chapter 41.56 RCW.

Referred to Committee on Higher Education.

SHB 2729 by House Committee on State Government (originally sponsored by Representatives Clements, Dickerson, Lisk, B. Chandler and Thomas)

Requiring disclosure of salaries by contractors performing personal service contracts for state agencies.

Referred to Committee on State and Local Government.

HB 2765 by Representatives McIntire, Mulliken, Wensman, Fisher, Ogden and Edwards

Authorizing delegation of authority regarding revenue bonds for port districts.

Referred to Committee on State and Local Government.

HB 2771 by Representatives Mastin, Grant, Cox and Schoesler

Changing amendments to water rights claims.

Referred to Committee on Environmental Quality and Water Resources.

SHB 2792 by House Committee on State Government (originally sponsored by Representatives Haigh, D. Schmidt, Romero, McDonald, Rockefeller and Hurst) (by request of Governor Locke)

Protecting personal financial information.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

ESHB 2798 by House Committee on Health Care (originally sponsored by Representatives Lambert, Campbell, Cody, Parlette, Kagi, Benson and Haigh)

Requiring legible prescriptions.

Referred to Committee on Health and Long-Term Care.

SHB 2799 by House Committee on Judiciary (originally sponsored by Representatives Lambert, Hurst, Kagi, Benson, Lovick and Pflug)

Granting state-wide warrant jurisdiction to courts of limited jurisdiction.

Referred to Committee on Judiciary.

HB 2807 by Representatives Kagi, Boldt, Wolfe, Ruderman, D. Sommers, Tokuda, Lovick, Kenney and Santos

Authorizing blended funding projects for youth.

Referred to Committee on Human Services and Corrections.

SHB 2819 by House Committee on Agriculture and Ecology (originally sponsored by Representatives B. Chandler, Lisk, G. Chandler and Skinner)

Clarifying the number of landowners needed on petitions to merge minor irrigation districts into other special purpose districts.

Referred to Committee on State and Local Government.

SHB 2846 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Benson, Hatfield, Sullivan, DeBolt, Barlean, Cairnes, Quall, McIntire and Delvin)

Providing certain notices to agents or brokers.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

HB 2904 by Representatives Carlson and Kenney

Expanding geographic eligibility for the border county higher education opportunity pilot project.

Referred to Committee on Higher Education.

SHB 2912 by House Committee on Children and Family Services (originally sponsored by Representatives Boldt and Clements)

Requiring the department of social and health services to maintain records on children in state custody who are using psychiatric medications.

Referred to Committee on Human Services and Corrections.

HB 2931 by Representatives B. Chandler, Stensen, Cox, Schoesler, Wolfe, Grant, Mastin, Kessler, Linville, Doumit, Mulliken, Benson, Alexander, McMorris, Koster, Van Luven, Boldt, McDonald, Regala, Ogden, G. Chandler, Skinner and Haigh

Requiring recommendations for continued funding assistance of fairs and youth shows.

Referred to Committee on Agriculture and Rural Economic Development.

EHB 2952 by Representatives Edmonds, Kenney, Gombosky, Esser, Lantz, Pflug, Veloria, Edwards and Santos

Requiring a study of distance education.

Referred to Committee on Higher Education.

HB 2993 by Representatives G. Chandler and Cooper

Setting fires for fire fighter instruction.

Referred to Committee on State and Local Government.

HB 3005 by Representatives Grant, Mastin, Keiser and Santos

Allowing for greater coronary health care in certain rural areas.

Referred to Committee on Health and Long-Term Care.

HB 3028 by Representatives Mastin and Grant

Establishing a program for the recovery of fish runs listed under the federal endangered species act.

Referred to Committee on Natural Resources, Parks and Recreation.

HCR 4407 by Representatives Murray, Mitchell, Edmonds, Esser and Carlson

Establishing a joint select committee on the future facility needs of higher education.

Referred to Committee on Higher Education.

MOTION

On motion of Senator Betti Sheldon, Substitute House Bill No. 1945 was referred to the Committee on Judiciary.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Hale, Gubernatorial Appointment No. 9182, Josie Wannarachue, as a member of the Board of Trustees for Columbia Basin Community College District No. 19, was confirmed.

APPOINTMENT OF JOSIE WANNARACHUE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 5; Excused, 6.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 38.

Absent: Senators Bauer, Finkbeiner, Haugen, Loveland and Patterson - 5.

Excused: Senators Honeyford, Horn, McCaslin, McDonald, Sellar and Zarelli - 6.

MOTION

On motion of Senator Eide, Senators Bauer, Haugen, Loveland, Patterson and Thibaudeau were excused.

MOTION

On motion of Senator McAuliffe, Gubernatorial Appointment No. 9185, Mark Wolfram, as a member of the Board of Trustees for Cascadia Community College District No. 30, was confirmed.

APPOINTMENT OF MARK WOLFRAM

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 2; Excused, 10.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, Morton, Oke, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Wojahn - 37.

Absent: Senators Finkbeiner and Rasmussen - 2.

Excused: Senators Bauer, Haugen, Honeyford, Loveland, McCaslin, McDonald, Patterson, Sellar, Thibaudeau and Zarelli - 10.

MOTION

On motion of Senator Rossi, Senator Winsley was excused.

SECOND READING

SENATE BILL NO. 6298, by Senators Kohl-Welles, McAuliffe, Sheahan, Shin, B. Sheldon, Bauer, Winsley and Kline

Providing a space-available tuition waiver at public institutions of higher education for certain educational employees.

The bill was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 6298 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6298.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6298 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 10; Absent, 1; Excused, 8.

Voting yea: Senators Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Heavey, Jacobsen, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Oke, Patterson, Prentice, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West and Wojahn - 30.

Voting nay: Senators Benton, Deccio, Hale, Hochstatter, Horn, Johnson, Morton, Roach, Rossi and Stevens - 10.

Absent: Senator Rasmussen - 1.

Excused: Senators Bauer, Haugen, Honeyford, Loveland, McCaslin, Sellar, Winsley and Zarelli - 8.

SENATE BILL NO. 6298, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Rasmussen was excused.

SECOND READING

SENATE BILL NO. 6703, by Senators Costa, Long, Hargrove, Winsley, Kline and Kohl-Welles (by request of Department of Community, Trade, and Economic Development)

Including prevention for potential victims of sexual assault as a core treatment service for victims of sexual assault.

The bill was read the second time.

MOTION

On motion of Senator Costa, the rules were suspended, Senate Bill No. 6703 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6703.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6703 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Wojahn and Zarelli - 42.

Excused: Senators Bauer, Honeyford, Loveland, McCaslin, Rasmussen, Sellar and Winsley - 7.

SENATE BILL NO. 6703, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6362, by Senators Zarelli, Hargrove, Honeyford, Hochstatter, Johnson, Swecker and Stevens

Changing provisions relating to the removal and placement of foster children.

The bill was read the second time.

MOTION

On motion of Senator Costa, the rules were suspended, Senate Bill No. 6362 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6362.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6362 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Bauer, Loveland, McCaslin and Sellar - 4.

SENATE BILL NO. 6362, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6518, by Senators Wojahn, Winsley, Thibaudeau and Kohl-Welles (by request of Department of Health)

Modifying home health, home care, hospice, and in-home services.

The bill was read the second time.

MOTION

On motion of Senator Costa, the rules were suspended, Senate Bill No. 6518 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6518.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6518 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senators Deccio and Swecker - 2.

Excused: Senators McCaslin and Sellar - 2.

SENATE BILL NO. 6518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8015, by Senators Honeyford, Rasmussen, Fairley, Oke, Patterson, Heavey, Rossi, Hargrove, McAuliffe, Winsley, Bauer, Stevens and Kohl-Welles

Requesting businesses owned by disabled persons be a subcategory of minority business enterprises.

The joint memorial was read the second time.

MOTION

Senator Costa moved that the following amendment be adopted:

On page 1, beginning on line 14, after "by" strike all material through "enterprises" on line 15 and insert "persons who can demonstrate social and economic disadvantage, including persons with a disability who can demonstrate social and economic disadvantage on that basis, as socially and economically disadvantaged business enterprises"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Costa on page 1, beginning on line 14, to Senate Memorial No. 8015.

The motion by Senator Costa carried and the amendment was adopted.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Senate Joint Memorial No. 8015 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Joint Memorial No. 8015.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 8015 and the joint memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Finkbeiner - 1.

Excused: Senators McCaslin and Sellar - 2.

ENGROSSED SENATE JOINT MEMORIAL NO. 8015, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6294, by Senators Jacobsen, Haugen and Oke

Creating the aquatic nuisance species committee.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 6294 was substituted for Senate Bill No. 6294 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 6294 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6294.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6294 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators McCaslin and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 6294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Gardner, the following resolution was adopted:

SENATE RESOLUTION 2000-8706

By Senator Gardner

WHEREAS, The Meridian Trojans, from Whatcom County, won their first State Class 2A Football Championship during the fall of 1999 with an impressive 57-14 victory over the formidable East Valley's Red Devils of Yakima; and

WHEREAS, The team finished the 1999-2000 season with a perfect 13-0 record; and

WHEREAS, The Trojans have out scored opponents 686-127 points during the 1999-2000 season, to win the 1999 State Class 2A Football Title; and

WHEREAS, The Trojans defeated almost every 3A and 4A team it played in passing leagues; and

WHEREAS, With the guidance of Principal Jim Kristner, Coach Bob Ames, Assistant Coaches, and the faculty, along with the support of the Meridian Student Body and the community, the Trojans' name will go down in history with pride in this accomplishment; and

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and honor the talent of the Meridian Trojans' Football Team, and the great sense of pride they have given the people of the Meridian area; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Meridian High School, and the Meridian Trojans' Football Team.

Senators Gardner and Deccio spoke to Senate Resolution 2000-8706.

MOTION

On motion of Senator McAuliffe, the following resolution was adopted:

SENATE RESOLUTION 2000-8714

By Senators McAuliffe, Long, Rasmussen, Kohl-Welles and Winsley

WHEREAS, It is the policy of the Washington State Legislature to recognize extraordinary achievement in the field of education; and

WHEREAS, Dr. Karen A. Forys, Superintendent of the Northshore School District, the state's eighth largest district, has been named Superintendent of the Year; and

WHEREAS, Under Dr. Forys's direction, the Northshore School District has achieved the highest fourth and eighth grade standardized test scores in the state, and the district's dropout rate is among the state's lowest; and

WHEREAS, Dr. Forys pushed for the International Baccalaureate Program at Inglemoor High School, a challenging curriculum that has kept some of the brightest students in public schools; and

WHEREAS, Dr. Karen Forys has been named as one of four finalists for National Superintendent of the Year by the American Association of School Administrators; and

WHEREAS, Dr. Forys will be attending the National Conference on Education in San Francisco in March, 2000, as the only finalist representing Washington;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby honor Dr. Karen Forys for her dedicated work and achievement on behalf of children and education in the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Dr. Karen Forys, the Superintendent of Public Instruction, and the Northshore School District Board of Directors.

Senators McAuliffe, Long, Rasmussen and Winsley spoke to Senate Resolution 2000-8714.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Dr. Karen Forys, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Dr. Forys to address the Senate.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Board of Directors and parents from the Northshore School District accompanying Dr. Forys, who were seated in the gallery.

MOTION

At 10:12 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 10:55 a.m. by President Owen.

CHANGE IN STANDING COMMITTEE ASSIGNMENT

The President announced that Senator Finkbeiner would replace Senator Rossi on the Energy, Technology and Telecommunications Committee.

MOTION

On motion of Senator Betti Sheldon, the appointment was confirmed.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5659, by Senate Committee on Judiciary (originally sponsored by Senators Heavey, Roach, Kline, Johnson, Costa and Thibaudeau)

Changing mandatory arbitration of civil actions.

MOTIONS

On motion of Senator Kline, Second Substitute Senate Bill No. 5659 was substituted for Engrossed Substitute Senate Bill No. 5659 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Second Substitute Senate Bill No. 5659 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5659.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5659 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 37.

Voting nay: Senators Hale, Hochstatter, Honeyford, Horn, McDonald, Rossi, Sheldon, T., Stevens and West - 9.

Absent: Senator Deccio - 1.

Excused: Senators McCaslin and Sellar - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5659, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Gustavo Anaya, the Director of Investment and Business Development for the state of Jalisco, Mexico, who was seated on the rostrum. Mr. Anaya is in Washington State on a staff exchange this week to help improve trade and cultural relations with Jalisco, Mexico. Jalisco is one of our state's most important trading partners, especially with regard to high tech applications, apples and other agricultural products.

SECOND READING

SENATE BILL NO. 6515, by Senators Heavey, McCaslin and Kline

Requiring mandatory arbitration in some counties.

The bill was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 6515 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF ORDER

Senator Benton: "Mr. President, I rise to ask the President of the Senate for a ruling on this measure. Does it, indeed, require a sixty percent or two-thirds vote? I rise to this point of order, because I am concerned about increasing fees after the people have instructed us not to raise fees without their approval. Could you please rule on whether or not this body has the authority to do that after the passage of 695 and whether or not, under Initiative 601, it requires a two-thirds vote to do so?"

MOTION

On motion of Senator Betti Sheldon, further consideration of Senate Bill No. 6515 was deferred.

MOTION

On motion of Senator Franklin, Senator Heavey was excused.

SECOND READING

SENATE BILL NO. 6432, by Senators B. Sheldon, Horn, Haugen, Winsley, Sheahan, T. Sheldon, McAuliffe, Jacobsen and Gardner

Authorizing the preservation and development of national historic towns outside of urban growth areas.

MOTIONS

On motion of Senator Betti Sheldon, Substitute Senate Bill No. 6432 was substituted for Senate Bill No. 6432 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Betti Sheldon, the following amendment by Senators Betti Sheldon, Kline and Hale was adopted:

On page 2, line 15, after "buffering." insert "Provisions for transitional uses and buffering must be compatible with the town's historic character and must protect the rural character under the requirements of this chapter within and beyond the additional limited areas, including assuring visual compatibility."

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Engrossed Substitute Senate Bill No. 6432 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6432.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6432 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Heavey, McCaslin and Sellar - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6432, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6688, by Senators Goings, Patterson, Haugen and Rasmussen

Modifying fire district benefit charge provisions.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6688 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6688.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6688 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Heavey, McCaslin and Sellar - 3.

SENATE BILL NO. 6688, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6366, by Senators Brown, Hochstatter, Roach, Spanel, Shin, Prentice, Costa, Kohl-Welles, McAuliffe, Fraser, Thibaudeau, B. Sheldon, T. Sheldon, Bauer, Eide, Jacobsen, Gardner, Haugen, Patterson, Rasmussen, Winsley and Oke

Prohibiting false advertising through electronic communication.

The bill was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Senate Bill No. 6366 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6366.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6366 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Heavey, McCaslin and Sellar - 3.

SENATE BILL NO. 6366, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6034, by Senators Brown, Hochstatter and Winsley

Restricting information about cable subscribers.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 6034 was substituted for Senate Bill No. 6034 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 6034 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6034.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6034 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Heavey, McCaslin and Sellar - 3.

SUBSTITUTE SENATE BILL NO. 6034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6367, by Senators Brown, Hochstatter, Roach, Kohl-Welles, Spanel, Franklin, Jacobsen, Prentice, Costa, McAuliffe, Fairley, Haugen, B. Sheldon, Thibaudeau, Shin, T. Sheldon, Bauer, Wojahn, Eide, Gardner, Patterson, Rasmussen, Winsley and Oke

Requiring telephone advertising clarity and disclosure.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 6367 was substituted for Senate Bill No. 6367 and the substitute bill was placed on second reading and read the second time.

Senator Finkbeiner moved that the following striking amendment by Senators Finkbeiner, Rossi and Hochstatter be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The Washington Utilities and Transportation Commission shall convene a study group consisting of representatives from consumer groups, telecommunications companies, and the attorney general's office for the purpose of establishing advertising clarity and disclosure requirements for competitive local, local toll, and long distance calling plans. The advertising clarity and disclosure requirements shall be designed to ensure that consumers are informed with complete and accurate information about the calling plans they are offered.

The commission shall complete the study and report its results to the legislature by December 1, 2000."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Finkbeiner, Rossi and Hochstatter to Substitute Senate Bill No. 6367.

The motion by Senator Finkbeiner failed and the striking amendment was not adopted.

MOTION

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 6367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6367.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6367 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 20; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 26.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Heavey, Hochstatter, Honeyford, Horn, Johnson, Long, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, West and Zarelli - 20.

Absent: Senator Winsley - 1.

Excused: Senators McCaslin and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 6367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President advanced to the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Senate Bill No. 6515 and the pending point of order by Senator Benton regarding the number of votes needed to pass the measure.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order by Senator Benton concerning the number of votes necessary to pass Senate Bill No. 6515 in light of the passage of Initiative 695, the President finds that Initiative 695 requires that 'any tax increase imposed by the state shall require a vote of the people.' The President finds that Senate Bill No. 6515 is a measure which permits counties to assess a $120 filing fee for mandatory arbitration requests.

"Because the measure does not impose a tax, the President need not rule at this time whether the absence of a referendum clause on a measure which does impose a tax constitutes an amendment to Initiative 695 requiring a two-thirds vote under Article 2, Section 1 of the State Constitution.

"The President, therefore, rules that a simple majority is necessary to pass Senate Bill No. 6515."

PARLIAMENTARY INQUIRY

Senator Benton: "Thank you, Mr. President. I had also requested as a part of my point of order a ruling on 601 implications. Your ruling did not address the 601 question, only the 695 question."

RULING BY THE PRESIDENT

President Owen: "Senator Benton, the President did not understand that that was a part of your inquiry. Since you make that inquiry, I am prepared to rule that since this measure does not raise state general revenues, it does not take a two-thirds vote under Initiative 601."

MOTION

On motion of Senator Honeyford, Senator Winsley was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6515.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6515 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau and Wojahn - 33.

Voting nay: Senators Finkbeiner, Hale, Hochstatter, Honeyford, Johnson, McDonald, Morton, Roach, Rossi, Sheldon, T., Stevens, West and Zarelli - 13.

Excused: Senators McCaslin, Sellar and Winsley - 3.

SENATE BILL NO. 6515, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:59 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 2:20 p.m. by President Owen.

There being no objection, the President returned the Senate to the sixth order of business.

MOTION

On motion of Senator Honeyford, Senator Sheahan was excused.

SECOND READING

SENATE BILL NO. 6675, by Senators Brown, Hochstatter, Hargrove, Costa and Sheahan (by request of Governor Locke)

Allowing public utility districts and rural port districts to provide telecommunications services.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 6675 was substituted for Senate Bill No. 6675 and the substitute bill was placed on second reading and read the second time.

Senator Finkbeiner moved that the following amendments by Senators Finkbeiner and Rossi be considered simultaneously and be adopted:

On page 3, after line 6, insert the following:

"(4) A public utility district may not subsidize the construction, acquisition, or provision of wholesale telecommunications services with revenues from its other utility operations, with tax revenues, or with proceeds from bonds or other debts incurred for its other utility operations unless and until it has first received approval of a resolution submitted to the voters of the district authorizing such subsidization. Any resolution submitted to a district's voters to authorize subsidization of wholesale telecommunications services must include notice that wholesale telecommunications services are competitive ventures not subject to a guaranteed rate of return and that district ratepayers may be required to satisfy any financial obligations incurred by the district if not recovered through such wholesale telecommunications operations."

On page 5, after line 25, insert the following:

"(4) A rural port district may not subsidize the construction, acquisition, or provision of wholesale telecommunications services with revenues from its other operations, with tax revenues, or with proceeds from bonds or other debts incurred for its other operations unless and until it has first received approval of a resolution submitted to the voters of the district authorizing such subsidization. Any resolution submitted to a district's voters to authorize subsidization of wholesale telecommunications services must include notice that wholesale telecommunications services are competitive ventures not subject to a guaranteed rate of return and that district ratepayers may be required to satisfy any financial obligations incurred by the district if not recovered through such wholesale telecommunications operations."

Renumber the subsections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Finkbeiner and Rossi on page 3, after line 6, and page 5, after line 25, to Substitute Senate Bill No. 6675.

The motion by Senator Finkbeiner failed and the amendments were not adopted.

MOTION

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 6675 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6675.

POINT OF INQUIRY

Senator Thibaudeau: "Senator Brown, some of us visited a small hospital in Newport, Washington, this fall and found that they could not have access to much of telemedicine because they could not afford the rates. Would this bill potentially cover that?"

Senator Brown: "Senator, thank you for your question. I can't guarantee you that this bill alone will make a difference, but I believe that in this area, this would provide for investments that aren't currently taking place, which could make the services available. I know that the issue of medical facilities having advanced telecommunication services in rural areas is a big issue and is part of the overall issue about making health care available in rural areas and I believe that this is a step in the right direction."

Senator Thibaudeau: "Thank you, Senator Brown."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6675 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Voting nay: Senator Long - 1.

Absent: Senator Jacobsen - 1.

Excused: Senators McCaslin, Sellar and Sheahan - 3.

SUBSTITUTE SENATE BILL NO. 6675, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Jacobsen was excused.

SECOND READING

SENATE BILL NO. 6676, by Senators Finkbeiner and Brown (by request of Governor Locke)

Concerning the use of public rights of way in cities and towns.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 6676 was substituted for Senate Bill No. 6676 and the substitute bill was placed on second reading and read the second time.

Senator Fairley moved that the following amendments be considered simultaneously and be adopted:

On page 3, line 32, after "permit." strike "A" and insert "Except for good cause, a"

On page 7, beginning on line 33, after "relocation." strike all material through "obligations." on line 35

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Fairley on page 3, line 32, and
page 7, beginning on line 33, to Substitute Senate Bill No. 6676.

The motion by Senator Fairley carried and the amendments were adopted on a rising vote.

MOTION

On motion of Senator Brown, the rules were suspended, Engrossed Substitute Senate Bill No. 6676 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6676.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6676 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 10; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Finkbeiner, Fraser, Gardner, Hale, Hargrove, Haugen, Hochstatter, Horn, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McDonald, Morton, Patterson, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 35.

Voting nay: Senators Deccio, Fairley, Franklin, Goings, Heavey, Honeyford, Long, Oke, Prentice and Wojahn - 10.

Excused: Senators Jacobsen, McCaslin, Sellar and Sheahan - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6677, by Senators Brown and Finkbeiner (by request of Governor Locke)

Allowing new forms of regulation of telecommunications companies.

MOTION

On motion of Senator Brown, Senate Bill No. 6677 was not substituted.

The bill was read the second time.

MOTION

Senator Brown moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 80.36.135 and 1995 c 110 s 5 are each amended to read as follows:

(1) The legislature declares that:

(a) Changes in technology and the structure of the telecommunications industry may produce conditions under which traditional rate of return, rate base regulation of telecommunications companies may not in all cases provide the most efficient and effective means of achieving the public policy goals of this state as declared in RCW 80.36.300, this section, and RCW 80.36.145. The commission should be authorized to employ an alternative form of regulation if that alternative is better suited to achieving those policy goals.

(b) Because of the great diversity in the scope and type of services provided by telecommunications companies, alternative regulatory arrangements that meet the varying circumstances of different companies and their ratepayers may be desirable.

(2) Subject to the conditions set forth in this chapter and RCW 80.04.130, the commission may regulate telecommunications companies subject ((~~before July 23, 1989,~~)) to traditional rate of return, rate base regulation by authorizing an alternative form of regulation. The commission may determine the manner and extent of any alternative forms of regulation as may in the public interest be appropriate. In addition to the public policy goals declared in RCW 80.36.300, the commission shall consider, in determining the appropriateness of any proposed alternative form of regulation, whether it will:

(a) ((~~Reduce regulatory delay and costs;~~

~~(b) Encourage innovation in services;~~

~~(c) Promote efficiency;~~

~~(d) Facilitate the broad dissemination of technological improvements to all classes of ratepayers;~~

~~(e) Enhance the ability of telecommunications companies to respond to competition;~~

~~(f) Ensure that telecommunications companies do not have the opportunity to exercise substantial market power absent effective competition or effective regulatory constraints; and~~

~~(g) Provide fair, just, and reasonable rates for all ratepayers.~~

~~The commission shall make written findings of fact as to each of the above-stated policy goals in ruling on any proposed alternative form of regulation~~)) Facilitate the broad deployment of technological improvements and advanced telecommunications services to underserved areas or underserved customer classes;

(b) Improve the efficiency of the regulatory process;

(c) Preserve or enhance the development of effective competition and protect against the exercise of market power during its development;

(d) Preserve or enhance service quality and protect against the degradation of the quality or availability of efficient telecommunications services;

(e) Provide for rates and charges that are fair, just, reasonable, sufficient, and not unduly discriminatory or preferential; and

(f) Not unduly or unreasonably prejudice or disadvantage any particular customer class.

(3) A telecommunications company or companies subject to traditional rate of return, rate base regulation may petition the commission to establish an alternative form of regulation. The company or companies shall submit with the petition a plan for an alternative form of regulation. The plan shall contain a proposal for transition to the alternative form of regulation((~~. The commission shall review and may modify or reject the proposed~~)) and the proposed duration of the plan. The plan must also contain a proposal for ensuring adequate carrier-to-carrier service quality, including service quality standards or performance measures for interconnection, and appropriate enforcement or remedial provisions in the event the company fails to meet service quality standards or performance measures. The commission also may initiate consideration of alternative forms of regulation for a company or companies on its own motion. The commission ((~~may approve the plan or modified plan and authorize its implementation, if it finds, after notice and hearing, that the plan or modified plan:~~

~~(a) Is in the public interest;~~

~~(b) Is necessary to respond to such changes in technology and the structure of the intrastate telecommunications industry as are in fact occurring;~~

~~(c) Is better suited to achieving the policy goals set forth in RCW 80.36.300 and this section than the traditional rate of return, rate base regulation;~~

~~(d) Ensures that ratepayers will benefit from any efficiency gains and cost savings arising out of the regulatory change and will afford ratepayers the opportunity to benefit from improvements in productivity due to technological change;~~

~~(e) Will not result in a degradation of the quality or availability of efficient telecommunications services;~~

~~(f) Will produce fair, just, and reasonable rates for telecommunications services; and~~

~~(g) Will not unduly or unreasonably prejudice or disadvantage any particular customer class.~~)), after notice and hearing, shall issue an order accepting, modifying, or rejecting the plan within six months after the petition or motion is filed, unless extended by the commission for good cause. The commission shall order implementation of the alternative plan of regulation unless it finds that, on balance, an alternative plan as proposed or modified fails to meet the considerations stated in subsection (2) of this section.

(4) Not later than sixty days from the entry of the commission's order, the company or companies affected by the order may file with the commission an election not to proceed with the alternative form of regulation as authorized by the commission. ((~~If a company elects to appeal to the courts the final order of the commission authorizing an alternative form of regulation, it shall~~

not change its election to proceed or not proceed after the appeal is concluded. The pendency of a petition by a company for judicial review of the final order shall not serve to extend the sixty-day period.))

(5) The commission may waive such regulatory requirements under Title 80 RCW for a telecommunications company subject to an alternative form of regulation as may be appropriate to facilitate the implementation of this section((: PROVIDED, That the commission may not grant the authority to price list services except as provided in RCW 80.36.300 through 80.36.370, the regulatory flexibility act, nor may it waive any statutory requirements or grants of legal rights to any person contained in this chapter and chapter 80.04 RCW as amended, except as otherwise expressly provided)). However, the commission may not waive any grant of legal rights to any person contained in this chapter and chapter 80.04 RCW. The commission may waive different regulatory requirements for different companies or services if such different treatment is in the public interest.

(6) Upon petition by ((any person, or upon its own motion)) the company, and after notice and hearing, the commission may rescind ((its approval of)) or modify an alternative form of regulation ((if, after notice and hearing, it finds that the conditions set forth in subsection (3) of this section can no longer be satisfied. The commission or any person may file a complaint alleging that the rates charged by a telecommunications company under an alternative form of regulation are unfair, unjust, unreasonable, unduly discriminatory, or are otherwise not consistent with the requirements of chapter 101, Laws of 1989: PROVIDED, That the complainant shall bear the burden of proving the allegations in the complaint)) in the manner requested by the company.

(7) This section does not limit the right of the commission or any person to file a complaint against a telecommunications company under the provisions of RCW 80.04.110 alleging a violation of the rates, terms, or conditions of an alternative form of regulation approved under this section. Notwithstanding the requirement of RCW 80.04.110(1), a complaint may be entertained by the commission as to the reasonableness of the schedule of the rates or charges of any telecommunications company subject to an alternative form of regulation approved under this section upon petition by any customer of the company. The complainant shall bear the burden of proving the allegation in any such complaint."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Brown to Senate Bill No. 6677.

The motion by Senator Brown carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Brown, the following title amendment was adopted:

On page 1, line 2 of the title, after "companies;" strike the remainder of the title and insert "and amending RCW 80.36.135."

On motion of Senator Brown, the rules were suspended, Engrossed Senate Bill No. 6677 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6677.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6677 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 7; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau and Winsley - 38.

Voting nay: Senators Benton, Deccio, Honeyford, Stevens, West, Wojahn and Zarelli - 7.

Excused: Senators Jacobsen, McCaslin, Sellar and Sheahan - 4.

ENGROSSED SENATE BILL NO. 6677, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Brown: "A point of personal privilege, Mr. President. I just want to say that this package of bills is clearly not all the way through the process, but I think the fact that we passed them through the Senate represents a very important step forward for our state. I would just like to briefly thank a few people who have been working very hard. First of all, there is an entire group of stake holders out there who are nervously holding hands on each of these three bills. I want to thank them and encourage them to continue to work with us as we get them all the way through the process.

"Second, I would like to thank especially Dave Danner in the Governor's office and the staff of the Senate Energy, Technology and Telecommunications Committee who have been incredibly diligent in responding to everybody's concerns about the bill. Then, finally I would like to thank my colleagues across the aisle, in particular, Senators Finkbeiner, Hochstatter and Rossi who have been working with me as well.

"For Senator Hochstatter and I, this has probably been the most bills that we have ever agreed on in one short period of time since we have been in the Senate together. Meaning no disrespect to anybody, I have to say that sometimes it feels like the lyrics to a popular song, '*Clowns to the left of me, jokers to the right, here I am stuck in the middle with you*.' For anybody considering Senator Hochstatter and I in the middle, that tells you what kind of a balancing act we are doing here. Thank you all very much."

SECOND READING

SENATE BILL NO. 6364, by Senators Wojahn, Hochstatter, Fairley, Deccio, Prentice, Hargrove, Thibaudeau, Jacobsen, Winsley, Costa, Kohl-Welles and Oke

Including preapprenticeship programs in the definition of work activity.

The bill was read the second time.

MOTIONS

On motion of Senator Fairley, the following Committee on Labor and Workforce Development amendment was adopted:

On page 1, line 19, after "program" insert ", which shall be considered preemployment training in the WorkFirst program provided that the training is no more than twenty weeks in duration"

On motion of Senator Fairley, the rules were suspended, Engrossed Senate Bill No. 6364 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6364.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6364 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 14; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 31.

Voting nay: Senators Benton, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, McDonald, Morton, Rossi, Stevens, Swecker, West and Zarelli - 14.

Excused: Senators Jacobsen, McCaslin, Sellar and Sheahan - 4.

ENGROSSED SENATE BILL NO. 6364, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6365, by Senators Wojahn, Hochstatter, Fairley, Long, Deccio, Prentice, Hargrove, Thibaudeau, Jacobsen, Winsley, Costa, Kohl-Welles and McAuliffe

Developing apprenticeship opportunities for WorkFirst clients.

MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 6365 was substituted for Senate Bill No. 6365 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 6365 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6365.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6365 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 8; Absent, 0; Excused, 4.-

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 37.

Voting nay: Senators Deccio, Finkbeiner, Hale, Johnson, McDonald, Morton, Rossi and West - 8.

Excused: Senators Jacobsen, McCaslin, Sellar and Sheahan - 4.

SUBSTITUTE SENATE BILL NO. 6365, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6467, by Senators Goings, Haugen, Eide, Sellar and Winsley

Updating license fraud laws.

MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 6467 was substituted for Senate Bill No. 6467 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Goings, the rules were suspended, Substitute Senate Bill No. 6467 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6467.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6467 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Brown - 1.

Excused: Senators Jacobsen, McCaslin, Sellar and Sheahan - 4.

SUBSTITUTE SENATE BILL NO. 6467, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6395, by Senators Franklin, Hochstatter, Fairley, Swecker and Winsley

Establishing a commission to study issues involving DNA technology.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6395 was substituted for Senate Bill No. 6395 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following amendments by Senators Hargrove and Franklin were considered simultaneously and were adopted:

On page 3, at the beginning of line 28, strike "third-party"

On page 7, line 15, after "individual;" strike "and"

On page 7, line 20, after "law" insert "; and

(h) In death investigations for purposes of identifying the decedent"

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6395 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6395.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6395 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Jacobsen, McCaslin, Sellar and Sheahan - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6722, by Senators Hargrove, Snyder, Stevens, Rasmussen and Oke

Providing procedures for handling false reports of child abuse or neglect.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6722 was substituted for Senate Bill No. 6722 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6722 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6722.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6722 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Deccio - 1.

Excused: Senators Jacobsen, McCaslin, Sellar and Sheahan - 4.

SUBSTITUTE SENATE BILL NO. 6722, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6731, by Senators Spanel and Gardner

Creating a Lake Whatcom forest land management plan.

MOTIONS

On motion of Senator Spanel, Second Substitute Senate Bill No. 6731 was substituted for Senate Bill No. 6731 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Spanel, the following amendment by Senators Spanel, Jacobsen, Hargrove, Oke and Morton was adopted:

On page 2, line 17, after "harvest" insert "and all road construction"

MOTION

On motion of Senator Spanel, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6731 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6731.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6731 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Jacobsen, McCaslin, Sellar and Sheahan - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6731, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6244, by Senators Costa, McCaslin, Kline, Long, Prentice, Zarelli, Fairley, Gardner, Thibaudeau, Heavey, Goings, Kohl-Welles, McAuliffe and Winsley

Extending juvenile court jurisdiction for the purpose of enforcing penalty assessments.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6244 was substituted for Senate Bill No. 6244 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6244 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6244.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6244 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Honeyford - 1.

Excused: Senators Jacobsen, McCaslin, Sellar and Sheahan - 4.

SUBSTITUTE SENATE BILL NO. 6244, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6442, by Senators Spanel, Winsley, Prentice, Gardner, Kline and Haugen

Removing a definition of affordable housing.

MOTIONS

On motion of Senator Spanel, Substitute Senate Bill No. 6442 was substituted for Senate Bill No. 6442 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Substitute Senate Bill No. 6442 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6442.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6442 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Thibaudeau - 1.

Excused: Senators Jacobsen, McCaslin, Sellar and Sheahan - 4.

SUBSTITUTE SENATE BILL NO. 6442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Hochstatter was excused.

SECOND READING

SENATE BILL NO. 6812, by Senator Prentice

Allowing contract brewing by domestic brewers.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6812 was substituted for Senate Bill No. 6812 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6812 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6812.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6812 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Hochstatter, Jacobsen, McCaslin, Sellar and Sheahan - 5.

SUBSTITUTE SENATE BILL NO. 6812, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, Senator Loveland was excused.

SECOND READING

SENATE BILL NO. 6459, by Senators Bauer and Rasmussen

Prohibiting the use of identifying information to solicit undesired mail.

MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 6459 was substituted for Senate Bill No. 6459 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 6459 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6459.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6459 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Jacobsen, Loveland, McCaslin, Sellar and Sheahan - 5.

SUBSTITUTE SENATE BILL NO. 6459, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6071, by Senators Rossi, Johnson, McCaslin, T. Sheldon and Oke

Increasing penalties for hit and run where an injury or death occurs.

MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 6071 was substituted for Senate Bill No. 6071 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 6071 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6071.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6071 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Jacobsen, McCaslin, Sellar and Sheahan - 4.

SUBSTITUTE SENATE BILL NO. 6071, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6741, by Senators Horn, Fairley, Winsley and Oke (by request of Washington State Patrol)

Adding the secretary of corrections to the organized crime advisory board.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, Senate Bill No. 6741 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6741.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6741 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Fairley - 1.

Excused: Senators Jacobsen, McCaslin, Sellar and Sheahan - 4.

SENATE BILL NO. 6741, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 5330, by Senators Brown, Goings, Franklin, Patterson, Eide, B. Sheldon, Winsley, Costa, Oke, Bauer and Rasmussen

Treating active military personnel as residents for purposes of higher education tuition.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5330 was substituted for Engrossed Senate Bill No. 5330 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5330.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5330 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Jacobsen, McCaslin, Sellar and Sheahan - 4.

SUBSTITUTE SENATE BILL NO. 5330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6389, by Senators Stevens, Hargrove and Long

Extending juvenile court jurisdiction over permanency planning matters in dependency proceedings.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6389 was substituted for Senate Bill No. 6389 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Stevens, the following amendment by Senators Stevens, Hargrove and Long was adopted:

On page 4, line 38, after "13.34" strike "or" and insert "RCW, or chapter"

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6389 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6389.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6389 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Deccio - 1.

Excused: Senators Jacobsen, McCaslin, Sellar and Sheahan - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6389, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6305, by Senators Franklin and Kohl-Welles

Changing provisions relating to guardians ad litem.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6305 was substituted for Senate Bill No. 6305 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following amendments by Senators Franklin and Hargrove were considered simultaneously and were adopted:

On page 12, line 10, after "(d)" insert "To be an advocate in all nonjudicial forums or proceedings to intercede, interact, interpret, and make recommendations in the best interests of the child or ward;

(e)"

On page 12, at the beginning of line 12, strike "(e)" and insert "(f)"

On page 13, line 13, after "interests" insert "and to be an advocate in all nonjudicial forums or proceedings to intercede, interact, interpret, and make recommendations in the best interests of the child or ward"

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6305 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6305.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6305 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald,

Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Jacobsen, McCaslin, Sellar and Sheahan - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Franklin: "A point of personal privilege, Mr. President. I would like to just take this opportunity to thank Senator Jeanine Long and Senator Hargrove and the many others who have really worked in order to see that we had a really good bill in order to really benefit children and those who work with children. It was not easy; this is not an easy subject. You have many players and to work and to wade through all of the details and to meet everyone's needs has really been a challenge, but you stuck with me. Now, I would like for you to stick with me as we go to the other house. Thank you very much."

SECOND READING

SENATE BILL NO. 6748, by Senators Sellar, Patterson, McCaslin and T. Sheldon

Increasing local government debt limits to finance capital facilities.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6748 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6748.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6748 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Jacobsen, McCaslin, Sellar and Sheahan - 4.

SENATE BILL NO. 6748, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

POINT OF INQUIRY

Senator Deccio: "Senator Patterson, I understand that we are having spaghetti and meat balls. Is that right?"

Senator Patterson: "I think that is right."

Senator Deccio: "Is that right? Good, I think I will go and have Chinese."

SECOND READING

SENATE BILL NO. 6285, by Senators Hargrove, Rasmussen, McAuliffe, Oke and Kohl-Welles

Establishing Pearl Harbor remembrance day.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6285 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6285.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6285 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Jacobsen, McCaslin, Sellar and Sheahan - 4.

SENATE BILL NO. 6285, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced former State Senator and former United States Representative Mike Kreidler, who was seated in the gallery.

MOTION

At 5:08 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 6:22 p.m. by President Owen.

MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9188, Katherine Kenison, as a member of the Board of Trustees for Big Bend Community College District No. 18, was confirmed.

APPOINTMENT OF KATHERINE KENISON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 7; Excused, 4.

Voting yea: Senators Bauer, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Wojahn and Zarelli - 38.

Absent: Senators Benton, Brown, Haugen, Horn, Kline, Roach and Winsley - 7.

Excused: Senators Jacobsen, McCaslin, Sellar and Sheahan - 4.

MOTION

On motion of Senator Eide, Senator Brown was excused.

MOTION

At 6:30 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 7:12 p.m. by President Owen.

There being no objection, the President advanced the Senate to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5590, by Senate Committee on Health and Long-Term Care (originally sponsored by Senators Thibaudeau, Deccio, Wojahn and Winsley) (by request of Superintendent of Public Instruction Bergeson)

Expanding the health professionals who may request administration of oral medication at school.

The bill was read the third time.

Senators Thibaudeau and Deccio spoke to Substitute Senate Bill No. 5590.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5590.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5590 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Hale - 1.

Excused: Senators Brown, McCaslin, Sellar and Sheahan - 4.

SUBSTITUTE SENATE BILL NO. 5590, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President returned the Senate to the sixth order of business.

MOTION

On motion of Senator Honeyford, Senator Hale was excused.

SECOND READING

SENATE BILL NO. 6626, by Senators Roach, Benton, Swecker, Johnson, Stevens, Zarelli, Honeyford, Morton, Finkbeiner, Hochstatter and Hale

Authorizing the conditional employment of teachers with lapsed certificates.

MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 6626 was substituted for Senate Bill No. 6626 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 6626 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6626.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6626 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Brown, Hale, McCaslin, Sellar and Sheahan - 5.

SUBSTITUTE SENATE BILL NO. 6626, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6202, by Senators Kohl-Welles, Stevens, Hargrove, Long, Costa, Fairley, McAuliffe and Winsley

Providing limitations on placement of a child in out-of-home care when a conflict of interest exists.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6202 was substituted for Senate Bill No. 6202 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6202 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6202.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6202 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 2; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 41.

Voting nay: Senators Thibaudeau and Wojahn - 2.

Absent: Senator Deccio - 1.

Excused: Senators Brown, Hale, McCaslin, Sellar and Sheahan - 5.

SUBSTITUTE SENATE BILL NO. 6202, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6645, by Senators Eide, Swecker, Brown, Rasmussen, McAuliffe, Goings, Patterson, Hochstatter, Zarelli, Kohl-Welles, Finkbeiner, Shin and Bauer (by request of Governor Locke and Superintendent of Public Instruction Bergeson)

Changing the future teachers conditional scholarship program.

MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 6645 was substituted for Senate Bill No. 6645 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 6645 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6645.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6645 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Brown, Hale, McCaslin, Sellar and Sheahan - 5.

SUBSTITUTE SENATE BILL NO. 6645, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President advanced the Senate to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5001, by Senate Committee on Natural Resources, Parks and Recreation (originally sponsored by Senators Morton, Deccio, Honeyford, T. Sheldon, Swecker, Hargrove, Rossi, Hochstatter, Oke and Rasmussen)

Authorizing hunting of cougar with the aid of dogs.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5001 was returned to second reading and read the second time

MOTION

Senator Morton moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.16.360 and 1997 c 1 s 1 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW ((~~77.12.240 and 77.12.265 or other provisions of law~~)) 77.36.020 or 77.36.030, it is unlawful to take, hunt, or attract black bear with the aid of bait.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear with the aid of bait by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety.

(b) Nothing in this subsection shall be construed to prevent the establishment and operation of feeding stations for black bear in order to prevent damage to commercial timberland.

(c) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of bait to attract black bear for scientific purposes.

(d) As used in this subsection, "bait" means a substance placed, exposed, deposited, distributed, scattered, or otherwise used for the purpose of attracting black bears to an area where one or more persons hunt or intend to hunt them.

(2) Notwithstanding RCW ((~~77.12.240 or any other provisions of law~~)) 77.36.020 or 77.36.030, it is unlawful to hunt or pursue black bear, cougar, bobcat, or lynx with the aid of a dog or dogs.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear, cougar, bobcat, or lynx with the aid of a dog or dogs by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety. ((~~A dog or dogs may be used by the owner or tenant of real property consistent with a permit issued and conditioned by the director under RCW 77.12.265.~~))

(b) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of a dog or dogs for the pursuit, capture and relocation, or removal of black bear, cougar, bobcat, or lynx for scientific purposes.

(3) Notwithstanding subsections (1) and (2) of this section:

(a) The commission shall authorize the use of dogs only within a game management unit to address a specific cougar population or public safety need. This authority may only be exercised after the commission has determined that no other practical alternative to the use of dogs exists, and after the commission has adopted rules describing the conditions in which dogs may be used. Conditions that may warrant the use of dogs within a game management unit include, but are not limited to, confirmed cougar/human safety incidents, confirmed cougar/livestock and cougar/pet depredations, and the number of cougar capture attempts and relocations.

(b) The director may authorize the use of dogs or bait with a permit issued under RCW 77.12.240.

(4) A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor. In addition to appropriate criminal penalties, the director shall revoke the hunting license of a person who violates subsection (1) or (2) of this section and a hunting license shall not be issued for a period of five years following the revocation. Following a subsequent violation of subsection (1) or (2) of this section by the same person, a hunting license shall not be issued to the person at any time.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Morton to Substitute Senate Bill No. 5001.

The motion by Senator Morton carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 1 of the title, after "cougar;" strike the remainder of the title and insert "amending RCW 77.16.360; and declaring an emergency."

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute Senate Bill No. 5001 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5001.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5001 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 13; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Finkbeiner, Franklin, Gardner, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Long, Loveland, McDonald, Morton, Oke, Rasmussen, Roach, Rossi, Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 31.

Voting nay: Senators Eide, Fairley, Fraser, Goings, Haugen, Heavey, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Sheldon, B. and Thibaudeau - 13.

Excused: Senators Brown, Hale, McCaslin, Sellar and Sheahan - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6645, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6272, by Senators Franklin, McCaslin, Heavey, Long, Sheahan, Goings, Hargrove and Snyder

Modifying laws that regulate private communications or conversations.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, Senate Bill No. 6272 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued,.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6272.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6272 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senator Thibaudeau - 1.

Excused: Senators Brown, Hale, McCaslin, Sellar and Sheahan - 5.

SENATE BILL NO. 6272, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6400, by Senators Wojahn, Costa, Kohl-Welles, Winsley, Rasmussen and McAuliffe (by request of Governor Locke)

Changing provisions relating to domestic violence.

MOTIONS

On motion of Senator Heavey, Second Substitute Senate Bill No. 6400 was substituted for Senate Bill No. 6400 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following amendment by Senators Hargrove, Long, Costa, Fairley and Heavey was adopted:

On page 44, line 30, after "section." insert "In determining whether a violation occurred, the court shall consider the totality of the circumstances. It shall be an affirmative defense to a charge of violating an order by knowingly coming or remaining within a specified distance of another person that the person charged did not initiate the contact and did not unreasonably continue the contact."

MOTION

On motion of Senator Wojahn, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6400 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6400.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6400 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 7; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 37.

Voting nay: Senators Benton, Honeyford, Johnson, Roach, Rossi, Stevens and Zarelli - 7.

Excused: Senators Brown, Hale, McCaslin, Sellar and Sheahan - 5.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6400, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6682, by Senators Costa, Winsley and Kohl-Welles (by request of Department of Social and Health Services)

Developing a workplace safety plan for state hospitals.

MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 6682 was substituted for Senate Bill No. 6682 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the rules were suspended, Substitute Senate Bill No. 6682 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6682.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6682 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Brown, Hale, McCaslin, Sellar and Sheahan - 5.

SUBSTITUTE SENATE BILL NO. 6682, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6218, by Senators Hargrove, Long and Costa

Making technical and clarifying amendments to the family reconciliation act.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6218 was substituted for Senate Bill No. 6218 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following amendment by Senators Hargrove, Loveland and Long was adopted:

On page 20, after line 18, strike all material on lines 19 through 26

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6218 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6218.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6218 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Brown, Hale, McCaslin, Sellar and Sheahan - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6218, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6419, by Senators Swecker, Gardner, Fraser, T. Sheldon, Goings, Rasmussen and Oke

Increasing penalties for vehicle abandonment.

MOTIONS

On motion of Senator Gardner, Substitute Senate Bill No. 6419 was substituted for Senate Bill No. 6419 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gardner, the rules were suspended, Substitute Senate Bill No. 6419 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6419.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6419 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 10; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Costa, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 34.

Voting nay: Senators Bauer, Deccio, Franklin, Hargrove, Honeyford, Kohl-Welles, Long, Morton, Snyder and Wojahn - 10.

Excused: Senators Brown, Hale, McCaslin, Sellar and Sheahan - 5.

SUBSTITUTE SENATE BILL NO. 6419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5540, by Senators Deccio, Wojahn and Thibaudeau (by request of Department of Health)

Concerning the public disclosure of department of health information received through the hospital licensing process.

MOTIONS

On motion of Senator Thibaudeau, Second Substitute Senate Bill No. 5540 was substituted for Senate Bill No. 5540 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the following striking amendment by Senators Thibaudeau and Deccio was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.41.150 and 1985 c 213 s 24 are each amended to read as follows:

Information received by the department through filed reports, inspection, or as otherwise authorized under this chapter, ((~~shall not~~)) may be disclosed publicly ((~~in such manner as to identify individuals or hospitals, except in a proceeding involving the question of licensure. Such records of the department shall at all times be available to the council and the members thereof~~)), as permitted under chapter 42.17 RCW, subject to the following provisions:

(1) Licensing inspections, or complaint investigations regardless of findings, shall, as requested, be disclosed no sooner than three business days after the hospital has received the resulting assessment report;

(2) Information regarding administrative action against the license shall, as requested, be disclosed after the hospital has received the documents initiating the administrative action;

(3) Information about complaints that did not warrant an investigation shall not be disclosed except to notify the hospital and the complainant that the complaint did not warrant an investigation. If requested, the individual complainant shall receive information on other like complaints that have been reported against the hospital; and

(4) Information disclosed pursuant to this section shall not disclose individual names.

NEW SECTION. **Sec. 2.** A new section is added to chapter 70.41 RCW to read as follows:

Any complaint against a hospital and event notification required by the department that concerns patient well-being shall be investigated.

Sec. 3. RCW 70.41.200 and 1994 sp.s. c 9 s 742 are each amended to read as follows:

(1) Every hospital shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of a quality improvement committee with the responsibility to review the services rendered in the hospital, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. The committee shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall ((~~insure~~)) ensure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures;

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with quality improvement, patient safety, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(4) Each quality improvement committee shall, on at least a semiannual basis, report to the governing board of the hospital in which the committee is located. The report shall review the quality improvement activities conducted by the committee, and any actions taken as a result of those activities.

(5) The department of health shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(6) The medical quality assurance commission or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the commission or board the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(7) The department, the joint commission on accreditation of health care organizations, and any other accrediting organization may review and audit the records of a quality improvement committee or peer review committee in connection with their inspection and review of hospitals. Information so obtained shall not be subject to the discovery process, and confidentiality shall be respected as required by subsection (3) of this section. Each hospital shall produce and make accessible to the department the appropriate records and otherwise facilitate the review and audit.

(8) Violation of this section shall not be considered negligence per se.

NEW SECTION. **Sec. 4.** A new section is added to chapter 70.41 RCW to read as follows:

Every hospital shall post in conspicuous locations a notice of the department's hospital complaint toll-free telephone number. The form of the notice shall be approved by the department.

Sec. 5. RCW 42.17.310 and 1999 c 326 s 3, 1999 c 290 s 1, and 1999 c 215 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have

been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. **Sec. 6.** A new section is added to chapter 70.41 RCW to read as follows:

The department is authorized to adopt rules necessary to implement sections 1, 2, and 4 of this act."

MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 1 of the title, after "information;" strike the remainder of the title and insert "amending RCW 70.41.150 and 70.41.200; reenacting and amending RCW 42.17.310; and adding new sections to chapter 70.41 RCW."

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5540 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5540.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5540 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Brown, Hale, McCaslin, Sellar and Sheahan - 5.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5540, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6589, by Senators Prentice, Hale, Deccio, Rasmussen, Loveland, B. Sheldon, West, McAuliffe and Kohl-Welles

Allowing domestic wineries to exercise licensing privileges at up to two additional locations.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6589 was substituted for Senate Bill No. 6589 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6589 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Eide, Senator Gardner was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6589.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6589 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Brown, Gardner, Hale, McCaslin, Sellar and Sheahan - 6.

SUBSTITUTE SENATE BILL NO. 6589, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6328, by Senators Franklin and Winsley

Requiring training for persons administering oral medications at school.

MOTIONS

On motion of Senator Franklin, Substitute Senate Bill No. 6328 was substituted for Senate Bill No. 6328 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Franklin, the rules were suspended, Substitute Senate Bill No. 6328 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6328.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6328 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Brown, Hale, McCaslin, Sellar and Sheahan - 5.

SUBSTITUTE SENATE BILL NO. 6328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6357, by Senators Patterson, Horn, Haugen, Honeyford, Loveland, Winsley, Kline, McCaslin, Gardner and Spanel

Funding the municipal research council.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6357 was substituted for Senate Bill No. 6357 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 6357 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6357.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6357 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senator Finkbeiner - 1.

Excused: Senators Brown, Hale, McCaslin, Sellar and Sheahan - 5.

SUBSTITUTE SENATE BILL NO. 6357, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Snyder, Senate Bill No. 6161, which was on the second reading calendar, was referred to the Committee on Commerce, Trade, Housing and Financial Institutions.

SECOND READING

SENATE BILL NO. 6375, by Senators Long, Hargrove, Franklin, Stevens, Kohl-Welles, Winsley, Costa and McAuliffe

Clarifying timelines, information sharing, and evidentiary standards in mental health competency procedures.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6375 was substituted for Senate Bill No. 6375 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6375 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Franklin, Senator Loveland was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6375.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6375 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Bauer, Benton, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Absent: Senator Deccio - 1.

Excused: Senators Brown, Hale, Loveland, McCaslin, Sellar and Sheahan - 6.

SUBSTITUTE SENATE BILL NO. 6375, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6232, by Senators Fairley, Oke, Hochstatter and Rasmussen (by request of Office of Lieutenant Governor Owen, Department of Labor and Industries and Department of Social and Health Services)

Evaluating drug-free workplace programs.

The bill was read the second time.

MOTIONS

On motion of Senator Fairley, the following Committee on Labor and Workforce Development amendment was adopted:

On page 1, line 7, after "through" insert "14 and"

On motion of Senator Fairley, the rules were suspended, Engrossed Senate Bill No. 6232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6232.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6232 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Brown, Hale, McCaslin, Sellar and Sheahan - 5.

ENGROSSED SENATE BILL NO. 6232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6259, by Senators Patterson, Prentice, Shin, Eide, Heavey, Deccio, Gardner, Kohl-Welles, McAuliffe, Kline, Thibaudeau, Franklin, Bauer, Goings and Costa

Issuing credit cards to persons under the age of twenty-one.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6259 was substituted for Senate Bill No. 6259 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 6259 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6259.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6259 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 15; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 29.

Voting nay: Senators Deccio, Finkbeiner, Hochstatter, Honeyford, Horn, Johnson, Long, McDonald, Morton, Roach, Rossi, Sheldon, T., Stevens, Swecker and Zarelli - 15.

Excused: Senators Brown, Hale, McCaslin, Sellar and Sheahan - 5.

SUBSTITUTE SENATE BILL NO. 6259, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6336, by Senators Hargrove, Long, Sheahan and Costa (by request of Department of Corrections)

Eliminating retroactive tolling provisions for restitution/legal financial obligations and allowing tolling for other forms of supervision.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6336 was substituted for Senate Bill No. 6336 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6336 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6336.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6336 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Brown, Hale, McCaslin, Sellar and Sheahan - 5.

SUBSTITUTE SENATE BILL NO. 6336, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 9:27 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Saturday, February 12, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-THIRD DAY, FEBRUARY 11, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

THIRTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, February 12, 2000

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Costa, Deccio, Gardner, Hale, McCaslin, Patterson, Sellar and Sheahan. On motion of Senator Johnson, Senators Deccio, Hale, McCaslin and Sheahan were excused..

The Sergeant at Arms Color Guard, consisting of Pages Patricia Campbell and Lauren Sheafe, presented the Colors. Elder Jim Erlandson of the Olympia Reorganized Church of Jesus Christ of Latter-Day Saints, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

February 10, 2000

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2367,
SUBSTITUTE HOUSE BILL NO. 2372,
SUBSTITUTE HOUSE BILL NO. 2383,
SUBSTITUTE HOUSE BILL NO. 2453,
SUBSTITUTE HOUSE BILL NO. 2460, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

February 10, 2000

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 2341,
HOUSE BILL NO. 2342,
SECOND SUBSTITUTE HOUSE BILL NO. 2364, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

February 10, 2000

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 2595,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2617,
SUBSTITUTE HOUSE BILL NO. 2939, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

February 10, 2000

MR. PRESIDENT:

The House has passed:
ENGROSSED HOUSE BILL NO. 1711,
ENGROSSED HOUSE BILL NO. 2334,
SUBSTITUTE HOUSE BILL NO. 2392,
ENGROSSED HOUSE BILL NO. 2396,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2409,
SUBSTITUTE HOUSE BILL NO. 2410,
ENGROSSED HOUSE BILL NO. 2424,
SUBSTITUTE HOUSE BILL NO. 2466,
HOUSE BILL NO. 2498,
HOUSE BILL NO. 2515,
SUBSTITUTE HOUSE BILL NO. 2528,
HOUSE BILL NO. 2531,
HOUSE BILL NO. 2535,
HOUSE BILL NO. 2536,
ENGROSSED HOUSE BILL NO. 2565,
SUBSTITUTE HOUSE BILL NO. 2572,
HOUSE BILL NO. 2579,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2582,
SUBSTITUTE HOUSE BILL NO. 2587,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2589,
HOUSE BILL NO. 2607,
HOUSE BILL NO. 2612,
SECOND SUBSTITUTE HOUSE BILL NO. 2637,
SECOND SUBSTITUTE HOUSE BILL NO. 2663,
SUBSTITUTE HOUSE BILL NO. 2678,
SUBSTITUTE HOUSE BILL NO. 2685,
SUBSTITUTE HOUSE BILL NO. 2766,
SUBSTITUTE HOUSE BILL NO. 2767,

HOUSE BILL NO. 2774,
HOUSE BILL NO. 2851,
SUBSTITUTE HOUSE BILL NO. 2863,
ENGROSSED HOUSE BILL NO. 2873,
HOUSE BILL NO. 2926,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2934,
ENGROSSED HOUSE BILL NO. 2985,
HOUSE JOINT MEMORIAL NO. 4022,
HOUSE JOINT MEMORIAL NO. 4023, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 6849 by Senators Roach, Heavey and Benton

AN ACT Relating to mobility enhancement; amending RCW 47.01.071, 47.05.010, 47.05.030, and 47.05.051; adding a new section to chapter 47.05 RCW; and adding a new chapter to Title 47 RCW.
Referred to Committee on Transportation.

SB 6850 by Senators T. Sheldon, Hargrove, Snyder and Rasmussen

AN ACT Relating to rules concerning eligibility to purchase state and local government timber sales; and creating a new section.
Referred to Committee on Natural Resources, Parks and Recreation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1711 by Representatives Campbell, Cody, Boldt and Parlette

Concerning the public disclosure of department of health information received through the hospital licensing process.

Referred to Committee on Health and Long-Term Care.

EHB 2334 by Representatives Gombosky, DeBolt and Poulsen

Modifying electric utility net-metering systems.

Referred to Committee on Energy, Technology and Telecommunications.

HB 2341 by Representatives O'Brien, Ballasiotes, Hurst and Kenney (by request of Sentencing Guidelines Commission)

Specifying community custody ranges.

Referred to Committee on Human Services and Corrections.

HB 2342 by Representatives Wensman, Ruderman, Thomas, Linville, Hurst, Conway, Parlette, Huff and Esser

Requiring the office of financial management to compile an annual report of all state taxes and fees.

Referred to Committee on Ways and Means.

2SHB 2364 by House Committee on Appropriations (originally sponsored by Representatives Cody, Carlson, Edmonds, Parlette, Edwards, Kastama, Conway, Schual-Berke, Kagi, Kenney, Tokuda, Murray, Ogden, Ruderman, McDonald, Stensen, Van Luven, Lovick, Veloria, Poulsen, Wood, Kessler, Regala, Reardon, Cooper, Anderson and Santos)

Eliminating employment barriers for individuals with disabilities.

Referred to Committee on Health and Long-Term Care.

SHB 2367 by House Committee on Children and Family Services (originally sponsored by Representatives Kenney, Carlson, Tokuda, Edmonds, Lovick, Stensen, Lantz, Veloria, Doumit, Dickerson, Kagi, Murray, Wolfe, Ogden, Schual-Berke, Kessler, Regala and Santos)

Including higher education programs in the work activity definition.

Referred to Committee on Labor and Workforce Development.

SHB 2372 by House Committee on Children and Family Services (originally sponsored by Representatives Kagi, D. Sommers, Carrell, Cody, Edwards, Kenney, Wolfe, Lovick and Schual-Berke)

Regulating detention of children within secure facilities.

Referred to Committee on Human Services and Corrections.

SHB 2383 by House Committee on Natural Resources (originally sponsored by Representatives Regala, G. Chandler, Anderson, Linville, Fisher, Scott, Kenney, Lovick, Haigh, Lantz, Wood, Santos, Edmonds and Ogden)

Creating the aquatic nuisance species committee.

Referred to Committee on Natural Resources, Parks and Recreation.

SHB 2392 by House Committee on Local Government (originally sponsored by Representatives Doumit, Mulliken, Scott, Mielke, Miloscia, Hatfield, Fortunato, Fisher, Kenney, Edwards and Wolfe)

Creating the joint task force on local governments.

Referred to Committee on State and Local Government.

EHB 2396 by Representatives Mulliken, Doumit, Schoesler, Hatfield, Cox, Scott, G. Chandler and Edwards

Modifying provisions that exempt certain municipal officers from the prohibitions on beneficial interests in contracts.

Referred to Committee on State and Local Government.

E2SHB 2409 by House Committee on Appropriations (originally sponsored by Representatives Talcott, Stensen, Carlson, Rockefeller, Quall, Santos, Haigh, O'Brien, Veloria, Keiser, D. Schmidt, Thomas, D. Sommers, McDonald, Lantz, Hurst, Skinner, Ruderman and Esser)

Encouraging character education programs in schools.

Referred to Committee on Education.

SHB 2410 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lovick, Bush, McIntire, O'Brien, Keiser, Edwards, Reardon, Haigh, Schual-Berke, Scott, Stensen, Rockefeller, Kenney, Thomas, Morris, Wood, Regala, Hurst, Ogden, Ruderman and Kagi)

Protecting credit card users.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

EHB 2424 by Representatives Ballasiotes and O'Brien (by request of Department of Community, Trade, and Economic Development and Department of Corrections)

Changing provisions to comply with federal standards for monitoring sex offenders.

Referred to Committee on Human Services and Corrections.

SHB 2453 by House Committee on Appropriations (originally sponsored by Representatives Carrell, Constantine, Kastama, Esser, Wood, Schoesler and Eickmeyer) (by request of Gambling Commission)

Revising the penalties for cheating at gambling.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SHB 2460 by House Committee on Appropriations (originally sponsored by Representatives Gombosky, D. Sommers, Veloria, Lovick, Kessler, Kenney, Conway, Ogden, Murray, Schual-Berke, Stensen, Edmonds, Santos, Lantz, Linville, Wood and Benson)

Addressing economic revitalization.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SHB 2466 by House Committee on Natural Resources (originally sponsored by Representatives Regala, Ericksen, Buck, Linville, Anderson, Barlean and Mitchell)

Creating a ballast water monitoring program.

Referred to Committee on Natural Resources, Parks and Recreation.

HB 2498 by Representatives O'Brien and Ballasiotes (by request of Department of Social and Health Services)

Revising sanctions for violating conditions of the juvenile offender basic training camp program.

Referred to Committee on Human Services and Corrections.

HB 2515 by Representatives Stensen, Cox, Cooper, Thomas and Hurst (by request of Department of Revenue)

Simplifying estate tax penalties.

Referred to Committee on Ways and Means.

SHB 2528 by House Committee on Local Government (originally sponsored by Representatives Cairnes, Cooper, G. Chandler, Dunshee, Tokuda, Linville, Stensen, Lovick, Esser, Kenney, Barlean, Constantine, Murray and Keiser)

Regulating capacity charges for sewage facilities by metropolitan municipal corporations.

Referred to Committee on State and Local Government.

HB 2531 by Representatives Doumit, Huff, Morris, Schoesler, Linville, Cox, Grant, Haigh, Anderson, McMorris, Quall, Mulliken, Murray, Talcott, Ruderman, Mastin, Schindler, Lambert, Reardon, Hatfield, Kenney, Carlson, Alexander, D. Schmidt, Lovick, Mitchell, Keiser, Stensen and Rockefeller

Providing statutory support for career and technical student organizations.

Referred to Committee on Education.

HB 2535 by Representatives Miloscia, D. Schmidt, Ogden, Veloria and Haigh

Facilitating payments to subcontractors on design-build projects.

Referred to Committee on State and Local Government.

HB 2536 by Representatives Miloscia, D. Schmidt and Haigh

Concerning the general contractor/construction manager procedure of public works contracting.

Referred to Committee on State and Local Government.

EHB 2565 by Representatives Poulsen, Crouse, Morris, Cooper, Radcliff, Ruderman, Reardon, Linville, Conway, Schual-Berke, Kenney, Keiser, Santos and O'Brien

Providing for disclosure to consumers regarding the characteristics associated with their electric energy product.

Referred to Committee on Energy, Technology and Telecommunications.

SHB 2572 by House Committee on Transportation (originally sponsored by Representatives Pennington, Doumit, Delvin, Mielke, Hatfield, Schoesler, Clements, Boldt, DeBolt, Hurst, Kagi, G. Chandler, Dunn, Mulliken, Thomas, D. Schmidt, B. Chandler, Pflug, Talcott, Edmonds, Ruderman, Eickmeyer, Sullivan, Rockefeller, Wolfe and Woods)

Defining "motorcycle helmet."

Referred to Committee on Transportation.

HB 2579 by Representatives Lambert and Dickerson (by request of Department of Social and Health Services)

Making technical corrections to the implementation of the federal personal responsibility and work opportunity reconciliation act of 1996.

Referred to Committee on Labor and Workforce Development.

E2SHB 2582 by House Committee on Education (originally sponsored by Representatives Schindler, Koster, Cox, Lambert, Talcott, Carrell and Wensman)

Changing provisions relating to the Washington assessment of student learning.

Referred to Committee on Education.

SHB 2587 by House Committee on State Government (originally sponsored by Representatives Kagi and Lambert) (by request of Attorney General Gregoire)

Modifying ballot title laws.

Referred to Committee on State and Local Government.

ESHB 2589 by House Committee on Natural Resources (originally sponsored by Representatives Buck, Regala, Stensen, Anderson, Sump, G. Chandler, Pennington, Ericksen, Clements, Eickmeyer, Doumit, Alexander, Rockefeller and Dunn)

Clarifying what projects are eligible for funding by the salmon recovery funding board.

Referred to Committee on Natural Resources, Parks and Recreation.

HB 2595 by Representatives Ogden, Lovick, Hankins, Radcliff, Mitchell and Kagi

Authorizing entry of protection order information in the judicial information system.

Referred to Committee on Judiciary.

HB 2607 by Representatives Delvin, H. Sommers, Lambert, Alexander, Doumit, Carlson, Schoesler, Pflug, Talcott, Clements, Ruderman, Wolfe, Bush, Morris and Rockefeller (by request of Joint Committee on Pension Policy)

Decreasing the employee contribution rate for the Washington state patrol retirement system.

Referred to Committee on Ways and Means.

HB 2612 by Representatives McDonald, Constantine and Hurst

Clarifying when a defendant must appear.

Referred to Committee on Judiciary.

ESHB 2617 by House Committee on Transportation (originally sponsored by Representatives Radcliff and Morris)

Extending regulation of excursion cruise services.

Referred to Committee on Transportation.

2SHB 2637 by House Committee on Appropriations (originally sponsored by Representatives Tokuda, Conway, Cody, Schual-Berke, McIntire, Campbell, Rockefeller, Kenney, Haigh, O'Brien, Kagi, Hurst, Anderson and Van Luven (by request of Department of Social and Health Services)

Requiring background checks on persons who will be in contact with vulnerable adults.

Referred to Committee on Human Services and Corrections.

2SHB 2663 by House Committee on Appropriations (originally sponsored by Representatives Alexander, Schual-Berke, Parlette, Cody, Reardon, Ericksen, Morris, Tokuda, Benson, Doumit, Pflug, Kessler, Ruderman, Rockefeller, Edmonds, Santos, O'Brien, Hurst and Esser)

Creating a pilot program to provide atypical antipsychotic medications to underserved populations.

Referred to Committee on Human Services and Corrections.

SHB 2678 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Wolfe, Ballasiotes, O'Brien, Wensman, Lovick, Cody, Edwards, D. Schmidt, Reardon, Ruderman, Campbell, Rockefeller and Hurst)

Ordering the development of protocols on internet access to information on sex offenders.

Referred to Committee on Human Services and Corrections.

SHB 2685 by House Committee on Children and Family Services (originally sponsored by Representatives D. Sommers, Tokuda and O'Brien (by request of Department of Social and Health Services)

Providing for the use of criminal history records by the secretary of social and health services in establishing licensing requirements.

Referred to Committee on Human Services and Corrections.

SHB 2766 by House Committee on Transportation (originally sponsored by Representatives Cairnes and Hatfield)

Adjusting RV size limits.

Referred to Committee on Transportation.

SHB 2767 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Benson and Santos (by request of Insurance Commissioner Senn)

Exempting certain insurance documents from the filing requirements.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

HB 2774 by Representatives Carrell, Constantine, Esser, Fortunato, Dickerson, Mulliken and Edwards

Revising provisions for appointment of judges pro tempore.

Referred to Committee on Judiciary.

HB 2851 by Representatives Reardon, G. Chandler, Linville, Grant, Stensen, Cooper and Haigh

Changing the state's funding limit for flood control maintenance projects.

Referred to Committee on Natural Resources, Parks and Recreation.

SHB 2863 by House Committee on Transportation (originally sponsored by Representatives Cairnes, Keiser, Benson, Hatfield, Edwards and Kagi)

Establishing insurance coverage provisions for regional transit authorities.

Referred to Committee on Transportation.

EHB 2873 by Representatives Parlette, Scott, Mulliken and Kessler

Increasing local government debt limits to finance capital facilities.

Referred to Committee on State and Local Government.

HB 2926 by Representatives DeBolt, Crouse, Alexander, Thomas, Kessler, Murray, Bush and Wolfe

Repealing certain coal tax exemptions.

Referred to Committee on Energy, Technology and Telecommunications.

ESHB 2934 by House Committee on Local Government (originally sponsored by Representative Koster)

Making changes to flood plain construction limitations.

Referred to Committee on State and Local Government.

SHB 2939 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Linville and G. Chandler)

Providing guidelines for recycling and waste reduction.

Referred to Committee on Environmental Quality and Water Resources.

EHB 2985 by Representatives Edwards, Fortunato, Scott and Doumit

Authorizing hearing examiners to issue final decisions regarding final plats of subdivisions.

Referred to Committee on State and Local Government.

HJM 4022 by Representatives Delvin, Hankins, G. Chandler, B. Chandler, Mastin, Lisk, Grant, Linville and Mitchell

Requesting full funding for a vitrification treatment plant at the Hanford site.

Referred to Committee on Energy, Technology and Telecommunications.

HJM 4023 by Representatives Buck, Doumit, Sump, Regala, G. Chandler, Anderson, Ericksen, Rockefeller, Clements, Stensen, Eickmeyer, Lovick, Edwards, O'Brien, Linville, Parlette, Mulliken, Dickerson, Conway, Mitchell, Wolfe, Edmonds, Veloria, Santos, Skinner and Kagi

Requesting federal support for Washington's efforts toward salmon recovery.

Referred to Committee on Natural Resources, Parks and Recreation.

MOTION

On motion of Senator Betti Sheldon, Second Substitute House Bill No. 2364 was referred to the Committee on Health and Long-Term Care.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Roach, Gubernatorial Appointment No. 9168, James K. Rottle, as a member of the Board of Trustees for Green River Community College District No. 10, was confirmed.

APPOINTMENT OF JAMES K. ROTTLE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 4; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41.

Absent: Senators Costa, Gardner, Patterson and Sellar - 4.

Excused: Senators Deccio, Hale, McCaslin and Sheahan - 4.

MOTION

At 9:15 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 10:28 a.m. by President Owen.

MOTION

On motion of Senator Honeyford, Senator Sellar was excused.

SECOND READING

SENATE BILL NO. 6174, by Senators Jacobsen, Oke and McAuliffe (by request of Parks and Recreation Commission)

Extending the tenure of the winter recreation advisory committee.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 6174 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6174.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6174 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Hale, McCaslin, Sellar and Sheahan - 4.

SENATE BILL NO. 6174, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5123, by Senators Fairley and Oke (by request of Department of Labor and Industries)

Regulating factory assembled structures.

The bill was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5123 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5123.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5123 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Hale, Sellar and Sheahan - 3.

SENATE BILL NO. 5123, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator McCaslin was excused.

SECOND READING

SENATE BILL NO. 6223, by Senators Hargrove, Long, Costa and Kohl-Welles (by request of Sentencing Guidelines Commission)

Reorganizing sentencing provisions.

The bill was read the second time.

MOTION

On motion of Senator Goings, the rules were suspended, Senate Bill No. 6223 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6223.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6223 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Voting nay: Senator Roach - 1.

Excused: Senators Hale, McCaslin, Sellar and Sheahan - 4.

SENATE BILL NO. 6223, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6149, by Senators Jacobsen, T. Sheldon and Rasmussen (by request of Commissioner of Public Lands Belcher)

Allowing the disposition of state forest lands without public auction.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 6149 was substituted for Senate Bill No. 6149 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the following striking amendment by Senators Jacobsen, Hargrove and Tim Sheldon was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 76.12.080 and 1988 c 128 s 28 are each amended to read as follows:

The department shall take such steps as it deems advisable for locating and acquiring lands suitable for state forests and reforestation. Acquisitions made pursuant to this section shall be at no more than fair market value. No ((~~sum in excess of two dollars per acre shall ever be paid or allowed either in cash, bonds or otherwise, for any lands suitable for forest growth, but devoid of such; nor shall any sum in excess of six dollars per acre be paid or allowed either in cash, bonds or otherwise, for any lands adequately restocked with young growth or left in a satisfactory natural condition for natural reforestation and continuous forest production; nor shall any~~)) lands shall ever be acquired by the department except upon the approval of the title by the attorney general and on a conveyance being made to the state of Washington by good and sufficient deed. No forest lands shall be designated, purchased, or acquired by the department unless the area so designated or the area to be acquired shall, in the judgment of the department, be of sufficient acreage and so located that it can be economically administered for forest development purposes. ((~~Whenever the department acquires or designates an area as forest lands it shall designate such area by a distinctive name or number, e.g., "State forest No. . . . .", or, "Cascade State Forest"~~)).

Sec. 2. RCW 76.12.120 and 1998 c 71 s 2 are each amended to read as follows:

Except as provided in section 3 of this act, all land, acquired or designated by the department as state forest land, shall be forever reserved from sale, but the timber and other products thereon may be sold or the land may be leased in the same manner and for the same purposes as is authorized for state granted land if the department finds such sale or lease to be in the best interests of the state and approves the terms and conditions thereof.

Except as provided in RCW 79.12.035, all money derived from the sale of timber or other products, or from lease, or from any other source from the land, except where the Constitution of this state or RCW 76.12.030 requires other disposition, shall be disposed of as follows:

(1) Fifty percent shall be placed in the forest development account.

(2) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, and the county in which the land is located according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 as now or hereafter amended and the levy rate for any maintenance and operation special school levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date. The money distributed to the county shall be paid, distributed, and prorated to the various other funds in the same manner as general taxes are paid and distributed during the year of payment.

NEW SECTION. **Sec. 3.** A new section is added to chapter 76.12 RCW to read as follows:

(1) With the approval of the board of natural resources, the department may directly transfer or dispose of lands acquired under this chapter without public auction, if such lands consist of ten contiguous acres or less, or have a value of twenty-five thousand dollars or less. Such disposal may only occur in the following circumstances:

(a) Transfers in lieu of condemnation; and

(b) Transfers to resolve trespass and property ownership disputes.

(2) Real property to be transferred or disposed of under this section shall be transferred or disposed of only after appraisal and for at least fair market value, and only if such transaction is in the best interest of the state or affected trust.

(3) The proceeds from real property transferred or disposed of under this section shall be deposited into the park land trust revolving fund and be solely used to buy replacement land within the same county as the property transferred or disposed.

Sec. 4. RCW 43.30.115 and 1995 c 211 s 5 are each amended to read as follows:

The park land trust revolving fund is to be utilized by the department of natural resources for the exclusive purpose of acquiring real property, including all reasonable costs associated with these acquisitions, as a replacement for the property transferred to the state parks and recreation commission ((~~or~~)), as directed by the legislature in order to maintain the land base of the affected trusts or under section 3 of this act. Proceeds from transfers of real property to the state parks and recreation commission or other proceeds identified from transfers of real property as directed by the legislature shall be deposited in this fund. Disbursement from the park land trust revolving fund to acquire replacement property shall be on the authorization of the department of natural resources. In order to maintain an effective expenditure and revenue control, the park land trust revolving fund is subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund."

MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 2 of the title, after "lands;" strike the remainder of the title and insert "amending RCW 76.12.080, 76.12.120, and 43.30.115; and adding a new section to chapter 76.12 RCW."

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute Senate Bill No. 6149 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6149.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6149 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator McAuliffe - 1.

Excused: Senators Hale, McCaslin, Sellar and Sheahan - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6149, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6225, by Senators Fairley and Winsley (by request of Department of Social and Health Services)

Updating definitions of income and resources.

The bill was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 6225 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6225.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6225 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Jacobsen - 1.

Excused: Senators Hale, McCaslin, Sellar and Sheahan - 4.

SENATE BILL NO. 6225, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6236, by Senator Fairley (by request of Employment Security Department)

Promoting efficiency with respect to employment and related services.

The bill was read the second time.

MOTIONS

On motion of Senator Fairley, the following Committee on Labor and Workforce Development amendment was adopted:

On page 5, after line 27, insert the following:

"(14) Persons whose information may be shared with other agencies or organizations for program operation purposes under data-sharing contracts must be provided with a consent form authorizing the release of information to the agencies specified in the contract. The consent form shall stipulate the sanctions for misuse of information listed in subsection (13) of this section. The data-sharing contract shall stipulate these sanctions to agencies and organizations entering into contracts with the department. The consent form shall inform applicants that a refusal to give consent for the release of information shall not make the applicant ineligible to receive services. Consent forms shall be provided in English as well as the dominant non-English language of the community in which a worksource center or job service center is located. Interpreters shall be provided as needed. One copy of the consent form must be entered into the applicant's file and one copy must be provided to the applicant."

On motion of Senator Fairley, the rules were suspended, Engrossed Senate Bill No. 6236 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6236.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6236 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Hale, McCaslin, Sellar and Sheahan - 4.

ENGROSSED SENATE BILL NO. 6236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 6418, by Senators McAuliffe, Eide, Brown, Rasmussen, Bauer, Goings, Costa, Kohl-Welles and Wojahn

Establishing a process to determine when the high school assessment is valid and reliable.

The bill was read the second time.

MOTION

Senator Zarelli moved that the following amendments by Senators Zarelli, Finkbeiner, McAuliffe and Eide be considered simultaneously and be adopted:

On page 1, beginning on line 16, after "(1)" strike all material through "that:" on page 2, line 3, and insert the following:

"By September 2010, the state board of education shall determine whether the high school assessment of the Washington assessment of student learning is sufficiently reliable and valid so that successful completion of the assessment shall lead to a certificate of mastery as required under RCW 28A.655.060. The state board of education shall determine that the assessment is reliable and valid only if the board makes positive findings based on the following:"

On page 2, after line 21, insert the following:

"(g) The development of the assessment meets accepted test construction procedures;

(h) The content of the assessment represents an adequate sampling of the academic subject being assessed;

(i) There is a correlation between the scores on the state-wide standardized norm-reference assessment and the Washington assessment on student learning;

(j) Scoring procedures are dependable and free from random errors of measurement;

(k) The passing standards or cut-scores ensure reasonable student proficiency and are empirically reliable; and

(l) There is a standardization of test administration."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Zarelli, Finkbeiner, McAuliffe and Eide on page 1, beginning on line 16, and page 2, after line 21, to Senate Bill No. 6418.

The motion by Senator Zarelli carried and the amendments were adopted.

MOTION

Senator Finkbeiner moved that the following amendment by Senators Finkbeiner, Zarelli, Rasmussen, McAuliffe and Eide be adopted: On page 2, after line 26, insert the following:

"(3) The state board of education shall develop and implement rules that ensure that once the high school assessment leads to a certificate of mastery the achievement of the certificate of mastery shall not be used as the measure of student achievement which enables a high school student to be eligible to enter into a Running Start program at an institution of higher education."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Finkbeiner, Zarelli, Rasmussen, McAuliffe and Eide on page 2, after line 26, to Senate Bill No. 6418.

The motion by Senator Finkbeiner carried and the amendment was adopted.

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli, Finkbeiner, McAuliffe and Eide be adopted:

On page 2, after line 26, insert the following:

"(3) The state board of education shall ensure that qualified students enrolled in approved private schools under chapter 28A.195 RCW, home-based instruction students under chapter 28A.200 RCW, and students who come from out-of-state shall not be discriminated against in any way or denied equal access or opportunities to any benefit or benefits provided by meeting the high school assessment standards and achieving the certificate of mastery, including admission to higher education institutions and job opportunities."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli, Finkbeiner, McAuliffe and Eide on page 2, after line 26, to Senate Bill No. 6418.

The motion by Senator Zarelli carried and the amendment was adopted.

MOTION

Senator Finkbeiner moved that the following amendment be adopted:

On page 2, after line 26, insert the following:

"(3) Once the state board of education determines that the high school assessment is sufficiently reliable and valid, successful completion of the high school assessment shall lead to a certificate of mastery in accordance with RCW 28A.655.060. The initial certificate of mastery shall be comprised of the reading, writing, communication, mathematics, and science components of the high school assessment."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Finkbeiner on page 2, after line 26, to Senate Bill No. 6418.

The motion by Senator Finkbeiner failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Senate Bill No. 6418 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6418.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6418 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Hale, McCaslin, Sellar and Sheahan - 4.

ENGROSSED SENATE BILL NO. 6418, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, Senator Haugen was excused.

MOTION

On motion of Senator Eide, Senator Thibaudeau was excused.

SECOND READING

SENATE BILL NO. 6237, by Senator Fairley (by request of Employment Security Department)

Modifying who may deduct processing fees for certain payroll deductions.

The bill was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 6237 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6237.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6237 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 42.

Absent: Senator Finkbeiner - 1.

Excused: Senators Hale, Haugen, McCaslin, Sellar, Sheahan and Thibaudeau - 6.

SENATE BILL NO. 6237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Deccio, Senator Finkbeiner was excused.

SECOND READING

SENATE BILL NO. 6238, by Senator Fairley (by request of Employment Security Department)

Addressing the eligibility for unemployment insurance benefits when an employee voluntarily participates in an employer initiated layoff.

The bill was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 6238 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6238.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6238 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 42.

Excused: Senators Finkbeiner, Hale, Haugen, McCaslin, Sellar, Sheahan and Thibaudeau - 7.

SENATE BILL NO. 6238, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, Senator Loveland was excused.

SECOND READING

SENATE BILL NO. 6361, by Senators Zarelli, Hargrove, Hale, Honeyford, McCaslin, Hochstatter, Swecker, Johnson, Roach, Stevens, Oke, Benton and Kohl-Welles

Protecting children at the state school for the deaf and the state school for the blind from abuse and neglect.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6361 was substituted for Senate Bill No. 6361 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6361 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6361.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6361 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 42.

Excused: Senators Hale, Haugen, Loveland, McCaslin, Sellar, Sheahan and Thibaudeau - 7.

SUBSTITUTE SENATE BILL NO. 6361, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6770, by Senators Kohl-Welles, Sheahan and Costa (by request of State Board for Community and Technical Colleges)

Allowing exceptional faculty awards to be used for faculty development and in-service training.

The bill was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 6770 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6770.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6770 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Patterson,

Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 41.

Absent: Senator Deccio - 1.

Excused: Senators Hale, Haugen, Loveland, McCaslin, Sellar, Sheahan and Thibaudeau - 7.

SENATE BILL NO. 6770, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8021, by Senators Spanel, Haugen, Gardner and Kline

Requesting the designation of the Paul N. Luvera, Sr. Memorial Highway.

The joint memorial was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, Senate Joint Memorial No. 8021 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8021.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8021 and the joint memorial passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 42.

Excused: Senators Hale, Haugen, Loveland, McCaslin, Sellar, Sheahan and Thibaudeau - 7.

SENATE JOINT MEMORIAL NO. 8021, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6160, by Senators Snyder, Loveland and Sellar

Paying travel expenses for certain state investment board applicants.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6160 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6160.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6160 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 42.

Excused: Senators Hale, Haugen, Loveland, McCaslin, Sellar, Sheahan and Thibaudeau - 7.

SENATE BILL NO. 6160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8425, by Senators Kohl-Welles and Sheahan; (by request of Higher Education Coordinating Board)

Adopting the recommendations of the higher education coordinating board's year 2000 update of the master plan.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Concurrent Resolution No. 8425 was substituted for Senate Concurrent Resolution No. 8425 and the substitute concurrent resolution was placed on second reading and read the second time.

Senator Kohl-Welles moved that the following amendments by Senators Brown, Kohl-Welles, Loveland, Betti Sheldon, Sheahan and Horn be considered simultaneously and be adopted:

` On page 2, at the beginning of line 5, strike all material through "universities; and" on line 10, and insert the following:

"WHEREAS, The board identified the challenge of meeting future demand for college education should a greater proportion of Washington citizens seek upper division and graduate level study by the year 2010; and"

On page 3, after line 8, insert the following:

"BE IT FURTHER RESOLVED, That the Legislature reaffirm its commitment to create postsecondary opportunities in response to actual demand from citizens for access to high-quality education and training programs; and

BE IT FURTHER RESOLVED, That the board reexamine its assumptions with regard to projected upper division and graduate enrollments, and that the plan reexamine the role of the community and technical colleges in meeting the postsecondary needs of a significant portion of Washington's population; and

BE IT FURTHER RESOLVED, That the board reexamine its assumptions with regard to the capital needs of the community and technical colleges and the four-year institutions of higher education, including their branch campuses; and"

On page 3, line 9, after "approve the" insert "following"

On page 3, beginning on line 11, after "(1)" strike all material through "(2)" on line 15

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Brown, Kohl-Welles, Loveland, Betti Sheldon, Sheahan and Horn on page 2, at the beginning of line 5; page 3, after line 8; page 3, line 9; and page 3, beginning on line 11; to Substitute Senate Concurrent Resolution No. 8425.

The motion by Senator Kohl-Welles carried and the amendments were adopted.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Concurrent Resolution No. 8425 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8425.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8425 and the concurrent resolution passed the Senate by the following vote: Yeas, 41; Nays, 2; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 41.

Voting nay: Senators Deccio and Morton - 2.

Excused: Senators Hale, Haugen, McCaslin, Sellar, Sheahan and Thibaudeau - 6.

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8425, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6570, by Senators Hargrove, Costa and Long

Providing additional judicial authority in truancy petitions.

The bill was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 6570 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6570.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6570 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 42.

Absent: Senator Finkbeiner - 1.

Excused: Senators Hale, Haugen, McCaslin, Sellar, Sheahan and Thibaudeau - 6.

SENATE BILL NO. 6570, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Stevens was excused.

MOTION

On motion of Senator Eide, Senator Heavey was excused.

SECOND READING

SENATE BILL NO. 6157, by Senators Patterson, Gardner, Eide and Haugen

Modifying the definition of "city" for the multiple-unit dwellings property tax exemption.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6157 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6157.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6157 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41.

Absent: Senator Finkbeiner - 1.

Excused: Senators Hale, Haugen, Heavey, McCaslin, Sellar, Sheahan and Stevens - 7.

SENATE BILL NO. 6157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senators Finkbeiner and Zarelli were excused.

SECOND READING

SENATE BILL NO. 6275, by Senators McAuliffe and Zarelli (by request of Public Works Board)

Providing loans for certain public works projects.

The bill was read the second time.

MOTION

On motion of Senator Goings, the rules were suspended, Senate Bill No. 6275 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6275.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6275 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 40.

Excused: Senators Finkbeiner, Hale, Haugen, Heavey, McCaslin, Sellar, Sheahan, Stevens and Zarelli - 9.

SENATE BILL NO. 6275, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6229, by Senators Jacobsen and Oke

Promoting wildlife viewing.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 6229 was substituted for Senate Bill No. 6229 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 6229 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6229.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6229 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 41.

Excused: Senators Hale, Haugen, Heavey, McCaslin, Sellar, Sheahan, Stevens and Zarelli - 8.

SUBSTITUTE SENATE BILL NO. 6229, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Rossi, Senator Morton was excused.

SECOND READING

SENATE BILL NO. 6549, by Senators Horn, Haugen, Benton, Oke and Winsley

Repealing outdated railway regulations.

The bill was read the second time.

MOTION

On motion of Senator Goings, the rules were suspended, Senate Bill No. 6549 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6549.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6549 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Oke, Patterson,

Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 39.

Absent: Senator Bauer - 1.

Excused: Senators Hale, Haugen, Heavey, McCaslin, Morton, Sellar, Sheahan, Stevens and Zarelli - 9.

SENATE BILL NO. 6549, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6540, by Senators Shin, Prentice, Hale, Jacobsen, Gardner, Heavey, B. Sheldon, Rasmussen, Oke, Costa, Winsley and Kohl-Welles (by request of Lieutenant Governor Owen)

Developing a state-wide strategic plan for economic development.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6540 was substituted for Senate Bill No. 6540 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6540 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6540.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6540 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 0; Absent, 3; Excused, 8.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 38.

Absent: Senators Bauer, Finkbeiner and Loveland - 3.

Excused: Senators Hale, Haugen, Heavey, McCaslin, Morton, Sellar, Sheahan and Stevens - 8.

SUBSTITUTE SENATE BILL NO. 6540, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6663, by Senators Wojahn, Prentice, Winsley and Kohl-Welles

Preserving federally assisted housing and minimizing the involuntary displacement of tenants residing in such housing.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6663 was substituted for Senate Bill No. 6663 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6663 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6663.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6663 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 8; Absent, 0; Excused, 8.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 33.

Voting nay: Senators Benton, Finkbeiner, Hochstatter, Honeyford, Johnson, McDonald, Roach and West - 8.

Excused: Senators Hale, Haugen, Heavey, McCaslin, Morton, Sellar, Sheahan and Stevens - 8.

SUBSTITUTE SENATE BILL NO. 6663, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Brown, the following resolution was adopted:

SENATE RESOLUTION 2000-8723

By Senators Fraser, Brown, Costa, Franklin, Prentice

WHEREAS, The Washington State Senate works to raise public awareness of issues that threaten the lives of our young people;

WHEREAS, February 12th to the 19th marks Eating Disorders Awareness Week, a national outreach campaign designed to enhance public awareness of eating disorders and to challenge cultural attitudes and values contributing to eating disorders; and

WHEREAS, This week-long event is an annual opportunity for citizens and policy makers to learn more about eating disorders and help young people improve their self esteem and hopefully overcome these life-threatening diseases; and

WHEREAS, Statistics indicate that millions of women and men across the United States and 50,00 to 100,00 citizens in Washington State suffer from eating disorders, including anorexia nervosa, bulimia, and binge eating disorders; and

WHEREAS, Body dissatisfaction, the drive for thinness, and dieting afflict many adolescent girls and women, placing them at high risk for developing an eating disorder; and

WHEREAS, The causes of eating disorders range from social pressures to psychological problems; and

WHEREAS, Eating disorders can be emotionally and physically devastating, causing kidney and heart failure, bone density loss, and even death; and

WHEREAS, Eating disorders can be prevented through education and community understanding of their underlying causes and detection of their early warning signs; and

WHEREAS, Throughout the week, health professionals and educators across Washington State are preparing educational outreach programs and events to promote community understanding of the importance of healthy self esteem and body image and the prevention of eating disorders

NOW, THEREFORE, BE IT RESOLVED, The members of the Washington State Senate recognize our continued obligation to raise awareness of eating disorders within our families, schools, community and other organizations; and

BE IT FURTHER RESOLVED, The Senate supports citizen efforts and activities in communities throughout Washington and across the nation to commemorate Eating Disorder Awareness Week in an ongoing effort to help young people believe in themselves from the inside out.

MOTION

At 12:41 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Monday, February 14, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-FOURTH DAY, FEBRUARY 12, 2000

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THIRTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 14, 2000

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Deccio, Finkbeiner, Haugen, Heavey, Kline, Long, McDonald, Oke, Patterson, Rasmussen, Roach, Sellar, Sheahan, Wojahn and Zarelli. On motion of Senator Honeyford, Senators Finkbeiner, Long, McDonald, Oke and Sellar were excused. On motion of Senator Franklin, Senators Haugen, Heavey, Kline and Rasmussen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Karli Kuzmanich and Tyler Moosman, presented the Colors. Reverend Anne Gojio, from the Thurston County Ministries in Higher Education of Olympia, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Eide, Gubernatorial Appointment No. 9279, Patrick F. Patrick, as Chair of the Academic Achievement and Accountability Commission, was confirmed.

APPOINTMENT OF PATRICK F. PATRICK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 33; Nays, 0; Absent, 7; Excused, 9.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Loveland, McAuliffe, McCaslin, Morton, Prentice, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 33.

Absent: Senators Bauer, Deccio, Patterson, Roach, Sheahan, Wojahn and Zarelli - 7.

Excused: Senators Finkbeiner, Haugen, Heavey, Kline, Long, McDonald, Oke, Rasmussen and Sellar - 9.

MOTION

On motion of Senator McCaslin, Senator Roach was excused.

MOTION

On motion of Senator Eide, Senators Gardner, Goings and Patterson were excused.

SECOND READING

SENATE BILL NO. 6557, by Senators Prentice, Winsley, Shin, Benton, Roach, Kohl-Welles and T. Sheldon

Allowing credit unions to conduct raffles.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6557 was substituted for Senate Bill No. 6557 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6557 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6557.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6557 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 6; Absent, 0; Excused, 11.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Hale, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Loveland, McAuliffe, Prentice, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 32.

Voting nay: Senators Hargrove, Haugen, Hochstatter, Long, McCaslin and Morton - 6.

Excused: Senators Finkbeiner, Gardner, Goings, Heavey, Kline, McDonald, Oke, Patterson, Rasmussen, Roach and Sellar - 11.

SUBSTITUTE SENATE BILL NO. 6557, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6664, by Senators Costa and Kohl-Welles

Expanding eligibility for victims' compensation to victims interviewed about past offenses.

MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 6664 was substituted for Senate Bill No. 6664 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the rules were suspended, Substitute Senate Bill No. 6664 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6664.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6664 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Prentice,

Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 41.

Absent: Senator Wojahn - 1.

Excused: Senators Finkbeiner, Gardner, Heavey, Kline, McDonald, Patterson and Sellar - 7.

SUBSTITUTE SENATE BILL NO. 6664, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6351, by Senators Kline, McCaslin, Heavey, Long, Shin, Thibaudeau, Sheahan and Costa

Providing additional authority for superior court commissioners.

MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 6351 was substituted for Senate Bill No. 6351 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the rules were suspended, Substitute Senate Bill No. 6351 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6351.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6351 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 4; Absent, 1; Excused, 7.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 37.

Voting nay: Senators Benton, Roach, Stevens and Zarelli - 4.

Absent: Senator Deccio - 1.

Excused: Senators Finkbeiner, Gardner, Heavey, Kline, McDonald, Patterson and Sellar - 7.

SUBSTITUTE SENATE BILL NO. 6351, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Johnson was excused.

SECOND READING

SENATE BILL NO. 6687, by Senators Prentice, Winsley, McDonald and T. Sheldon

Allowing port districts to acquire insurance coverage.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6687 was substituted for Senate Bill No. 6687 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6687 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6687.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6687 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 1; Absent, 0; Excused, 8.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 40.

Voting nay: Senator Roach - 1.

Excused: Senators Finkbeiner, Gardner, Heavey, Johnson, Kline, McDonald, Patterson and Sellar - 8.

SUBSTITUTE SENATE BILL NO. 6687, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6293, by Senators Jacobsen and Oke

Creating a ballast water monitoring program.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 6293 was substituted for Senate Bill No. 6293 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 6293 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6293.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6293 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 40.

Absent: Senator Deccio - 1.

Excused: Senators Finkbeiner, Gardner, Heavey, Johnson, Kline, McDonald, Patterson and Sellar - 8.

SUBSTITUTE SENATE BILL NO. 6293, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6396, by Senators Patterson, Prentice, Hale, Winsley, Deccio, Roach, Sheahan, T. Sheldon, Bauer, Rasmussen, Gardner, Thibaudeau and Oke (by request of Governor Locke)

Splitting the department of community, trade, and economic development and reestablishing the department of community development and the department of trade and economic development.

MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 6396 was substituted for Senate Bill No. 6396 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Tim Sheldon, the following amendment by Senators Tim Sheldon and Hargrove was adopted:

On page 23, line 28, after "so." insert "Any interagency agreement entered into under this subsection, shall expire on June 30, 2001. The department may not enter into an interagency agreement under this subsection after June 30, 2001."

MOTION

On motion of Senator Goings, the rules were suspended, Engrossed Substitute Senate Bill No. 6396 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6396.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6396 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 12; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Morton, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 32.

Voting nay: Senators Benton, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Oke, Rossi, Stevens, West and Zarelli - 12.

Excused: Senators Finkbeiner, Gardner, Heavey, Patterson and Sellar - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6396, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6696, by Senator Patterson (by request of Department of Community, Trade, and Economic Development)

Correcting obsolete references to the department of community, trade, and economic development.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the following amendment was adopted:

On page 63, after line 23, insert the following:

"PART 5

OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Sec. 501. RCW 27.53.020 and 1986 c 266 s 16 are each amended to read as follows:

The discovery, identification, excavation, and study of the state's archaeological resources, the providing of information on archaeological sites for their nomination to the state and national registers of historic places, the maintaining of a complete inventory of archaeological sites and collections, and the providing of information to state, federal, and private construction agencies regarding the possible impact of construction activities on the state's archaeological resources, are proper public functions; and the

((~~Washington archaeological research center~~)) office of archaeology and historic preservation, created ((~~under the authority of~~)) in chapter ((~~39.34~~)) 27.34 RCW ((~~as now existing or hereafter amended~~)), is hereby designated as an appropriate agency to carry out these functions. The director, in consultation with the ((~~Washington archaeological research center~~)) office of archaeology and historic preservation, shall provide guidelines for the selection of depositories designated by the state for archaeological resources. The legislature directs that there shall be full cooperation amongst the department, the ((~~Washington archaeological research center~~)) office of archaeology and historic preservation, and other agencies of the state.

Sec. 502. RCW 27.53.070 and 1975-'76 2nd ex.s. c 82 s 3 are each amended to read as follows:

It is the declared intention of the legislature that field investigations on privately owned lands should be discouraged except in accordance with both the provisions and spirit of this chapter and persons having knowledge of the location of archaeological sites or resources are encouraged to communicate such information to the ((~~Washington archaeological research center~~)) office of archaeology and historic preservation. Such information shall not constitute a public record which requires disclosure pursuant to the exception authorized in RCW 42.17.310, as now or hereafter amended, to avoid site depredation.

Sec. 503. RCW 27.53.080 and 1986 c 266 s 19 are each amended to read as follows:

Qualified or professional archaeologists, in performance of their duties, are hereby authorized to enter upon public lands of the state of Washington and its political subdivisions, at such times and in such manner as not to interfere with the normal management thereof, for the purposes of doing archaeological resource location and evaluation studies, including site sampling activities. Scientific excavations are to be carried out only after appropriate agreement has been made between a professional archaeologist or an institution of higher education and the agency or political subdivision responsible for such lands. Notice of such agreement shall be filed with the ((~~Washington archaeological research center~~)) office of archaeology and historic preservation and by them to the department. Amateur societies may engage in such activities by submitting and having approved by the responsible agency or political subdivision a written proposal detailing the scope and duration of the activity. Before approval, a proposal from an amateur society shall be submitted to the ((~~Washington archaeological research center~~)) office of archaeology and historic preservation for review and recommendation."

Renumber the remaining parts and sections consecutively and correct any internal references accordingly.

MOTIONS

On motion of Senator Goings, the following title amendment was adopted:

On page 1, beginning on line 14 of the title, after "90.56.100," strike "and 90.56.280" and insert "90.56.280, 27.53.020, 27.53.070, and 27.53.080"

On motion of Senator Jacobsen, the rules were suspended, Engrossed Senate Bill No. 6696 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6696.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6696 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 8; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 37.

Voting nay: Senators Benton, Horn, Johnson, McCaslin, McDonald, Morton, Oke and Rossi - 8.

Excused: Senators Gardner, Heavey, Patterson and Sellar - 4.

ENGROSSED SENATE BILL NO. 6696, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Deccio was excused.

SECOND READING

SENATE BILL NO. 6559, by Senators Kohl-Welles, Swecker, McAuliffe, Finkbeiner, Eide, Hochstatter, Bauer, Zarelli, Goings, Rasmussen, Oke, Winsley and Roach

Notifying parents of school courses leading to college credit.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6559 was substituted for Senate Bill No. 6559 and the substitute bill was placed on second reading and read the second time.

Senator Swecker moved that the following striking amendment by Senators Swecker and Kohl-Welles be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) Beginning with the 2000-01 school year, the superintendent of public instruction shall notify high schools of the names and contact information of public and private entities offering programs leading to college credit, if the superintendent has knowledge of such entities and if the cost of reporting these entities is minimal.

(2) Beginning with the 2000-01 school year, each high school shall publish annually and deliver to each parent with children enrolled in the school, information concerning the entrance requirements and the availability in the school of programs leading to college credit, such as advanced placement and international baccalaureate programs. In addition, each high school shall enclose information of the names and contact information of other public or private entities offering such programs, including on-line advanced placement programs, to high school students in the district if the high school has knowledge of such entities and if the cost of reporting these entities is minimal."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Swecker and Kohl-Welles to Substitute Senate Bill No. 6559.

The motion by Senator Swecker carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Kohl-Welles, the following title amendment was adopted:

On page 1, line 1 of the title, after "to" strike the remainder of the title and insert "notification of the availability of programs leading to college credit; and adding a new section to chapter 28A.320 RCW."

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 6559 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6559.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6559 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Deccio, Heavey and Sellar - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6559, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6524, by Senators Hale, Patterson and Honeyford

Authorizing the department of ecology to waive the requirement for a reserve account for local governments maintaining landfills.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6524 was substituted for Senate Bill No. 6524 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the following amendments by Senators Fraser, Hale and Morton were considered simultaneously and were adopted:

On page 1, line 9, after "account" strike "or other approved form of financial assurance"

On page 1, line 12, after "revenue" strike "or an alternative funding mechanism"

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 6524 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6524.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6524 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Deccio, Heavey and Sellar - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6524, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6333, by Senators Haugen, Spanel, Rossi, Costa, Shin, Long, McDonald, Kohl-Welles, Horn, Fairley, Jacobsen, Gardner, Stevens, Hale, Winsley and Rasmussen

Modifying the sales and use tax exemption for manufacturing machinery and equipment.

MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 6333 was substituted for Senate Bill No. 6333 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Loveland, the rules were suspended, Substitute Senate Bill No. 6333 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6333.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6333 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe,

McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6333, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6714, by Senator Thibaudeau

Establishing continuing education requirements for respiratory care practitioners.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 6714 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6714.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6714 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SENATE BILL NO. 6714, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5953, by Senators Kohl-Welles, Sheahan, Shin, Winsley and Thibaudeau

Creating the public interest attorney loan repayment and scholarship program.

MOTIONS

On motion of Senator Kohl-Welles, Second Substitute Senate Bill No. 5953 was substituted for Senate Bill No. 5953 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Second Substitute Senate Bill No. 5953 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Roach: "Senator Kline, would it not be possible for lawyers with all the learning that they have had to put together their own endowment without the assistance of the State Legislature?"

Senator Kline: "Yes, Senator Roach, and that is exactly what this law is designed to do--private donors--among them lawyers."

Senator Roach: "You can’t do this without this legislation, Senator?"

Senator Kline: "Apparently, and I will defer to the good Senator who is the prime sponsor of this bill, from the thirty-sixth district. There is some need to rearrange the funds in which these contributions would go."

Senator Roach: "Thank you, Senator."

Further debate ensued.

DEMAND FOR THE PREVIOUS QUESTION

Senators Snyder, Prentice and Betti Sheldon demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried..

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5953.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5953 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 29.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Haugen, Hochstatter, Honeyford, Johnson, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheldon, T., Stevens, Swecker, West and Zarelli - 19.

Excused: Senator Sellar - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5953, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6441, by Senators Spanel, Gardner, Oke, Franklin, Costa, Kline, Bauer, B. Sheldon, Shin, Eide, Patterson, Haugen, Swecker, Kohl-Welles, Goings, Rasmussen, Fairley, McAuliffe, Prentice, Fraser and Thibaudeau

Providing for oil and gas pipeline safety.

The bill was read the second time.

MOTION

On motion of Senator Spanel, Senate Bill No. 6441 was not substituted

MOTION

On motion of Senator Spanel, the following striking amendment by Senators Spanel, Fraser and Morton was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The intent of this act is to protect the health and safety of the citizens of the state of Washington and the quality of the state's environment by developing and implementing environmental and public safety measures applicable to persons transporting hazardous liquids and gas by pipeline within the state of Washington. The legislature finds that public safety and the environment may best be protected by adopting standards that are equal to, or more stringent than, those adopted by the federal government, so long as they do not impermissibly interfere with interstate commerce.

The legislature recognizes that additional federal authority is needed to implement a comprehensive pipeline safety program and by this act and other measures directs the state to seek that authority.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Dangerous release" means a release of hazardous liquid or gas that: (a) Poses a clear and immediate danger to life or health; (b) threatens a significant loss of property; or (c) threatens significant environmental damages.

(2) "Department" means the department of ecology.

(3) "Failsafe system" means a nonelectronic or mechanically based system that prevents a pipeline from exceeding its maximum operating pressure in the event of a failure of the primary or electronic system designed for this purpose.

(4) "Gas" has the meaning given to it in 49 C.F.R. Part 192.

(5) "Hazardous liquid" means: (a) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 in effect March 1, 1998; and (b) carbon dioxide. The department by rule may incorporate by reference other substances designated as hazardous by the secretary of transportation under 49 U.S.C. Sec. 60101(a)(4).

(6) "Local government" means a subdivision of the state or a city or town.

(7) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

(8) "Pipeline" or "pipeline system" means all parts of a pipeline facility through which a hazardous liquid or carbon dioxide moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks.

(9) "Pipeline company" means a person or entity constructing, owning, or operating a pipeline for transporting hazardous liquid or gas.

(10) "Process safety management systems" means management systems that include coordinated and interdisciplinary evaluations of the effect of significant changes to a pipeline system before such changes are implemented.

(11) "Release" means a spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping, disposing, flowing, or any other uncontrolled escape of a hazardous liquid or gas from a pipeline.

NEW SECTION. **Sec. 3.** (1) The department shall have charge for the state of the administration and enforcement of all laws related to hazardous liquid pipeline safety. To the extent not expressly prohibited by federal law, the department shall develop and implement a comprehensive program of pipeline safety.

(2) The department shall adopt rules for pipeline safety standards for hazardous liquid pipeline transportation that:

(a) Require pipeline companies to design, construct, and maintain their pipeline facilities so they are safe and efficient;

(b) Require pipeline companies to rapidly locate and isolate all releases from hazardous liquid pipelines, including:

(i) Installation of remote control shut-off valves at a distance of no less than four to ten miles in urban areas and twenty to sixty miles in rural areas, depending on the type and density of development, the presence of environmentally sensitive areas, and the application of appropriate engineering standards. The installation of remote valves shall include design features and safety procedures to minimize risks associated with valve malfunctions;

(ii) Installation of remotely monitored pressure gauges and meters at each pump station and remote valve location; and

(iii) Emergency response procedures, combined with training, for shutting down pumps, locating leaks and spills, and shutting appropriate valves as rapidly as possible;

(c) Require the training and certification of personnel who operate hazardous liquid pipelines and the associated systems; and

(d) Require hazardous liquid pipeline companies to submit operations safety plans once every five years and provide no less than annual plan updates that identify plan implementation progress, as well as any amendments to the plan made necessary by changes to the pipeline system or its operation.

(3) The department shall approve operations safety plans if they have been deemed fit for service. A plan shall be deemed fit for service when it provides for pipelines that are designed, developed, constructed, operated, and periodically modified to provide the highest practicable level of public safety. Pipeline operations safety plans shall include:

(a) A schedule of inspection and testing within the pipeline distribution system of:

(i) All mechanical components;

(ii) All electronic components; and

(iii) The structural integrity of all pipelines as determined through pressure testing and internal inspection tool surveys;

(b) Failsafe systems;

(c) Process safety management principles; and

(d) Emergency management training for pipeline operators.

(4) The department shall coordinate information related to pipeline safety by providing technical assistance to local planning and siting authorities and to the energy facility site evaluation council established in chapter 80.50 RCW.

(5) The department shall evaluate, and consider adopting, proposals developed by the federal office of pipeline safety, the national transportation safety board, and other agencies and organizations related to methods and technologies for testing the integrity of pipeline structure, leak detection, and other elements of pipeline operation.

NEW SECTION. **Sec. 4.** The pipeline companies shall develop a curricula aimed at the prevention of third-party excavation damage to hazardous liquid and gas pipelines. The curricula must be reviewed and approved by the department and the utilities and transportation commission. The curricula shall be made available to municipal workers and construction workers who are involved in construction work within the right-of-way or easement of a hazardous liquid and gas pipeline. The curricula shall include training on:

(1) Prevention of damage to pipelines;

(2) The danger involved if a pipeline is damaged;

(3) The significance of pipeline damage that does not cause immediate failure; and

(4) The importance of immediately reporting damage to a pipeline and the importance of immediately repairing a damaged pipeline.

NEW SECTION. **Sec. 5.** (1) The department and utilities and transportation commission shall require hazardous liquid and gas pipeline companies to provide accurate maps of their pipeline distribution networks to specifications developed by the department including depth information.

(2) The department and the utilities and transportation commission shall evaluate the accuracy of the maps and consolidate the maps into a state-wide geographic information system, and fill any gaps for which companies or local governments may have no information. The mapping system shall be used in conjunction with the one-number locator service as provided in chapter 19.122 RCW. The mapping system shall be compatible with the United States department of transportation national pipeline mapping program.

NEW SECTION. **Sec. 6.** A new section is added to chapter 43.110 RCW to read as follows:

The municipal research council shall, by June 30, 2001, develop and periodically update, for the consideration by local governments:

(1) A model ordinance that establishes setback and depth requirements for new hazardous liquid and gas pipeline construction;

(2) A model franchise agreement for jurisdictions through which a hazardous liquid or gas pipeline is located; and

(3) Protective standards applicable to existing and proposed hazardous liquid and gas pipelines in densely populated areas and environmentally sensitive areas.

NEW SECTION. **Sec. 7.** (1) The department shall seek and accept federal designation of the department's inspectors as federal agents for the purposes of enforcement of the federal hazardous liquid pipeline safety act (49 U.S.C. Sec. 60101 et seq.), and federal rules adopted to implement that act, as they exist as of the effective date of this act. The department shall establish and submit to the United States secretary of transportation an inspection program that complies with requirements for delegated interstate agent inspection authority. If the secretary of transportation delegates inspection authority to the state as provided in this subsection, the department, at a minimum, shall do the following to carry out the delegated federal authority:

(a) Inspect hazardous liquid pipelines periodically as specified in the inspection program;

(b) Collect fees;

(c) Order and oversee the testing of hazardous liquid pipelines as authorized by federal law and regulation; and

(d) File reports with the United States secretary of transportation as required to maintain the delegated authority.

(2) The department shall also seek federal authority to adopt safety standards related to the monitoring and testing of interstate hazardous liquid pipelines.

(3) Upon designation under subsection (1) of this section or under a grant of authority under subsection (2) of this section, to the extent authorized by federal law, the department shall adopt rules for interstate pipelines that are no less stringent than the state's laws and rules for intrastate hazardous liquid pipelines.

NEW SECTION. **Sec. 8.** The department shall inspect, as necessary, any record, map, or written procedure required by federal law to be kept by a hazardous liquid pipeline company concerning the reporting of dangerous releases, and the design, construction, testing, or operation and maintenance of hazardous liquid pipelines.

NEW SECTION. **Sec. 9.** A new section is added to chapter 81.88 RCW to read as follows:

The commission shall inspect, as necessary, any record, map, or written procedure required by federal law to be kept by a gas pipeline company concerning the reporting of dangerous releases, and the design, construction, testing, or operation and maintenance of gas pipelines.

NEW SECTION. **Sec. 10.** (1) All powers, duties, and functions of the utilities and transportation commission pertaining to hazardous liquid pipeline safety, except economic regulatory authority under chapters 80.28, 80.24, and 81.24 RCW, are transferred to the department of ecology. The timing of the transfer shall be facilitated by a memorandum of agreement between the two

agencies, with any disputes resolved by the office of financial management. The transfer shall be completed by June 30, 2001. All references to the commission or the utilities and transportation commission in the Revised Code of Washington shall be construed to mean the director or the department of ecology when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of ecology. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the utilities and transportation commission in carrying out the powers, functions, and duties transferred shall be made available to the department of ecology. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of ecology.

(b) Any appropriations made to the utilities and transportation commission for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the department of ecology.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the utilities and transportation commission engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of ecology. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of ecology to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of ecology. All existing contracts and obligations shall remain in full force and shall be performed by the department of ecology.

(5) The transfer of the powers, duties, functions, and personnel of the utilities and transportation commission shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. **Sec. 11.** (1) A hazardous liquid and gas pipeline safety advisory committee is established to advise the department, the utilities and transportation commission, energy facility site evaluation council, and other appropriate federal, state, and local government agencies and officials on matters relating to pipeline safety, routing, construction, operation, and maintenance. Members of the advisory committee shall be appointed by the governor to staggered three-year terms and, at a minimum, shall consist of representatives of local government, including elected officials and the general public. The committee shall review and comment on proposed rules and the operation of the state pipeline safety programs.

(2) The advisory committee established in subsection (1) of this section constitutes a class one group under RCW 43.03.220. Expenses for this group, as well as staff support provided by the department, shall be funded through a legislative appropriation to the department.

NEW SECTION. **Sec. 12.** A new section is added to chapter 19.122 RCW to read as follows:

The utilities and transportation commission shall establish by December 31, 2000, a single state-wide toll-free telephone number to be used for referring excavators to the appropriate one-number locator service. The utilities and transportation commission, in consultation with the Washington utilities coordinating council, shall establish minimum standards and best management practices for the one-number locator service consistent with the recommendations of the governor's fuel accident prevention and response team issued in December 1999.

Sec. 13. RCW 19.122.030 and 1988 c 99 s 1 are each amended to read as follows:

(1) Before commencing any excavation, the excavator shall provide notice of the scheduled commencement of excavation to all owners of underground facilities through a one-number locator service.

(2) Whenever excavation work is to occur within twenty-five feet of a hazardous liquid or gas pipeline, the state-wide one-number locator service established under section 12 of this act shall be notified. In addition, if the excavation work is to occur within five feet of a hazardous liquid or gas pipeline, the pipeline company that owns or operates the pipeline shall be notified, and its representative shall be on-site, prior to the start of excavation.

(3) All owners of underground facilities within a one-number locator service area shall subscribe to the service. One number locator service rates for cable television companies will be based on the amount of their underground facilities. If no one-number locator service is available, notice shall be provided individually to those owners of underground facilities known to or suspected of having underground facilities within the area of proposed excavation. The notice shall be communicated to the owners of underground facilities not less than two business days or more than ten business days before the scheduled date for commencement of excavation, unless otherwise agreed by the parties. The notice shall also comply with the requirements of section 16 of this act.

(4) Upon receipt of the notice provided for in this section, the owner of the underground facility shall provide the excavator with reasonably accurate information as to its locatable underground facilities by surface-marking the location of the facilities. If there are identified but unlocatable underground facilities, the owner of such facilities shall provide the excavator with the best available information as to their locations. The owner of the underground facility providing the information shall respond no later than two business days after the receipt of the notice or before the excavation time, at the option of the owner, unless otherwise agreed by the parties. Excavators shall not excavate until all known facilities have been marked. Once marked by the owner of the underground facility, the excavator is responsible for maintaining the markings. Excavators shall have the right to receive compensation from the owner of the underground facility for costs incurred if the owner of the underground facility does not locate its facilities in accordance with this section.

(5) The owner of the underground facility shall have the right to receive compensation for costs incurred in responding to excavation notices given less than two business days prior to the excavation from the excavator.

(6) An owner of underground facilities is not required to indicate the presence of existing service laterals or appurtenances if the presence of existing service laterals or appurtenances on the site of the construction project can be determined from the presence of other visible facilities, such as buildings, manholes, or meter and junction boxes on or adjacent to the construction site.

(7) Emergency excavations are exempt from the time requirements for notification provided in this section.

(8) If the excavator, while performing the contract, discovers underground facilities which are not identified, the excavator shall cease excavating in the vicinity of the facility and immediately notify the owner or operator of such facilities, or the one-number locator service.

Sec. 14. RCW 19.122.050 and 1984 c 144 s 5 are each amended to read as follows:

(1) An excavator who, in the course of excavation, contacts or damages an underground facility shall immediately notify the utility owning or operating such facility and the state-wide one-number locator service. If the damage causes an emergency condition, the excavator causing the damage shall also immediately alert the appropriate local public safety agencies and take all appropriate steps to ensure the public safety. No damaged underground facility may be buried until it is repaired or relocated.

(2) The owner of the underground facilities damaged shall arrange for repairs or relocation as soon as is practical or may permit the excavator to do necessary repairs or relocation at a mutually acceptable price.

NEW SECTION. **Sec. 15.** A new section is added to chapter 48.48 RWC to read as follows:

(1) In consultation with the emergency management program within the state military department, the department of ecology, the utilities and transportation commission, and local emergency services organizations, the chief of the Washington state patrol, through the director of fire protection or his or her authorized deputy, shall:

(a) Evaluate the preparedness of local first responders in meeting emergency management demands under subsection (2) of this section; and

(b) Conduct an assessment of the equipment needed by local first responders to meet emergency management demands related to pipelines.

(2) The chief of the Washington state patrol, through the director of fire protection or his or her deputy, shall develop curricula for training local first responders to deal with hazardous liquid and gas pipeline accidents. The curricula shall distinguish the differences and dangers between hazardous liquid and gas pipelines. The curricula shall be developed in conjunction with pipeline companies and local first responders, and shall include a timetable and costs for providing training as defined in the curricula to all communities housing pipelines. The need for a training program for regional incident management teams shall also be evaluated.

(3) In consultation with other relevant agencies, the chief of the Washington state patrol, through the director of fire protection or his or her deputy, shall identify the need and means for achieving consistent application of the national interagency incident management system.

(4) For the purposes of this section, "local first responders" means police, fire, emergency medical staff, and volunteers.

NEW SECTION. **Sec. 16.** (1) A pipeline company that has been notified by an excavator pursuant to RCW 19.122.050 that excavation work will occur within five feet of a hazardous liquid or gas pipeline shall ensure that the pipeline company's representative is on-site during the excavation within the five foot zone. The pipeline company has the discretion to require that the

pipeline section in the vicinity of the excavation is fully uncovered and examined for damage prior to being reburied. If safety concerns exist, the pipeline company may elect, at the excavator's expense, to conduct the uncovering of the pipeline.

(2) Immediately upon receiving information of third-party damage to a pipeline owned or operated by a pipeline company, that company shall visually inspect the pipeline. After visual inspection, a pipeline company shall determine whether the pipeline section that has sustained third-party damage should be replaced or repaired, or whether it is safe to resume pipeline operation. A record of the company's inspection report and test results shall be provided to the department within fourteen calendar days of the inspection.

(3) Pipeline companies shall immediately notify local first responders and the department of any dangerous release from a hazardous liquid pipeline, or the utilities and transportation commission of any dangerous release from a gas pipeline.

Sec. 17. RCW 19.122.070 and 1984 c 144 s 7 are each amended to read as follows:

(1) Any person who willfully or maliciously damages or removes a marking used to identify a hazardous liquid or gas pipeline, as defined in section 2 of this act, is subject to a civil penalty of not more than one thousand dollars for each act.

(2) Any person who fails to notify the one-number locator service of excavation work that is planned to occur within twenty-five feet of a hazardous liquid or gas pipeline is subject to a civil penalty of not more than five thousand dollars for each violation.

(3) Any person who fails to notify a pipeline company of excavation work that is planned to occur within five feet of a hazardous liquid or gas pipeline, or excavates within five feet of the pipeline without the pipeline company's representative on-site, is subject to a civil penalty of not more than ten thousand dollars for each violation.

(4) Any person who violates any provision of this chapter, and which violation results in damage to underground facilities, is subject to a civil penalty of not more than ((~~one~~)) ten thousand dollars for each violation.

(5) All civil penalties recovered ((~~in such actions~~)) under subsections (1) through (4) of this section shall be deposited in the general fund and expended for the purpose of enforcement of hazardous liquid and gas pipeline safety laws.

(((~~(2)~~))) (6) Any excavator who willfully or maliciously damages a field-marked underground facility shall be liable for treble the costs incurred in repairing or relocating the facility. In those cases in which an excavator fails to notify known underground facility owners or the one-number locator service, any damage to the underground facility shall be deemed willful and malicious and shall be subject to treble damages for costs incurred in repairing or relocating the facility.

(((~~(3)~~))) (7) This chapter does not affect any civil remedies for personal injury or for property damage, including that to underground facilities, nor does this chapter create any new civil remedies for such damage.

Sec. 18. RCW 47.44.150 and 1989 c 196 s 1 are each amended to read as follows:

In any action for damages against the state of Washington, its agents, contractors, or employees by reason of damages to a utility or other facility located on a state highway, the damages are limited to the cost of repair of the utility or facility and are recoverable only in those instances where the utility or facility is authorized to be located on the state highway. However, the state is subject to the penalties provided in RCW 19.122.070 (((~~(1)~~))) (4) and (((~~(2)~~))) (6) only if the state has failed to give a notice meeting the requirements of RCW 19.122.030 to utilities or facilities that are authorized to be located on the state highway.

NEW SECTION. **Sec. 19.** A pipeline company that fails to comply with any provision of this chapter shall be subject to civil penalties of not less than five thousand dollars. This penalty shall be imposed pursuant to RCW 43.21B.300.

NEW SECTION. **Sec. 20.** A pipeline company that fails to report a dangerous release shall be guilty of a class B felony punishable under RCW 9A.20.021 if:

(1) The company knows or has reason to know that a dangerous release exists;

(2) The company does not immediately report the release to the local first responder; and

(3) The dangerous release causes the death of, or bodily injury to, an individual.

NEW SECTION. **Sec. 21.** A pipeline containing petroleum or petroleum products that is wholly located on the owner's property, that is not adjoining marine waters, is exempt from the provisions of this chapter.

NEW SECTION. **Sec. 22.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

Sec. 23. RCW 43.21B.300 and 1993 c 387 s 23 are each amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, section 19 of this act, 88.46.090, 90.03.600, 90.48.144, 90.56.310, and 90.56.330 shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department, the administrator of the ((~~office of marine safety~~)) integrated oil spill prevention and response program, or the local air authority, describing the violation with reasonable particularity. Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the department,

the administrator, or the authority for the remission or mitigation of the penalty. Upon receipt of the application, the department, the administrator, or authority may remit or mitigate the penalty upon whatever terms the department, the administrator, or the authority in its discretion deems proper. The department or the authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department, the administrator, or authority thirty days after receipt by the person penalized of the notice imposing the penalty or thirty days after receipt of the notice of disposition of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department or the administrator within thirty days after it becomes due and payable, the attorney general, upon request of the department or the administrator, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within thirty days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70.94.431, the disposition of which shall be governed by that provision, RCW 70.105.080, which shall be credited to the hazardous waste control and elimination account, created by RCW 70.105.180, and RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390.

NEW SECTION. **Sec. 24.** This act may be known and cited as the Washington state pipeline safety act.

NEW SECTION. **Sec. 25.** Sections 1 through 5, 7, 8, 10, 11, 16, 19 through 22, and 24 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. **Sec. 26.** RCW 81.88.040 (Intrastate pipeline safety standards--Definitions--Rules--Violations) and 1998 c 123 s 1 are each repealed."

MOTIONS

On motion of Senator Spanel, the following title amendment was adopted:

On page 1, line 1 of the title, after "safety;" strike the remainder of the title and insert "amending RCW 19.122.030, 19.122.050, 19.122.070, 47.44.150, and 43.21B.300; adding a new section to chapter 43.110 RCW; adding a new section to chapter 81.88 RCW; adding a new section to chapter 19.122 RCW; adding a new section to chapter 48.48 RCW; adding a new chapter to Title 70 RCW; repealing RCW 81.88.040; and prescribing penalties."

On motion of Senator Spanel, the rules were suspended, Engrossed Senate Bill No. 6441 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6441.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6441 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

ENGROSSED SENATE BILL NO. 6441, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8026, by Senators Shin, Bauer, Heavey, Benton, Franklin, Eide, Patterson, Kline, Johnson, Gardner, Thibaudeau, Rossi, Goings, Hargrove, B. Sheldon, Horn, Haugen, Hochstatter, T. Sheldon, Swecker, Jacobsen, Fairley, Rasmussen, Prentice, Snyder, Stevens, Loveland, Roach, Hale, Honeyford, Brown, Spanel, Fraser, Costa, McAuliffe, Kohl-Welles and Oke

Commemorating the 50th anniversary of the Korean War.

MOTIONS

On motion of Senator Shin, Substitute Senate Joint Memorial No. 8026 was substituted for Senate Joint Memorial No. 8026 and the substitute joint memorial was placed on second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Substitute Senate Joint Memorial No. 8026 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Memorial No. 8026.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8026 and the joint memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8026, having received the constitutional majority, was declared passed.

PERSONAL PRIVILEGE

Senator Jacobsen: "A point of personal privilege, Mr. President. I would like to inform the body that Senator Shin has written a book of his life in Korean and I understand it is a best seller in Korea now. The title is *Education Thief* and it also tells about his war experiences. The other thing that I might point out and it makes me feel a little bit better. There is a photo of Senator Shin in here and he is a pretty slim young man at that time. He is eventually going to get it translated into English, so it will be available for everybody. He is a best selling author in Korea at this time."

SECOND READING

SENATE JOINT MEMORIAL NO. 8027, by Senators Shin, Bauer, Heavey, Benton, Franklin, Eide, Patterson, Kline, Johnson, Gardner, Thibaudeau, Rossi, Goings, Hargrove, B. Sheldon, Horn, Haugen, Hochstatter, T. Sheldon, Swecker, Jacobsen, Fairley, Rasmussen, Prentice, Snyder, Hale, Stevens, Roach, Honeyford, Spanel, Loveland, Fraser, Brown, Costa, McAuliffe, Kohl-Welles and Oke

Commemorating the 50th anniversary of the Korean War.

The joint memorial was read the second time.

MOTION

On motion of Senator Shin, the rules were suspended, Senate Joint Memorial No. 8027 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8027.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8027 and the joint memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SENATE JOINT MEMORIAL NO. 8027, having received the constitutional majority, was declared passed.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Consul Byung Seang Oh , Korean Consulate General for Political and Economic Affairs, as well as representatives from the Veterans Legislative Coalition, American Ex-POWs, American Legion, Veterans of Foreign Wars, Paralyzed Veterans of America, Widows of Veterans and the Chosin Few, who were all seated in the gallery.

PERSONAL PRIVILEGE

Senator Betti Sheldon: "Thank you, Mr. President. I would like a point of personal privilege. On behalf of the my fellow Senators, I would like to thank the Lieutenant Governor and his gracious wife for our lovely Valentine treats. I know that Mrs. Owen has put a lot of time into putting these together."

REPLY BY THE PRESIDENT

President Owen: "She is very astute--my wife. We don't get TVW in Shelton, but I would hope someone might relay this to her. My wife is very gracious, very beautiful and a wonderful person and always thinks of you when these occasions arise. I would like to take full credit myself, but I have to give credit where credit is due--to Linda. Thank you very much."

Senator Betti Sheldon: "Well, thank her on our behalf. I would also like to take this moment to thank our colleague, Senator Michael Heavey, for the beautiful carnations that many of us received. Thank you."

PERSONAL PRIVILEGE

Senator Heavey: "A point of personal privilege, Mr. President. You are welcome, ladies--and Bob you are welcome, also. I did want to say that I saw a gentleman sitting next to Mr. Goderty, whom I can't recognize, but he was a member of the First Cavalry Division, which was my unit in Vietnam and I just wanted to say 'Gary Owen,' Mother. Thank you."

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. I just want to point out to the body that we are not allowed to eat on
the floor, but I do want to thank Linda Owen for allowing us to do so."

REPLY BY THE PRESIDENT

President Owen: "The President may not be able to see everybody eating on the floor today. There is so much love in my heart that I am allowing a little discretion."

MOTION

At 11:16 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 1:00 p.m. by President Owen.

MOTION

On motion of Senator Honeyford, Senator Stevens was excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Snyder, Gubernatorial Appointment No. 9304, Marty Brown, as Director of the Office of Financial Management, was confirmed.

Senators Snyder, Hochstatter, Hale and Morton spoke to the confirmation of Marty Brown as Director of the Office of Financial Management.

APPOINTMENT OF MARTY BROWN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 8; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, West, Winsley and Zarelli - 39.

Absent: Senators Deccio, Fraser, Hargrove, Haugen, Prentice, Rossi, Thibaudeau and Wojahn - 8.

Excused: Senators Sellar and Stevens - 2.

MOTION

On motion of Senator Honeyford, Senators Hochstatter and McCaslin were excused.

MOTION

On motion of Senator Franklin, Senators Eide and Hargrove were excused.

SECOND READING

SENATE BILL NO. 5924, by Senators Jacobsen, Honeyford and Gardner

Establishing the real estate appraiser commission of the state of Washington.

MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5924 was substituted for Senate Bill No. 5924 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5924 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5924.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5924 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 8; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 35.

Voting nay: Senators Benton, Finkbeiner, Heavey, Johnson, Morton, Roach, Sheldon, T. and Zarelli - 8.

Excused: Senators Eide, Hargrove, Hochstatter, McCaslin, Sellar and Stevens - 6.

SUBSTITUTE SENATE BILL NO. 5924, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Rossi was excused.

SECOND READING

ENGROSSED SENATE BILL NO. 6004, by Senators Winsley, Prentice, Hale, Shin, Goings and Rasmussen

Certifying resident managers of mobile home parks.

MOTIONS

On motion of Senator Winsley, Second Substitute Senate Bill No. 6004 was substituted for Engrossed Senate Bill No. 6004 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Second Substitute Senate Bill No. 6004 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6004.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6004 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 18; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, McDonald, Patterson, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 26.

Voting nay: Senators Benton, Deccio, Gardner, Haugen, Hochstatter, Honeyford, Horn, Johnson, Long, Morton, Oke, Roach, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 18.

Absent: Senator Prentice - 1.

Excused: Senators Eide, McCaslin, Rossi and Sellar - 4.

SECOND SUBSTITUTE SENATE BILL NO. 6004, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator McDonald was excused.

SECOND READING

SENATE BILL NO. 6284, by Senators Hargrove and Kline

Protecting DNA information.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6284 was substituted for Senate Bill No. 6284 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6284 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6284.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6284 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators McDonald and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 6284, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6241, by Senators Fairley, Kohl-Welles, Brown, Shin, Kline, Fraser, Prentice, McAuliffe, Patterson, Eide, Rasmussen and Costa

Establishing WorkFirst performance measures.

MOTIONS

On motion of Senator Fairley, Second Substitute Senate Bill No. 6241 was substituted for Senate Bill No. 6241 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Second Substitute Senate Bill No. 6241 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6241.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6241 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 28.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, West and Zarelli - 19.

Excused: Senators McDonald and Sellar - 2.

SECOND SUBSTITUTE SENATE BILL NO. 6241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, Senator Kline was excused.

SECOND READING

SENATE BILL NO. 6252, by Senators Rasmussen, Morton, T. Sheldon, Swecker and Stevens (by request of Department of Agriculture)

Regulating structural pest inspections.

The bill was read the second time.

MOTIONS

On motion of Senator Rasmussen, the following amendment by Senators Rasmussen, Stevens and Morton was adopted:

On page 6, line 25, after "on" strike all material through "transaction." and insert "the wood destroying organism inspection report. All wood destroying organism inspection reports completed by the same inspector, relating to a single transfer, exchange, or refinance, shall bear the same unique inspection control number. The responsibility to record the unique inspection control number on the report under this section lies solely with the person issuing the wood destroying organism inspection report."

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 6252 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Horn: "Senator Rasmussen, I wonder if you could explain to me when we are getting a house constructed, the general contractor has to have a six thousand dollar bond, but now when we are getting this structure inspected for a termite inspection, you are requiring that they have a twenty-five thousand dollar bond and a fifty thousand insurance policy for errors and omission. Does that seem inconsistent with the six thousand versus the twenty-five versus fifty?"

Senator Rasmussen: "It would all depend on how much value you put on the structure and if they have a lot of pests in it, I would certainly want it to have a bond that would at least cover. It probably doesn't seem consistent, however this is what they agreed upon and this is part of their licensing that they agreed to."

Senator Horn: "Thank you very much."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6252.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6252 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 42.

Voting nay: Senators Horn, Johnson, Morton and West - 4.

Excused: Senators Kline, McDonald and Sellar - 3.

ENGROSSED SENATE BILL NO. 6252, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6760, by Senator Prentice (by request of Insurance Commissioner Senn)

Safeguarding securities.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6760 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6760.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6760 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Snyder - 1.

Excused: Senators Kline, McDonald and Sellar - 3.

SENATE BILL NO. 6760, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6487, by Senators Long, Hargrove, Sheahan and Winsley (by request of Department of Social and Health Services and Department of Corrections)

Providing for the release of mental health information under certain circumstances.

MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 6487 was substituted for Senate Bill No. 6487 and the substitute bill was placed on second reading and read the second time.

Senator Long moved that the following striking amendment by Senators Long, Costa and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** It is the intent of the legislature to enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A RCW by authorizing access to, and release or disclosure of, necessary information related to mental health services. This includes accessing and releasing or disclosing information of persons who received mental health services as a minor. The legislature does not intend this act to readdress access to information and records regarding continuity of care.

The legislature recognizes that persons with mental illness have a right to the confidentiality of information related to mental health services, including the fact of their receiving such services, unless there is a state interest that supersedes this right. It is the intent of the legislature to balance that right of the individual with the state interest to enhance public safety.

NEW SECTION. **Sec. 2.** A new section is added to chapter 71.34 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.05 or 10.77 RCW, or somatic health care information.

(b) "Mental health service provider" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.34.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.34.020, community mental health service delivery systems, or community mental health programs, as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(2) Information related to mental health services delivered to a person subject to chapter 9.94A RCW shall be released, upon request, by a mental health service provider to department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office. The information must be provided only for the purpose of completing presentence investigations, supervision of an incarcerated person, planning for and provision of supervision of a person, or assessment of a person's risk to the community. The request shall be in writing and shall not require the consent of the subject of the records.

(3) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties, including those records and reports identified in subsection (2) of this section.

(4) The department and the department of corrections, in consultation with regional support networks, mental health service providers as defined in subsection (1) of this section, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

(5) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in RCW 71.34.200, except as provided in section 4 of this act.

(6) No mental health service provider or individual employed by a mental health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section.

(7) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(8) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

NEW SECTION. **Sec. 3.** A new section is added to chapter 71.05 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information.

(b) "Mental health service provider" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.05.020, community mental health service delivery systems, or community mental health programs as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(2) Information related to mental health services delivered to a person subject to chapter 9.94A RCW shall be released, upon request, by a mental health service provider to department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office. The information must be provided only for the purpose of completing presentence investigations, supervision of an incarcerated person, planning for and provision of supervision of a person, or assessment of a person's risk to the community. The request shall be in writing and shall not require the consent of the subject of the records.

(3) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties, including those records and reports identified in subsection (2) of this section.

(4) The department and the department of corrections, in consultation with regional support networks, mental health service providers as defined in subsection (1) of this section, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

(5) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in chapter 71.05 RCW, except as provided in section 4 of this act.

(6) No mental health service provider or individual employed by a mental health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section except under RCW 71.05.670 and 71.05.440.

(7) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(8) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

NEW SECTION. **Sec. 4.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The information received by the department under section 2 or 3 of this act may be released to the indeterminate sentence review board as relevant to carry out its responsibility of planning and ensuring community protection with respect to persons under its jurisdiction. Further disclosure by the indeterminate sentence review board is subject to the limitations set forth in subsections (3) and (4) of this section and must be consistent with the written policy of the indeterminate sentence review board. The decision to disclose or not shall not result in civil liability for the indeterminate sentence review board or its employees provided that the decision was reached in good faith and without gross negligence.

(2) The information received by the department under section 2 or 3 of this act may be used to meet the statutory duties of the department to provide evidence or report to the court. Disclosure to the public of information provided to the court by the department related to mental health services may be limited in accordance with RCW 9.94A.110 or this section.

(3) The information received by the department under section 2 or 3 of this act may be disclosed by the department to other state and local agencies as relevant to plan for and provide offenders transition, treatment, and supervision services, or as relevant and necessary to protect the public and counteract the danger created by a particular offender, and in a manner consistent with the written policy established by the secretary. The decision to disclose or not shall not result in civil liability for the department or its employees so long as the decision was reached in good faith and without gross negligence. The information received by a state or local agency from the department shall remain confidential and subject to the limitations on disclosure set forth in chapters 70.02, 71.05, and 71.34 RCW and, subject to these limitations, may be released only as relevant and necessary to counteract the danger created by a particular offender.

(4) The information received by the department under section 2 or 3 of this act may be disclosed by the department to individuals only with respect to offenders who have been determined by the department to have a high risk of reoffending by a risk assessment, as defined in RCW 9.94A.030, only as relevant and necessary for those individuals to take reasonable steps for the purpose of self-protection, or as provided in RCW 72.09.370(2). The information may not be disclosed for the purpose of engaging the public in a system of supervision, monitoring, and reporting offender behavior to the department. The department must limit the disclosure of information related to mental health services to the public to descriptions of an offender's behavior, risk he or she may present to the community, and need for mental health treatment, including medications, and shall not disclose or release to the public copies of treatment documents or records, except as otherwise provided by law. All disclosure of information to the public must be done in a manner consistent with the written policy established by the secretary. The decision to disclose or not shall not result in civil liability for the department or its employees so long as the decision was reached in good faith and without gross negligence. Nothing in this subsection prevents any person from reporting to law enforcement or the department behavior that he or she believes creates a public safety risk.

Sec. 5. RCW 71.05.630 and 1989 c 205 s 13 are each amended to read as follows:

(1) Except as otherwise provided by law, all treatment records shall remain confidential. Treatment records may be released only to the persons designated in this section, or to other persons designated in an informed written consent of the patient.

(2) Treatment records of an individual may be released without informed written consent in the following circumstances:

(a) To an individual, organization, or agency as necessary for management or financial audits, or program monitoring and evaluation. Information obtained under this subsection shall remain confidential and may not be used in a manner that discloses the name or other identifying information about the individual whose records are being released.

(b) To the department, the director of regional support networks, or a qualified staff member designated by the director only when necessary to be used for billing or collection purposes. The information shall remain confidential.

(c) For purposes of research as permitted in chapter 42.48 RCW.

(d) Pursuant to lawful order of a court.

(e) To qualified staff members of the department, to the director of regional support networks, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility. The information shall remain confidential.

(f) Within the treatment facility where the patient is receiving treatment, confidential information may be disclosed to individuals employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties.

(g) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of individuals who are under the supervision of the department.

(h) To a licensed physician who has determined that the life or health of the individual is in danger and that treatment without the information contained in the treatment records could be injurious to the patient's health. Disclosure shall be limited to the portions of the records necessary to meet the medical emergency.

(i) To a facility that is to receive an individual who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the individual from one treatment facility to another. The release of records under this subsection shall be limited to the treatment records required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record.

(j) Notwithstanding the provisions of RCW 71.05.390(7), to a correctional facility or a corrections officer who is responsible for the supervision of an individual who is receiving inpatient or outpatient evaluation or treatment. ((~~Every person who is under the supervision of the department of corrections who receives evaluation or treatment under chapter 9.94A RCW shall be notified of the provisions of this section by the individual's corrections officer.~~)) Except as provided in sections 2 and 3 of this act, release of records under this section is limited to:

(i) An evaluation report provided pursuant to a written supervision plan.

(ii) The discharge summary, including a record or summary of all somatic treatments, at the termination of any treatment provided as part of the supervision plan.

(iii) When an individual is returned from a treatment facility to a correctional facility, the information provided under (j)(iv) of this subsection.

(iv) Any information necessary to establish or implement changes in the individual's treatment plan or the level or kind of supervision as determined by resource management services. In cases involving a person transferred back to a correctional facility, disclosure shall be made to clinical staff only. ((~~In cases involving a person under supervision of the department of corrections, disclosure shall be made to the supervising corrections officer only.~~))

(k) To the individual's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW.

(l) ((~~To a corrections officer of the department who has custody of or is responsible for the supervision of an individual who is transferred or discharged from a treatment facility.~~

~~(m)~~)) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental illness or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information shall notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information.

(3) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

Sec. 6. RCW 71.05.390 and 1999 c 12 s 1 are each amended to read as follows:

Except as provided in this section, the fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the patient, or his or her guardian, shall be obtained before information or records may be disclosed by a professional person employed by a facility unless provided to a professional person: (a) Employed by the facility; (b) who has medical responsibility for the patient's care; (c) who is a county designated mental health professional; (d) who is providing services under chapter 71.24 RCW; (e) who is employed by a state or local correctional facility where the person is confined; or (f) who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing outpatient services to the operator of a care facility in which the patient resides.

(3) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such designation.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(5) For either program evaluation or research, or both: PROVIDED, That the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, ..., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/

"

(6) To the courts as necessary to the administration of this chapter.

(7) To law enforcement officers, public health officers, or personnel of the department of corrections or the indeterminate sentence review board for persons who are the subject of the records and who are committed to the custody of the department of corrections or indeterminate sentence review board which information or records are necessary to carry out the responsibilities of their office. Except for dissemination of information released pursuant to RCW 71.05.425 and 4.24.550, regarding persons committed under this chapter under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary admission, the fact and date of discharge, and the last known address shall be disclosed upon request; and

(b) The law enforcement and public health officers or personnel of the department of corrections or indeterminate sentence review board shall be obligated to keep such information confidential in accordance with this chapter; and

(c) Additional information shall be disclosed only after giving notice to said person and his or her counsel and upon a showing of clear, cogent, and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained. However, in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence.

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only after giving notice to the committed person and the person's counsel.

(10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient.

The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(11) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence.

(12) To the persons designated in RCW 71.05.425 for the purposes described in that section.

(((~~(12)~~))) (13) Civil liability and immunity for the release of information about a particular person who is committed to the department under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(((~~(13)~~))) (14) To a patient's next of kin, guardian, or conservator, if any, in the event of death, as provided in RCW 71.05.400.

(((~~(14)~~))) (15) To the department of health ((~~of~~)) for the purposes of determining compliance with state or federal licensure, certification, or registration rules or laws. However, the information and records obtained under this subsection are exempt from public inspection and copying pursuant to chapter 42.17 RCW.

The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding except in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(2)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial or in a civil commitment proceeding pursuant to chapter 71.09 RCW. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

Sec. 7. RCW 71.34.200 and 1985 c 354 s 18 are each amended to read as follows:

The fact of admission and all information obtained through treatment under this chapter is confidential. Confidential information may be disclosed only:

(1) In communications between mental health professionals to meet the requirements of this chapter, in the provision of services to the minor, or in making appropriate referrals;

(2) In the course of guardianship or dependency proceedings;

(3) To persons with medical responsibility for the minor's care;

(4) To the minor, the minor's parent, and the minor's attorney, subject to RCW 13.50.100;

(5) When the minor or the minor's parent ((~~designate[s]~~)) designates in writing the persons to whom information or records may be released;

(6) To the extent necessary to make a claim for financial aid, insurance, or medical assistance to which the minor may be entitled or for the collection of fees or costs due to providers for services rendered under this chapter;

(7) To the courts as necessary to the administration of this chapter;

(8) To law enforcement officers or public health officers as necessary to carry out the responsibilities of their office. However, only the fact and date of admission, and the date of discharge, the name and address of the treatment provider, if any, and the last known address shall be disclosed upon request;

(9) To law enforcement officers, public health officers, relatives, and other governmental law enforcement agencies, if a minor has escaped from custody, disappeared from an evaluation and treatment facility, violated conditions of a less restrictive treatment order, or failed to return from an authorized leave, and then only such information as may be necessary to provide for public safety or to assist in the apprehension of the minor. The officers are obligated to keep the information confidential in accordance with this chapter;

(10) To the secretary for assistance in data collection and program evaluation or research, provided that the secretary adopts rules for the conduct of such evaluation and research. The rules shall include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, ..., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding minors who have received services in a manner such that the minor is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under state law.

/s/

"

(11) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence;

(12) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence;

(((~~12~~))) (13) To a minor's next of kin, attorney, guardian, or conservator, if any, the information that the minor is presently in the facility or that the minor is seriously physically ill and a statement evaluating the mental and physical condition of the minor as well as a statement of the probable duration of the minor's confinement;

(((~~13~~))) (14) Upon the death of a minor, to the minor's next of kin;

(((~~14~~))) (15) To a facility in which the minor resides or will reside.

This section shall not be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary. The fact of admission and all information obtained pursuant to this chapter are not admissible as evidence in any legal proceeding outside this chapter, except guardianship or dependency, without the written consent of the minor or the minor's parent.

Sec. 8. RCW 9.94A.110 and 1999 c 197 s 3 and 1999 c 196 s 4 are each reenacted and amended to read as follows:

(1) Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing.

Except in cases where the defendant shall be sentenced to a term of total confinement for life without the possibility of release or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, the court may order the department to complete a risk assessment report. If available before sentencing, the report shall be provided to the court.

Unless specifically waived by the court, the court shall order the department to complete a chemical dependency screening report before imposing a sentence upon a defendant who has been convicted of a violation of the uniform controlled substances act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW where the court finds that the offender has a chemical dependency that has contributed to his or her offense. In addition, the court shall, at the time of plea or conviction, order the department to complete a presentence report before imposing a sentence upon a defendant who has been convicted of a felony sexual offense. The department of corrections shall give priority to presentence investigations for sexual offenders. If the court determines that the defendant may be a mentally ill person as defined in RCW 71.24.025, although the defendant has not established that at the time of the crime he or she lacked the capacity to commit the crime, was incompetent to commit the crime, or was insane at the time of the crime, the court shall order the department to complete a presentence report before imposing a sentence.

The court shall consider the risk assessment report and presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed.

If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all risk assessment reports and presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.

(2) To prevent wrongful disclosure of information related to mental health services, as defined in sections 2 and 3 of this act, a court may take only those steps necessary during a sentencing hearing or any hearing in which the department presents information related to mental health services to the court. The steps may be taken on motion of the defendant, the prosecuting

attorney, or on the court's own motion. The court may seal the portion of the record relating to information relating to mental health services, exclude the public from the hearing during presentation or discussion of information relating to mental health services, or grant other relief to achieve the result intended by this subsection, but nothing in this subsection shall be construed to prevent the subsequent release of information related to mental health services as authorized by sections 2 through 4 of this act. Any person who otherwise is permitted to attend any hearing pursuant to chapter 7.69 or 7.69A RCW shall not be excluded from the hearing solely because the department intends to disclose or discloses information related to mental health services."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Long, Costa and Hargrove to Substitute Senate Bill No. 6487.

The motion by Senator Long carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Long, the following title amendment was adopted:

On page 1, line 2 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 71.05.630, 71.05.390, and 71.34.200; reenacting and amending RCW 9.94A.110; adding a new section to chapter 71.34 RCW; adding a new section to chapter 71.05 RCW; adding a new section to chapter 72.09 RCW; and creating a new section."

On motion of Senator Long, the rules were suspended, Engrossed Substitute Senate Bill No. 6487 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6487.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6487 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 2; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 44.

Voting nay: Senators Fairley and Thibaudeau - 2.

Absent: Senators Deccio and McAuliffe - 2.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6487, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6715, by Senators Eide, Swecker, Fraser, Costa, Rasmussen, Morton, Patterson, Kline, Jacobsen and Kohl-Welles

Encouraging recycling and waste reduction.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6715 was substituted for Senate Bill No. 6715 and the substitute bill was placed on second reading and read the second time.

Senator Eide moved that the following striking amendment by Senators Eide, Hargrove, Swecker Honeyford, Morton and Fraser be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The department of general administration shall work with construction industry organizations to develop guidelines for on-site construction waste management planning. The topics addressed in the planning guidelines shall include, but shall not be limited to:

(a) Standards for identifying the type of wastes generated during construction;

(b) Methods for analyzing the availability and cost-effectiveness of recycling services for each type of waste;

(c) Methods for evaluating construction waste management alternatives given limited recycling services in rural areas of the state;

(d) Strategies to maximize reuse and recycling of wastes and minimize landfill disposal; and

(e) Standardized formats for on-site construction waste management reporting.

(2) By December 15, 2000, the department of general administration shall provide a report to the legislature on the development of the guidelines required by subsection (1) of this section. The report shall include recommendations for incorporating job-site waste management planning and recycling into standard construction industry practice.

Sec. 2. RCW 43.19A.020 and 1996 c 198 s 1 are each amended to read as follows:

(1) The ((~~USEPA~~)) federal product standards, ((~~as now or hereafter amended~~)) adopted under 42 U.S.C. Sec. 6962(e) as it exists on the effective date of this act, are adopted as the minimum standards for the state of Washington. These standards shall be implemented for at least the products listed in ((~~(a) and (b) of~~)) this subsection ((~~by the dates indicated,~~)) unless the director finds that a different standard would significantly increase recycled product availability or competition.

(a) ((~~By July 1, 1997:~~

~~(i)~~)) Paper and paper products;

(((~~(ii)~~))) (b) Organic recovered materials; ((~~and~~

~~(iii)~~))) (c) Latex paint products;

(((~~(b) By July 1, 1997:~~

~~(i)~~))) (d) Products for lower value uses containing recycled plastics;

(((~~(ii)~~))) (e) Retread and remanufactured tires;

(((~~(iii)~~))) (f) Lubricating oils;

(((~~(iv)~~))) (g) Automotive batteries;

(((~~(v)~~))) (h) Building ((~~insulation~~)) products and materials;

(((~~(vi)~~))) (i) Panelboard; and

(((~~(vii)~~))) (j) Compost products.

(2) The standards required by this section shall be applied to recycled product purchasing by the department ((~~and~~)), other state agencies, and state postsecondary education institutions. The standards may be adopted or applied by any other local government in product procurement. The standards shall provide for exceptions under appropriate circumstances to allow purchases of recycled products that do not meet the minimum content requirements of the standards.

NEW SECTION. **Sec. 3.** The legislature encourages city, county, and state governments, the private sector, and consumers to collaborate in sharing information and becoming informed about opportunities for increasing voluntary product stewardship to support the state's recycling goals. For purposes of this section, "product stewardship" means a principle that directs all actors in the life cycle of a product to minimize impacts of that product on the environment.

NEW SECTION. **Sec. 4.** A new section is added to chapter 39.04 RCW to read as follows:

If a construction project receives state public funding, the product standards, as provided in RCW 43.19A.020, shall apply on the recycled content products used in the project.

NEW SECTION. **Sec. 5.** A new section is added to chapter 81.77 RCW to read as follows:

(1) The commission shall allow a solid waste collection company collecting recyclable materials from residential customers to retain up to thirty percent of the revenue paid to the company for the material if the company submits a plan to the commission that is certified by the appropriate local government authority as being consistent with the local government solid waste plan and that demonstrates how the revenues will be used to increase recycling. The remaining seventy percent of the revenue shall be passed to residential customers served by the company.

(2) By December 2, 2003, the commission shall provide a report to the legislature that evaluates:

(a) The effectiveness of revenue sharing as an incentive to increase recycling in the state; and

(b) The effect of revenue sharing on costs to customers.

Sec. 6. RCW 70.95.010 and 1989 c 431 s 1 are each amended to read as follows:

The legislature finds:

(1) Continuing technological changes in methods of manufacture, packaging, and marketing of consumer products, together with the economic and population growth of this state, the rising affluence of its citizens, and its expanding industrial activity

have created new and ever-mounting problems involving disposal of garbage, refuse, and solid waste materials resulting from domestic, agricultural, and industrial activities.

(2) Traditional methods of disposing of solid wastes in this state are no longer adequate to meet the ever-increasing problem. Improper methods and practices of handling and disposal of solid wastes pollute our land, air and water resources, blight our countryside, adversely affect land values, and damage the overall quality of our environment.

(3) Considerations of natural resource limitations, energy shortages, economics and the environment make necessary the development and implementation of solid waste recovery and/or recycling plans and programs.

(4) Waste reduction must become a fundamental strategy of solid waste management. It is therefore necessary to change manufacturing and purchasing practices and waste generation behaviors to reduce the amount of waste that becomes a governmental responsibility.

(5) Source separation of waste must become a fundamental strategy of solid waste management. Collection and handling strategies should have, as an ultimate goal, the source separation of all materials with resource value or environmental hazard.

(6)(a) It is the responsibility of every person to minimize his or her production of wastes and to separate recyclable or hazardous materials from mixed waste.

(b) It is the responsibility of state, county, and city governments to provide for a waste management infrastructure to fully implement waste reduction and source separation strategies and to process and dispose of remaining wastes in a manner that is environmentally safe and economically sound. It is further the responsibility of state, county, and city governments to monitor the cost-effectiveness and environmental safety of combusting separated waste, processing mixed waste, and recycling programs.

(c) It is the responsibility of county and city governments to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies.

(d) It is the responsibility of state government to ensure that local governments are providing adequate source reduction and separation opportunities and incentives to all, including persons in both rural and urban areas, and nonresidential waste generators such as commercial, industrial, and institutional entities, recognizing the need to provide flexibility to accommodate differing population densities, distances to and availability of recycling markets, and collection and disposal costs in each community; and to provide county and city governments with adequate technical resources to accomplish this responsibility.

(7) Environmental and economic considerations in solving the state's solid waste management problems requires strong consideration by local governments of regional solutions and intergovernmental cooperation.

(8) The following priorities for the collection, handling, and management of solid waste are necessary and should be followed in descending order as applicable:

(a) Waste reduction;

(b) Recycling, with source separation of recyclable materials as the preferred method;

(c) Energy recovery, incineration, or landfill of separated waste;

(d) Energy recovery, incineration, or landfilling of mixed wastes.

(9) It is the state's goal to achieve a fifty percent recycling rate by ((~~1995~~)) 2005.

(10) It is the state's goal that no residential or commercial yard debris be disposed of in landfills by 2010.

(11) Steps should be taken to make recycling at least as affordable and convenient to the ratepayer as mixed waste disposal.

(((~~11~~))) (12) It is necessary to compile and maintain adequate data on the types and quantities of solid waste that are being generated and to monitor how the various types of solid waste are being managed.

(((~~12~~))) (13) Vehicle batteries should be recycled and the disposal of vehicle batteries into landfills or incinerators should be discontinued.

(((~~13~~))) (14) Excessive and nonrecyclable packaging of products should be avoided.

(((~~14~~))) (15) Comprehensive education should be conducted throughout the state so that people are informed of the need to reduce, source separate, and recycle solid waste.

(((~~15~~))) (16) All governmental entities in the state should set an example by implementing aggressive waste reduction and recycling programs at their workplaces and by purchasing products that are made from recycled materials and are recyclable.

(((~~16~~))) (17) To ensure the safe and efficient operations of solid waste disposal facilities, it is necessary for operators and regulators of landfills and incinerators to receive training and certification.

(((~~17~~))) (18) It is necessary to provide adequate funding to all levels of government so that successful waste reduction and recycling programs can be implemented.

(((~~18~~))) (19) The development of stable and expanding markets for recyclable materials is critical to the long-term success of the state's recycling goals. Market development must be encouraged on a state, regional, and national basis to maximize its

effectiveness. The state shall assume primary responsibility for the development of a multifaceted market development program to carry out the purposes of this act.

(((~~(19)~~))) (20) There is an imperative need to anticipate, plan for, and accomplish effective storage, control, recovery, and recycling of discarded tires and other problem wastes with the subsequent conservation of resources and energy.

Sec. 7. RCW 70.95.030 and 1998 c 36 s 17 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "City" means every incorporated city and town.

(2) "Commission" means the utilities and transportation commission.

(3) "Committee" means the state solid waste advisory committee.

(4) "Composted material" means organic solid waste that has been subjected to controlled aerobic degradation at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

(5) "Department" means the department of ecology.

(6) "Director" means the director of the department of ecology.

(7) "Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.

(8) "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.

(9) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.

(10) "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.

(11) "Jurisdictional health department" means city, county, city-county, or district public health department.

(12) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.

(13) "Local government" means a city, town, or county.

(14) "Modify" means to substantially change the design or operational plans including, but not limited to, removal of a design element previously set forth in a permit application or the addition of a disposal or processing activity that is not approved in the permit.

(15) "Multiple family residence" means any structure housing two or more dwelling units.

(16) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(17) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2), local governments may identify recyclable materials by ordinance from July 23, 1989.

(18) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.

(19) "Residence" means the regular dwelling place of an individual or individuals.

(20) "Sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70.95J RCW.

(21) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70.95J RCW and wastewater as regulated in chapter 90.48 RCW.

(22) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

(23) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof.

(24) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

(25) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(26) "Waste-derived soil amendment" means any soil amendment as defined in this chapter that is derived from solid waste as defined in RCW 70.95.030, but does not include biosolids or biosolids products regulated under chapter 70.95J RCW or wastewaters regulated under chapter 90.48 RCW.

(27) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

(28) "Yard debris" means plant material commonly created in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard debris includes but is not limited to grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden debris, holiday trees, and tree prunings four inches or less in diameter.

Sec. 8. RCW 70.95.090 and 1991 c 298 s 3 are each amended to read as follows:

Each county and city comprehensive solid waste management plan shall include the following:

(1) A detailed inventory and description of all existing solid waste handling facilities including an inventory of any deficiencies in meeting current solid waste handling needs.

(2) The estimated long-range needs for solid waste handling facilities projected twenty years into the future.

(3) A program for the orderly development of solid waste handling facilities in a manner consistent with the plans for the entire county which shall:

(a) Meet the minimum functional standards for solid waste handling adopted by the department and all laws and regulations relating to air and water pollution, fire prevention, flood control, and protection of public health;

(b) Take into account the comprehensive land use plan of each jurisdiction;

(c) Contain a six year construction and capital acquisition program for solid waste handling facilities; and

(d) Contain a plan for financing both capital costs and operational expenditures of the proposed solid waste management system.

(4) A program for surveillance and control.

(5) A current inventory and description of solid waste collection needs and operations within each respective jurisdiction which shall include:

(a) Any franchise for solid waste collection granted by the utilities and transportation commission in the respective jurisdictions including the name of the holder of the franchise and the address of his or her place of business and the area covered by the franchise;

(b) Any city solid waste operation within the county and the boundaries of such operation;

(c) The population density of each area serviced by a city operation or by a franchised operation within the respective jurisdictions;

(d) The projected solid waste collection needs for the respective jurisdictions for the next six years.

(6) A comprehensive waste reduction and recycling element that, in accordance with the priorities established in RCW 70.95.010, provides programs that (a) reduce the amount of waste generated, (b) provide incentives and mechanisms for source separation, and (c) establish recycling opportunities for the source separated waste.

(7) The waste reduction and recycling element shall include the following:

(a) Waste reduction strategies;

(b) Source separation strategies, including:

(i) Programs for the collection of source separated materials from residences in urban and rural areas. In urban areas, these programs shall include collection of source separated recyclable materials from single and multiple family residences, unless the department approves an alternative program, according to the criteria in the planning guidelines. Such criteria shall include: Anticipated recovery rates and levels of public participation, availability of environmentally sound disposal capacity, access to markets for recyclable materials, unreasonable cost impacts on the ratepayer over the six-year planning period, utilization of environmentally sound waste reduction and recycling technologies, and other factors as appropriate. In rural areas, these programs shall include but not be limited to drop-off boxes, buy-back centers, or a combination of both, at each solid waste transfer, processing, or disposal site, or at locations convenient to the residents of the county. The drop-off boxes and buy-back centers may be owned or operated by public, nonprofit, or private persons;

(ii) Programs to monitor the collection of source separated waste at nonresidential sites where there is sufficient density to sustain a program;

(iii) Programs to ((~~collect~~)) manage yard ((~~waste, if the county or city submitting the plan finds that there are~~)) debris, including strategies to:

(A) Develop collection programs or alternative means for managing yard debris;

(B) Eliminate disposal of yard debris in landfills; and

(C) Encourage adequate markets or capacity for composted yard ((~~waste~~)) debris within or near the service area to consume ((~~the majority of~~)) the material collected; and

(iv) Programs to educate and promote the concepts of waste reduction and recycling;

(c) Recycling strategies, including a description of markets for recyclables, a review of waste generation trends, a description of waste composition, a discussion and description of existing programs and any additional programs needed to assist public and private sector recycling, and an implementation schedule for the designation of specific materials to be collected for recycling, and for the provision of recycling collection services; and

(d) Other information the county or city submitting the plan determines is necessary.

(8) County and city comprehensive solid waste management plans may provide for the establishment of residential collection rate structures that provide economic incentives for customers to reduce their level of solid waste collection service and encourage participation in waste reduction, recycling, and yard debris collection programs. All jurisdictions that are signatories to comprehensive solid waste management plans that adopt residential incentive rates shall adopt ordinances to implement rate structures that are consistent with the guidelines in the comprehensive plans. The utilities and transportation commission is authorized to issue rules to implement this section for solid waste collection companies regulated under Title 81 RCW.

(9) An assessment of the plan's impact on the costs of solid waste collection. The assessment shall be prepared in conformance with guidelines established by the utilities and transportation commission. The commission shall cooperate with the Washington state association of counties and the association of Washington cities in establishing such guidelines.

(((~~9~~))) (10) A review of potential areas that meet the criteria as outlined in RCW 70.95.165.

Sec. 9. RCW 70.95.280 and 1989 c 431 s 13 are each amended to read as follows:

The department of ecology shall determine the best management practices for categories of solid waste in accordance with the priority solid waste management methods established in RCW 70.95.010. In order to make this determination, the department shall conduct a comprehensive solid waste stream analysis and evaluation. Following establishment of baseline data resulting from an initial in-depth analysis of the waste stream, the department shall develop a less intensive method of monitoring the disposed waste stream including, but not limited to, changes in the amount of waste generated and waste type. The department shall monitor curbside collection programs and other waste segregation and disposal technologies to determine, to the extent possible, the effectiveness of these programs in terms of cost and participation, their applicability to other locations, and their implications regarding rules adopted under this chapter. Persons who collect solid waste shall annually report to the department the types and quantities of solid waste that are collected and where it is delivered. The department shall adopt guidelines for reporting and for ((~~keeping proprietary information confidential~~)) maintaining the confidentiality of proprietary information included in the report. By March 1st of each year, entities that collect recycled material shall report their activity from the previous calendar year on a form provided by the department. The department may impose a penalty of one hundred dollars on any entity that fails to submit the required report to the department. The department may impose an additional penalty of one hundred dollars for each day after March 1st that a firm fails to submit the required report. The total penalties for failure to report shall not exceed one thousand dollars. By May 1st of each year, the department may arrange for the publication in recycling and solid waste industry trade publications the names of those entities failing to file the required report. The department shall structure penalties and other sanctions so as to encourage compliance with the annual reporting requirement.

Sec. 10. RCW 70.95.290 and 1988 c 184 s 3 are each amended to read as follows:

(1) The evaluation of the solid waste stream required in RCW 70.95.280 shall include the following elements:

(a) The department shall determine which management method for each category of solid waste will have the least environmental impact; and

(b) The department shall evaluate the costs of various management options for each category of solid waste, including a review of market availability, and shall take into consideration the economic impact on affected parties;

(c) Based on the results of (a) and (b) of this subsection, the department shall determine the best management for each category of solid waste. Different management methods for the same categories of waste may be developed for different parts of the state.

(2) The department shall give priority to evaluating categories of solid waste that, in relation to other categories of solid waste, comprise a large volume of the solid waste stream or present a high potential of harm to human health. At a minimum the following categories of waste shall be evaluated:

(a) By January 1, 1989, yard ((~~waste~~)) debris and other biodegradable materials, paper products, disposable diapers, and batteries; ((~~and~~))

(b) By January 1, 1990, metals, glass, plastics, styrofoam or rigid lightweight cellular polystyrene, and tires; and

(c) By January 1, 2004, construction, demolition, and land-clearing debris, biosolids, manure, and major food-processing wastes.

(3) The department is prohibited from adopting rules that mandate best management practices for the categories of solid waste indentified in subsection (2) of this section.

Sec. 11. RCW 70.95.810 and 1998 c 245 s 132 are each amended to read as follows:

(1) In order to establish the feasibility of composting food and yard ((~~wastes~~)) debris, the department shall provide funds, as available, to local governments submitting a proposal to compost such wastes.

(2) The department, in cooperation with the department of community, trade, and economic development, may approve an application if the project can demonstrate the essential parameters for successful composting, including, but not limited to, cost-effectiveness, handling and safety requirements, and current and potential markets."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Eide, Hargrove, Swecker Honeyford, Morton and Fraser to Substitute Senate Bill No. 6715.

The motion by Senator Eide carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Eide, the following title amendment was adopted:

On page 1, line 1 of the title, after "reduction;" strike the remainder of the title and insert "amending RCW 43.19A.020, 70.95.010, 70.95.030, 70.95.090, 70.95.280, 70.95.290, and 70.95.810; adding a new section to chapter 39.04 RCW; adding a new section to chapter 81.77 RCW; creating new sections; and prescribing penalties."

On motion of Senator Eide, the rules were suspended, Engrossed Substitute Senate Bill No. 6715 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6715.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6715 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Voting nay: Senators Deccio, McCaslin, Roach and Sheldon, T. - 4.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6715, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5469, by Senators Patterson, Haugen, Kline, Jacobsen, Gardner and Winsley

Revising certain competitive bid dollar amounts to account for inflation.

The bill was read the second time.

MOTION

Senator Patterson moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.22.620 and 1998 c 278 s 2 are each amended to read as follows:

(1) As used in this section, the term "public works" means as defined in RCW 39.04.010.

(2) A first class city may have public works performed by contract pursuant to public notice and call for competitive bids. As limited by subsection (3) of this section, a first class city may have public works performed by city employees in any annual or biennial budget period equal to a dollar value not exceeding ten percent of the public works construction budget, including any

amount in a supplemental public works construction budget, over the budget period. The amount of public works that a first class city has a county perform for it under RCW 35.77.020 shall be included within this ten percent limitation.

If a first class city has public works performed by public employees in any budget period that are in excess of this ten percent limitation, the amount in excess of the permitted amount shall be reduced from the otherwise permitted amount of public works that may be performed by public employees for that city in its next budget period. Twenty percent of the motor vehicle fuel tax distributions to that city shall be withheld if two years after the year in which the excess amount of work occurred, the city has failed to so reduce the amount of public works that it has performed by public employees. The amount so withheld shall be distributed to the city when it has demonstrated in its reports to the state auditor that the amount of public works it has performed by public employees has been so reduced.

Whenever a first class city has had public works performed in any budget period up to the maximum permitted amount for that budget period, all remaining public works within that budget period shall be done by contract pursuant to public notice and call for competitive bids.

The state auditor shall report to the state treasurer any first class city that exceeds this amount and the extent to which the city has or has not reduced the amount of public works it has performed by public employees in subsequent years.

(3) In addition to the percentage limitation provided in subsection (2) of this section, a first class city with a population in excess of one hundred fifty thousand shall not have public employees perform a public works project in excess of fifty thousand dollars if more than a single craft or trade is involved with the public works project, or a public works project in excess of twenty-five thousand dollars if only a single craft or trade is involved with the public works project or the public works project is street signalization or street lighting. In addition to the percentage limitation provided in subsection (2) of this section, a first class city with a population of one hundred fifty thousand or less shall not have public employees perform a public works project in excess of thirty-five thousand dollars if more than one craft or trade is involved with the public works project, or a public works project in excess of twenty thousand dollars if only a single craft or trade is involved with the public works project or the public works project is street signalization or street lighting. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project.

(4) In addition to the accounting and record-keeping requirements contained in RCW 39.04.070, every first class city annually shall prepare a report for the state auditor indicating the total public works construction budget and supplemental public works construction budget for that year, the total construction costs of public works performed by public employees for that year, and the amount of public works that is performed by public employees above or below ten percent of the total construction budget. However, if a city budgets on a biennial basis, this annual report shall indicate the amount of public works that is performed by public employees within the current biennial period that is above or below ten percent of the total biennial construction budget.

After September 1, 1987, each first class city with a population of one hundred fifty thousand or less shall use the form required by RCW 43.09.205 to account and record costs of public works in excess of five thousand dollars that are not let by contract.

(5) The cost of a separate public works project shall be the costs of materials, supplies, equipment, and labor on the construction of that project. The value of the public works budget shall be the value of all the separate public works projects within the budget.

(6) The competitive bidding requirements of this section may be waived by the city legislative authority pursuant to RCW 39.04.280 if an exemption contained within that section applies to the work or contract.

(7) In lieu of the procedures of subsections (2) and (6) of this section, a first class city may use the small works roster process in RCW 39.04.155 to award contracts for public works projects with an estimated value of one hundred thousand dollars or less.

Whenever possible, the city shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section.

(8) The allocation of public works projects to be performed by city employees shall not be subject to a collective bargaining agreement.

(9) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

(10) Nothing in this section shall prohibit any first class city from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

(11) Beginning on July 1, 2001, and on July 1st of each succeeding odd-numbered year, the dollar limits specified in subsection (3) of this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars.

Sec. 2. RCW 35.23.352 and 1998 c 278 s 3 are each amended to read as follows:

(1) Any second class city with a population of more than five thousand may construct public works, as defined in RCW 39.04.010, by contract or day labor without calling for bids whenever the estimated cost of the work or improvement, including cost of materials, supplies, and equipment will not exceed the sum of thirty thousand dollars if more than one craft or trade is involved with the public works, or twenty thousand dollars if a single craft or trade is involved with the public works, or the public works project is street signalization or street lighting. Any second class city with a population of five thousand or less, or any town may construct any public works, as defined in RCW 39.04.010, by contract or day labor without calling for bids therefor whenever the estimated cost of the work or improvement, including cost of materials, supplies and equipment will not exceed the sum of ((~~thirty~~)) sixty thousand dollars if more than one craft or trade is involved with the public works, or ((~~twenty~~)) fifty thousand dollars if a single craft or trade is involved with the public works or the public works project is street signalization or street lighting. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project.

Whenever the cost of the public work or improvement, including materials, supplies and equipment, will exceed these figures, the same shall be done by contract. All such contracts shall be let at public bidding upon publication of notice calling for sealed bids upon the work. The notice shall be published in the official newspaper, or a newspaper of general circulation most likely to bring responsive bids, at least thirteen days prior to the last date upon which bids will be received. The notice shall generally state the nature of the work to be done that plans and specifications therefor shall then be on file in the city or town hall for public inspections, and require that bids be sealed and filed with the council or commission within the time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to the council or commission for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. The council or commission of the city or town shall let the contract to the lowest responsible bidder or shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call.

When the contract is let then all bid proposal deposits shall be returned to the bidders except that of the successful bidder which shall be retained until a contract is entered into and a bond to perform the work furnished, with surety satisfactory to the council or commission, in accordance with RCW 39.08.030. If the bidder fails to enter into the contract in accordance with his or her bid and furnish a bond within ten days from the date at which he or she is notified that he or she is the successful bidder, the check or postal money order and the amount thereof shall be forfeited to the council or commission or the council or commission shall recover the amount of the surety bond. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.

If no bid is received on the first call the council or commission may readvertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform the work or improvement by day labor.

(2) The allocation of public works projects to be performed by city or town employees shall not be subject to a collective bargaining agreement.

(3) In lieu of the procedures of subsection (1) of this section, a second class city or a town may use the small works roster process provided in RCW 39.04.155 to award public works contracts with an estimated value of one hundred thousand dollars or less.

Whenever possible, the city or town shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section.

(4) The form required by RCW 43.09.205 shall be to account and record costs of public works in excess of five thousand dollars that are not let by contract.

(5) The cost of a separate public works project shall be the costs of the materials, equipment, supplies, and labor on that construction project.

(6) Any purchase of supplies, material, or equipment, except for public work or improvement, where the cost thereof exceeds seven thousand five hundred dollars shall be made upon call for bids.

(7) Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper of general circulation in the city or town of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder.

(8) For advertisement and formal sealed bidding to be dispensed with as to purchases with an estimated value of fifteen thousand dollars or less, the council or commission must authorize by resolution, use of the uniform procedure provided in RCW 39.04.190.

(9) The city or town legislative authority may waive the competitive bidding requirements of this section pursuant to RCW 39.04.280 if an exemption contained within that section applies to the purchase or public work.

(10) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

(11) Nothing in this section shall prohibit any second class city or any town from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

(12) Beginning on July 1, 2001, and on July 1st of each succeeding odd-numbered year, the dollar limits specified in subsection (1) of this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars."

MOTION

Senator West moved that the following amendments to the striking amendment by Senator Patterson be considered simultaneously with an oral amendment to strike 'under this section' in both amendments.

On page 3, after line 34, insert the following:

"(12) Public works performed by public employees under this section shall be subject to chapter 39.12 RCW."

On page 6, after line 23, insert the following:

"(13) Public works performed by public employees under this section shall be subject to chapter 39.12 RCW."

Renumber the sections consecutively and correct any internal references accordingly.

PARLIAMENTARY INQUIRY

Senator Patterson: "Mr. President, I have a point of parliamentary inquiry. I would like to know, under what circumstances, an oral amendment is appropriate and if this is one of those circumstances?"

REPLY BY THE PRESIDENT

President Owen: "The President, just for future reference--I think I know what is going to happen here--but for future reference, when we have had a member offer an oral amendment, we have allowed that if there were no objections from the body. If there are objections, then we have the amendment drafted. So, at this point, Senator West has offered to strike ‘under this section’ from these two amendments. If there are no objections from the body--the oral amendments will be adopted."

Debate ensued

The President declared the question before the Senate to be the adoption of the amendments by Senator West on page 3, after line 34, and page 6, after line 23, to the striking amendment by Senator Patterson to Senate Bill No. 5469.

Debate ensued.

POINT OF ORDER

Senator Patterson: "Mr. President, I rise to a point of order. The underlying amendment is about bid limits and the amendments to the amendment is about prevailing wage and for that reason, I would like to suggest that the amendments proposed by Senator West to the striking amendment change the scope and object of the striking amendment. I would like to demand a ruling."

Debate ensued.

MOTION

On motion of Senator Betti Sheldon, further consideration of Senate Bill No. 5469 was deferred.

SECOND READING

SENATE BILL NO. 6568, by Senators Swecker, Hale, Rasmussen, Oke and Morton

Requiring the treatment of biomedical waste cultures prior to disposal.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6568 was substituted for Senate Bill No. 6568 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 6568 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6568.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6568 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6568, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6330, by Senators Jacobsen, Swecker and Oke

Allowing nonconsumptive wildlife activities on public lands.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 6330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6330.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6330 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SENATE BILL NO. 6330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President reverted the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

February 14, 2000

MR. PRESIDENT:

The Co-Speakers have signed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2337, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2337.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6147, by Senators Jacobsen, Swecker, Thibaudeau, McAuliffe, Oke and Kohl-Welles

Creating the Washington state parks gift foundation.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 6147 was substituted for Senate Bill No. 6147 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 6147 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6147.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6147 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6147, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6613, by Senators Costa, Long, Haugen, Oke, Winsley, Thibaudeau and Kohl-Welles

Changing child passenger restraint provisions.

MOTION

On motion of Senator Costa, Senate Bill No. 6613 was not substituted.

POINT OF ORDER

Senator West: "A point of order, Mr. President. By the action of the body, we now have the original bill before us and we don't have the original bill on our desks, so we can't make reference to it. I have a point of order that I would like to raise, but I don't have a copy of the original bill."

RELY BY THE PRESIDENT

President Owen: "Your point of order is--?"
Senator West: "That we should have the written original bill on our desks."
President Owen: "Thank you. Your point is well taken."

MOTION

On motion of Senator Betti Sheldon, further consideration of Senate Bill No. 6613 was deferred.

SECOND READING

SENATE BILL NO. 6256, by Senators Rasmussen, Loveland, Morton, Prentice and Stevens

Allowing voluntary food labeling.

The bill was read the second time.

MOTION

Senator Stevens moved that the following amendment by Senators Swecker, Oke, Stevens, Honeyford, Roach, McCaslin, Morton and Hochstatter be adopted:

On page 2, after line 25, insert the following:

"NEW SECTION. **Sec. 8.** A new section is added to chapter 15.66 RCW to read as follows:

(1) Any fish or other animal listed by the federal government as threatened or endangered that is offered for sale must be labeled in accordance with subsection (2) of this section.

(2) A prominent label must be attached to all fish or other animals outlined in subsection (1) of this section. Such label shall read: "CAUTION: Purchase or consumption of this threatened or endangered species may place you at risk of federal prosecution under the federal endangered species act."

Renumber the remaining sections consecutively and correct any internal references.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Swecker, would farm salmon--raised salmon--be subject to labeling underneath your amendment?"

Senator Swecker: "I thank the fine Senator from the Second District for that question. In fact, it would not be; it is not an endangered species."

Senator Rasmussen: "I thought that we passed a bill that said that that would have to be labeled as farm salmon--farm raised salmon." Senator Swecker: "I think that would be a very excellent provision and if the good Senator from the Second would like to offer that, I would support it. Thank you."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Swecker, Oke, Stevens, Honeyford, Roach, McCaslin, Morton Hochstatter and Hale on page 2, after line 25, to Senate Bill No. 6256.

The motion by Senator Stevens failed and the amendment was not adopted.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 6256 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6256.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6256 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Voting nay: Senators Hochstatter, Honeyford and Horn - 3.

Excused: Senator Sellar - 1.

SENATE BILL NO. 6256, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6158, by Senators Fairley, Prentice, Goings, Costa, McAuliffe, Gardner, Franklin, Kline and Kohl-Welles

Creating a presumption of occupational disease for fire fighters.

The bill was read the second time.

MOTION

On motion of Senator Snyder, the rules were suspended, Senate Bill No. 6158 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6158.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6158 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41.

Voting nay: Senators Finkbeiner, Hochstatter, Honeyford, Long, Morton and Rossi - 6.

Absent: Senator Deccio - 1.

Excused: Senator Sellar - 1.

SENATE BILL NO. 6158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 6613, deferred earlier today after adopting the motion by Senator Costa to not substitute the bill.

The bill was read the second time.

POINT OF ORDER

Senator West: "A point of order, Mr. President. After reading Senate Bill No. 6613, I submit that Senate Bill No. 6613 is in violation of Senate Rule 25, which states as follows: 'No bill shall embrace more than one subject and that subject shall be expressed in the title.' I submit that Senate Bill No. 6613 contains two subjects and that the subjects are not expressed in the title of the bill.

"Senate Bill No. 6613 is titled 'An act relating to child passenger restraint systems.' Section 1 of this act would make certain changes to the law relating to child passenger restraint systems. Current law requires a child restraint system in an automobile for children under three and does not make distinct requirements based on weight. Section 1 would, for example, require that a child of less than one year of age must be properly restrained in a rear-facing seat and other requirements.

"However, the bill then takes a wild turn. In Section 2, Mr. President, the bill would amend RCW 46.61.668. That statute currently states generally, first, that all persons, including persons over the age of sixteen must wear safety belts; and second, that enforcement of the seatbelt requirement may be accomplished only as a secondary action. Section 2 of this bill would delete the requirement that seatbelt violations relating to any person, including adults, may be enforced only as secondary offenses. These violations would now be enforceable as primary actions.

"Mr. President, in a 1998 ruling you held that because Senate Rule 25 is identical to Article 2, Section 19 of the State Constitution, you would look to cases interpreting Article 2, Section 19, when ruling on these points of order under Rule 25 (1998 Senate Journal, page 776). As you noted in your 1998 ruling, although there is a heavy burden on the challenger of a statute, the cases dictate that there must be some 'rational unity' between the general subject and the incidental subjects in a measure.

"Mr. President, I submit that there is no unity here whatsoever, let alone a rational unity, between the general subject that makes distinctions in the kinds of safety seats children must occupy, and an incidental subject that allows for the first time the adult seatbelt law to be enforced as a primary action. Clearly, this action, the way the bill is drafted, Mr. President, is what we would call 'logrolling,' where you attach an unpopular concept to a very popular concept and force the body to have to vote against something they want to do when they are trying to prevent something that they don't want to happen.

"So, I would ask you to rule, sir, that this bill violates Rule 25 and also Article 2, Section 19, of the State Constitution."

Debate ensued.

MOTION

On motion of Senator Betti Sheldon, further consideration of Senate Bill No. 6613 was deferred.

SECOND READING

SENATE BILL NO. 6749, by Senators Long, Hargrove, Haugen, Stevens, Winsley, McAuliffe and Patterson

Changing provisions relating to persons incapacitated by a chemical dependency.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6749 was substituted for Senate Bill No. 6479 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6479 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6749.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6749 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6749, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6643, by Senators Hargrove, Snyder, Rasmussen and Oke

Modifying growth management planning population requirements.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6643 was substituted for Senate Bill No. 6643 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 6643 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6643.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6643 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6643, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6805, by Senators Goings, Winsley, Eide, Rasmussen and Franklin

Apportioning a sales and use tax for zoos, aquariums, wildlife preserves, and parks.

The bill was read the second time.

MOTION

Senator Wojahn moved that the following striking amendment by Senators Wojahn, Winsley and Goings be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.14.400 and 1999 c 104 s 1 are each amended to read as follows:

(1) Upon the joint request of a metropolitan park district and a city with a population of more than one hundred fifty thousand, a county legislative authority in a county with a population of more than five hundred thousand and less than one million ((~~may~~)) five hundred thousand shall submit an authorizing proposition to the county voters, fixing and imposing a sales and use tax in accordance with this chapter for the purposes designated in subsection (((~~(3)~~))) (4) of this section and identified in the joint request. Such proposition must be placed on a ballot for a special or general election to be held no later than one year after the date of the joint request.

(2) The proposition is approved if it receives the votes of a majority of those voting on the proposition.

(3) The tax authorized in this section is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall equal no more than one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(4) Moneys received from any tax imposed under this section shall be used solely for the purpose of providing funds for:

(a) Costs associated with financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, reequipping, or improvement of zoo, aquarium, and wildlife preservation and display facilities that are currently accredited by the American zoo and aquarium association; or

(b) Those costs associated with (a) of this subsection and costs related to parks located within a county described in subsection (1) of this section.

(5) The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county. In lieu of the charge for the administration and collection of local sales and use taxes under RCW 82.14.050 from which the county is exempt under this subsection (5), a percentage of the tax revenues authorized by this section equal to one-half of the maximum percentage provided in RCW 82.14.050 shall be transferred annually to the department of community, trade, and economic development, or its successor agency, from the funds allocated under subsection (6)(b) of this section for a period of t
welve years from the first date of distribution of funds under subsection (6)(b) of this section. The department of community, trade, and economic development, or its successor agency, shall use funds transferred to it pursuant to this subsection (5) to provide, operate, and maintain community-based housing under chapter 43.185 RCW for persons who are mentally ill, have developmental disabilities, or youth who are otherwise blind, deaf, or otherwise disabled.

(6) If the joint request and the authorizing proposition include provisions for funding those costs included within subsection (4)(b) of this section, the tax revenues authorized by this section shall be allocated annually as follows:

(a) Fifty percent to the zoo and aquarium advisory authority; and

(b) Fifty percent to be distributed on a per capita basis as set out in the most recent population figures for unincorporated and incorporated areas only within that county, as determined by the office of financial management, solely for parks, as follows: To any metropolitan park district, to cities and towns not contained within a metropolitan park district, and the remainder to the county. Moneys received under this subsection (6)(b) may not be used to replace or supplant existing per capita funding.

(7) Funds shall be distributed annually by the county treasurer to the county, and cities and towns located within the county, in the manner set out in subsection (6)(b) of this section.

(8) Prior to expenditure of any funds received by the county under subsection (6)(b) of this section, the county shall establish a process which considers needs throughout the unincorporated areas of the county in consultation with community advisory councils established by ordinance.

(9) By December 31, 2005, and thereafter, the county or any city with a population greater than eighty thousand must provide at least one dollar match for every two dollars received under this section.

(10) Properties subject to a memorandum of agreement between the federal bureau of land management, the advisory council on historic preservation, and the Washington state historic preservation officer have priority for funding from money received under subsection (6)(b) of this section for implementation of the stipulations in the memorandum of agreement.

(a) At least one-hundred thousand dollars of the first four years of allocations under subsection (6)(b) of this section, to be matched by the county or city with one dollar for every two dollars received, shall be used to implement the stipulations of the memorandum of agreement and for other historical, archaeological, architectural, and cultural preservation and improvements related to the properties.

(b) The amount in (a) of this subsection shall come equally from the allocations to the county and to the city in which the properties are located, unless otherwise agreed to by the county and the city.

(c) The amount in (a) of this subsection shall not be construed to displace or be offered in lieu of any lease payment from a county or city to the state for the properties in question."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Wojahn, Winsley and Goings to Senate Bill No. 6805.

The motion by Senator Wojahn carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Goings, the following title amendment was adopted:

On page 1, line 2 of the title, after "preserves, and" strike the remainder of the title and insert "parks; and amending RCW 82.14.400."

On motion of Senator Goings, the rules were suspended, Engrossed Senate Bill No. 6805 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6805.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6805 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

ENGROSSED SENATE BILL NO. 6805, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Stevens was excused.

SECOND READING

SENATE BILL NO. 6368, by Senators Brown, Franklin, Wojahn, Prentice, Costa, Kohl-Welles, McAuliffe, Fairley, Thibaudeau, B. Sheldon, Bauer, Gardner, Rasmussen, Jacobsen, Patterson, Goings and Spanel

Allowing unemployment benefits during lockouts.

The bill was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 6368 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Oke: "Senator Brown, does this bill apply only to Kaiser or does this set up a precedent in the future that would apply to all other lockouts?"

Senator Brown: "Thank you, Senator. That is a good question. In fact, this bill would apply to other situations, but those situations are extremely rare. The last time there occurred a situation like this in Washington State, where this bill would apply, was in 1989. It affected fifty-seven people and it lasted one month. It is true that this is a very unprecedented and agreed situation and that is why is required--this type of bill for the resolution of it."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6368.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6368 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 19; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 27.

Voting nay: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Swecker, West and Zarelli - 19.

Absent: Senator Finkbeiner - 1.

Excused: Senators Sellar and Stevens - 2.

SENATE BILL NO. 6368, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 3:46 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 5:01 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6250, by Senators Rasmussen, Loveland, Morton, Brown, T. Sheldon, Swecker, Stevens, Eide and Gardner (by request of Department of Agriculture)

Providing tax exemptions and credits to encourage a reduction in agricultural burning of cereal grains and field and turf grass grown for seed.

The bill was read the second time.

MOTION

Senator Sheahan moved that the following amendments by Senators Sheahan and Stevens be considered simultaneously and be adopted:

On page 2, line 10, strike "exclusively" and insert "more than half of the time"

On page 2, line 32, after "used" strike "exclusively" and insert "more than half of the time"

Debate ensued.

The President declared the question before Senate to be the adoption of the amendments by Senators Sheahan and Stevens on page 2, lines 10 and 32, to Senate Bill No. 6250.

The motion by Senator Sheahan carried and the amendments were adopted.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 6250 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6250.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6250 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Deccio - 1.

Excused: Senator Sellar - 1.

ENGROSSED SENATE BILL NO. 6250, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Goings was excused.

SECOND READING

SENATE BILL NO. 6825, by Senators Wojahn, Jacobsen, Thibaudeau, Snyder, B. Sheldon, Goings, Franklin, Horn, Shin, Bauer, Hargrove, Haugen, McAuliffe, Prentice and Costa

Placing property adjacent to Western state hospital in trust.

The bill was read the second time.

MOTIONS

On motion of Senator Wojahn, the following amendment by Senators Wojahn, Thibaudeau, Rasmussen, Heavey, Deccio, Hargrove, Oke, Goings and Snyder was adopted:

On page 1, line 11, after "account." insert "Any income from the property transferred pursuant to this section must be used for the benefit of the mentally ill as specified in the original federal grant."

On motion of Senator Wojahn, the rules were suspended, Engrossed Senate Bill No. 6825 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6825.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6825 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Wojahn and Zarelli - 45.

Voting nay: Senators West and Winsley - 2.

Excused: Senators Goings and Sellar - 2.

ENGROSSED SENATE BILL NO. 6825, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6454, by Senators Loveland, Brown and Jacobsen

Eliminating references to obsolete natural resources accounts.

MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 6454 was substituted for Senate Bill No. 6454 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Loveland, the rules were suspended, Substitute Senate Bill No. 6454 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6454.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6454 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6454, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6462, by Senators McAuliffe, Kohl-Welles, Eide, Brown, Rasmussen, Bauer, Goings, Patterson, Winsley and Jacobsen (by request of Governor Locke)

Providing a salary bonus for teachers receiving national board for professional teaching standards certification.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 6462 was substituted for Senate Bill No. 6462 and the substitute bill was placed on second reading and read the second time.

Senator Zarelli moved that the following amendment by Senators Zarelli and McAuliffe be adopted:

On page 2, at the beginning of line 6, strike "In" and insert "To the extent funds are appropriated, in"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli and McAuliffe on 2, at the beginning of line 6, to Substitute Senate Bill No. 6462.

The motion by Senator Zarelli carried and the amendment was adopted.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 6462 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6462.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6462 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6462, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6811, by Senators Kohl-Welles, Jacobsen, Shin, B. Sheldon, Winsley, McAuliffe, Roach, Thibaudeau, Spanel, Bauer and Goings

Providing for sick leave and leave sharing for part-time academic employees at community and technical colleges.

MOTIONS

On motion of Senator Kohl-Welles, Second Substitute Senate Bill No. 6811 was substituted for Senate Bill No. 6811 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Second Substitute Senate Bill No. 6811 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6811.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6811 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Voting nay: Senator Honeyford - 1.

Absent: Senator Johnson - 1.

Excused: Senator Sellar - 1.

SECOND SUBSTITUTE SENATE BILL NO. 6811, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6558, by Senator Kohl-Welles

Including higher education programs in the work activity definition.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6558 was substituted for Senate Bill No. 6558 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6558 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

DEMAND FOR THE PREVIOUS QUESTION

Senators Snyder, Betti Sheldon and Spanel demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6558.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6558 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 31.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hochstatter, Honeyford, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Stevens, Swecker, West and Zarelli - 17.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6167, by Senators Fairley and Thibaudeau

Changing public assistance provisions.

MOTIONS

On motion of Senator Fairley, Second Substitute Senate Bill No. 6167 was substituted for Senate Bill No. 6167 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Second Substitute Senate Bill No. 6167 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6167.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6167 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SECOND SUBSTITUTE SENATE BILL NO. 6167, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President advanced the Senate to the seventh order of business.

MOTION

On motion of Senator Honeyford, Senator Hale was excused.

THIRD READING

SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8205, by Senate Committee on Ways and Means (originally sponsored by Senator Hargrove)

Requiring a geographic distribution of initiative petition signatures.

The joint resolution was read the third time

Senator Hargrove spoke to Second Substitute Senate Joint Resolution No. 8205.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Joint Resolution No. 8205.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Joint Resolution No. 8205 and the joint resolution passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 35.

Voting nay: Senators Fairley, Finkbeiner, Franklin, Fraser, Horn, Johnson, Kohl-Welles, Prentice, Roach, Rossi, Spanel and Thibaudeau - 12.

Excused: Senators Hale and Sellar - 2.

SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8205, having received the constitutional two-thirds majority was declared passed.

MOTION

At 5:59 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 7:05 p.m. by President Owen.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6525, by Senators Fraser, Swecker, Jacobsen, Eide, McAuliffe and Gardner

Prioritizing the processing of applications for water rights changes and transfers.

MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 6525 was substituted for Senate Bill No. 6525 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Goings, the rules were suspended, Substitute Senate Bill No. 6525 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Goings, further consideration of Substitute Senate Bill No. 6525 was deferred.

PERSONAL PRIVILEGE

Senator Finkbeiner: "Mr. President, I rise to a point of personal privilege. While we are getting things in order here, I thought I would take just a quick moment and hopefully this won't lead to a problem. Since we are in here late tonight, my wife and son are watching us on TVW and it is Valentine's Day. I wanted to wish my wife a happy Valentine's Day and say goodnight to Conner. Thank you for allowing that point of personal privilege."

REPLY BY THE PRESIDENT

President Owen: "I'm going to check the rule book. I am not sure that is a point of personal privilege, but it is certainly allowed on St. Valentine's Day."

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SECOND READING

SENATE BILL NO. 6561, by Senators Rossi, Patterson, Horn, Loveland, Heavey, Deccio, Rasmussen, Winsley, T. Sheldon and Haugen

Designating the Washington national guard as a law enforcement agency for the purposes of federal drug asset forfeiture laws.

The bill was read the second time.

MOTIONS

On motion of Senator Rossi, the following amendment by Senators Rossi, Kohl-Welles, Brown and Heavey was adopted:

On page 2, line 1, after "agency." insert "The Washington national guard shall keep a record of property or money received under this subsection. The record must include, consistent with 21 U.S.C. Sec. 881, the following: Whether the national guard retained or disposed of the property; the amount of money received directly; a description of property received and the amount of money realized from disposition of the property; a description and record of the national guard's use of the money or property; and any additional information the national guard deems appropriate. The Washington national guard shall file an annual report with the legislature and governor setting forth the information required to be recorded under this subsection."

On motion of Senator Patterson, the rules were suspended, Engrossed Senate Bill No. 6561 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6561.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6561 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45.

Voting nay: Senators Finkbeiner and Zarelli - 2.

Absent: Senator Hargrove - 1.

Excused: Senator Sellar - 1.

ENGROSSED SENATE BILL NO. 6561, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6548, by Senator McCaslin

Selling a vehicle by consignment at wholesale motor vehicle auctions.

MOTIONS

On motion of Senator Gardner, Substitute Senate Bill No. 6548 was substituted for Senate Bill No. 6548 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gardner, the rules were suspended, Substitute Senate Bill No. 6548 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6548.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6548 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6548, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6600, by Senator Haugen

Compensating highway and ferry workers for motorist assault.

The bill was read the second time.

MOTION

On motion of Senator Gardner, the rules were suspended, Senate Bill No. 6600 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6600.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6600 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson,

Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senators Finkbeiner, Hochstatter, Honeyford, Horn and Morton - 5.

Excused: Senator Sellar - 1.

SENATE BILL NO. 6600, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6439, by Senators Long, Hargrove and Sheahan (by request of Department of Social and Health Services)

Changing terminology in the release from commitment of persons in mental treatment facilities.

MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 6439 was substituted for Senate Bill No. 6439 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6439 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6439.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6439 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Wojahn - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6439, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 6613, deferred on second reading earlier today.

RULING BY THE PRESIDENT

President Owen: "In ruling on the point of order by Senator West concerning whether Senate Bill No. 6613 violates Senate Rules 25, the President notes that he has entertained this point of order on two occasions in the past, both times when the measure in question was on third reading. The President believes that the proper time to make this point of order is on third reading. Until that time, the body may perfect the measure.

"You're asking for an advisory opinion. The President does not give advisory opinions. The President makes rulings on points of order. If the President ruled on a point of order on second reading that a measure fails to comply with Senate Rule 25, this would have the effect of preventing further consideration of that measure, and of preventing the body from perfecting the measure so that it does comply with Senate Rule 25.

"The President believes that the proper time to make a point of order under Senate Rule 25 is on third reading. Until that time, the body may perfect the measure and, if necessary, consult with advisers concerning the measure's compliance with Senate Rule 25."

MOTION

Senator Costa moved that the following striking amendment by Senators Costa, Oke and Heavey be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.687 and 1994 c 100 s 1 are each amended to read as follows:

(1) Whenever a child who is less than ((~~ten~~)) sixteen years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, the driver of the vehicle shall keep the child properly restrained in a child restraint system that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system as follows:

(a) If the child is less than one year of age, the child shall be properly restrained in a rear-facing infant seat;

(b) If the child is more than one but less than ((~~three~~)) four years of age and/or weighs less than forty pounds, the child shall be properly restrained in a forward facing child safety seat restraint system ((~~that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system~~));

(((~~(b)~~))) (c) If the child is less than ((~~ten~~)) eight years of age and/or eighty pounds but at least ((~~three~~)) four years of age, the child shall be properly restrained ((~~either as specified in (a) of this subsection or with a safety belt properly adjusted and fastened around the child's body.~~)) in a child booster seat;

(d) If the child is eight years of age or older or weighs more than eighty pounds, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body; and

(e) The driver of a vehicle transporting a child under the age of eight years old and/or eighty pounds, when the vehicle is equipped with a passenger side air bag supplemental restraint system, shall transport the child in the back seat positions in the vehicle where it is practical to do so.

(2) A person violating subsection (1)(a) through (c) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system within seven days to the jurisdiction issuing the notice and the person has not previously had a violation of this section dismissed, the jurisdiction shall dismiss the notice of traffic infraction.

(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.

(4) This section does not apply to: (a) For hire vehicles, (b) vehicles designed to transport sixteen or less passengers, including the driver, operated by auto transportation companies, as defined in RCW 81.68.010, ((~~and~~)) (c) vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals, and (d) school buses.

(5) The requirements of subsection (1)(a) through (c) of this section do not apply in any seating position where there is only a lap belt available and the child weighs more than forty pounds.

Sec. 2. RCW 46.61.688 and 1990 c 250 s 58 are each amended to read as follows:

(1) For the purposes of this section, the term "motor vehicle" includes:

(a) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;

(b) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;

(c) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and

(d) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(2) This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicle safety standard 208. This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required by federal motor vehicle safety standard 208 are occupied.

(3) Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

(4) No person may operate a motor vehicle unless all child passengers under the age of sixteen years are either wearing a safety belt assembly or are securely fastened into an approved child restraint device under RCW 46.61.687.

(5) A person violating this section shall be issued a notice of traffic infraction under chapter 46.63 RCW. A finding that a person has committed a traffic infraction under this section shall be contained in the driver's abstract but shall not be available to insurance companies or employers.

(6) Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(7)(a) Enforcement of subsection (4) of this section by law enforcement officers must be accomplished as a primary action.

(b) Enforcement of subsections (1) through (3) and (5) through (9) of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of Title 46 RCW or an equivalent local ordinance or some other offense.

(8) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(9) The state patrol may adopt rules exempting operators or occupants of farm vehicles, construction equipment, and vehicles that are required to make frequent stops from the requirement of wearing safety belts.

NEW SECTION. **Sec. 3.** A new section is added to chapter 46.61 RCW to read as follows:

The traffic safety commission shall conduct an educational campaign using all available methods to raise public awareness of the importance of properly restraining child passengers and the value of seatbelts to adult motorists. The traffic safety commission shall report to the transportation committees of the legislature on the campaign and results observed on the highways. The first report is due December 1, 2000, and annually thereafter.

NEW SECTION. **Sec. 4.** A new section is added to chapter 46.61 RCW to read as follows:

This act may be known and cited as the Anton Skeen act."

MOTION

Senator Deccio moved that the following amendment to the striking amendment by Senators Costa, Oke and Heavey be adopted:

On page 3, line 19, after "(6)" strike all material through "action." on line 21, and insert "((~~Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.~~))"

Renumber the sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Senator Kline: "I rise on a point of order, Mr. President. The point of order is a question to the President as to whether the amendment exceeds the scope and object of the striking amendment to which it depends. In support of that, if I may, there are two purposes remaining in the striker. One is to raise to the age of sixteen, the age of which a child passenger must have a seat belt. The second is a study by the Traffic Safety Commission. Those two purposes of the underlying striker are quite different from this, which has to do with legal liability and with what is admissible evidence in a lawsuit and totally apart from the good Senator's characterization of that evidence. The fact is that this subject is beyond the scope and object of the underlying striking amendment."

Debate ensued.

MOTION

On motion of Senator Betti Sheldon, further consideration of Senate Bill No. 6613 was deferred.

There being no objection, the President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6525, deferred on third reading earlier today.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6525.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6525 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 30.

Voting nay: Senators Deccio, Finkbeiner, Hochstatter, Honeyford, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Roach, Rossi, Sheahan, Sheldon, T., Stevens, West and Zarelli - 18.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6525, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6152, by Senators Stevens, Hochstatter, Swecker and Kohl-Welles

Changing provisions relating to the care, supervision, and treatment of children, developmentally disabled persons, and vulnerable adults.

MOTIONS

On motion of Senator Hargrove, Second Substitute Senate Bill No. 6152 was substituted for Senate Bill No. 6152 and the second substitute bill was placed on second reading and read the second time.

Senator Stevens moved that the following amendments be considered simultaneously and be adopted:

On page 4, line 35, after "not" strike "founded" and insert "unfounded"

On page 5, line 6, after "not" strike "founded" and insert "unfounded"

On page 5, line 33, after "not" strike "founded" and insert "unfounded"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Stevens on page 4, line 35, page 5, lines 6 and 33, to Second Substitute Senate Bill No. 6152.

The motion by Senator Stevens carried and the amendments were adopted.

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6152 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6152.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6152 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5469, deferred on second reading earlier today.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Patterson to the scope and object of the amendments by Senator West on page 3, after line 34, and page 6, after line 23, to the striking amendment by Senator Patterson to Senate Bill No. 5469, the President would like to remind the members that Senate Rule 66 provides that no amendment shall be allowed which 'changes the scope and object of the bill.' The President will, therefore, measure an amendment to a striking amendment against the scope and object of the underlying bill, not to the striking amendment to the bill.

"Having stated that, the President finds that Senate Bill No. 5469, the underlying bill in this case, is a measure which does one thing only. It raises competitive bid limits to account for inflation. The amendments by Senator West to the striking amendment would subject public works performed by city or county employees to prevailing wage requirements.

"The President, therefore, finds that the amendments to the striking amendment do change the scope and object of the bill, and that the point is well taken."

The amendments by Senator West on page 3, after line 34, and page 6, after line 23, to the striking amendment by Senator Patterson to Senate Bill No. 5469 were ruled out of order.

MOTION

On motion of Senator Betti Sheldon, further consideration of Senate Bill No. 5469 was deferred.

SECOND READING

SENATE BILL NO. 6391, by Senators Thibaudeau, Deccio and Kohl-Welles

Authorizing the disproportionate share study.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 6391 was substituted for Senate Bill No. 6391 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the following amendment by Senators Thibaudeau, Hargrove and Deccio was adopted:

On page 2, line 20, after "act." insert "Interested and affected organizations and agencies include, but are not limited to, representatives of the medical society, representatives of hospitals employing primary care physicians, representatives of hospitals providing medical residency programs, representatives of health maintenance organizations employing primary care physicians, and representatives of the Washington rural health association. When consulting with interested and affected organizations and agencies, the medical assistance administration and the health care authority shall seek the input of these organizations and agencies concerning how best to construct the methodology or methodologies that are needed to successfully complete the primary health care provider study, including, but not limited to, how to calculate provider cost relative to a regional consumer price index, patient mix, and organizational variables. As the study develops, the medical assistance administration and the health care authority shall continue to consult with the affected organizations and agencies in order to produce final study methodologies that accurately reflect the impact of the issues on the affected organizations and agencies."

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute Senate Bill No. 6391 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6391.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6391 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Heavey - 1.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6391, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6331, by Senators Costa, Winsley, Thibaudeau, Fairley, Kohl-Welles and Gardner

Regulating disclosure of health care information.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 6331 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6331.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6331 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SENATE BILL NO. 6331, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6382, by Senators Thibaudeau, McCaslin, Long, Costa, Winsley, Rasmussen, Kohl-Welles and McAuliffe (by request of Attorney General Gregoire)

Protecting dependent persons.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 6382 was substituted for Senate Bill No. 6382 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 6382 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6382.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6382 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6382, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Thibaudeau: "A point of personal privilege, Mr. President. I would just like to express my appreciation to the staff who did yeomen service. This bill was about to die and people would have been without the kinds of protection that this bill provides. The staff rescued it and gave us great help in redrafting it and I just want to express my appreciation to them. Thank you."

SECOND READING

SENATE BILL NO. 6668, by Senators McAuliffe, Finkbeiner, Eide, Rasmussen, Goings, Kohl-Welles, B. Sheldon and Patterson (by request of Governor Locke)

Promoting standards for educator quality.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 6668 was substituted for Senate Bill No. 6668 and the substitute bill was placed on second reading and read the second time.

Senator Zarelli moved that the following amendment by Senators Zarelli, Finkbeiner and McAuliffe be adopted:

On page 2, line 20, after "be" strike "a voting member" and insert "an ex officio, nonvoting member"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli, Finkbeiner and McAuliffe on page 2, line 20, to Substitute Senate Bill No. 6668.

The motion by Senator Zarelli carried and the amendment was adopted.

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli and Finkbeiner be adopted:

On page 3, after line 21, insert the following:

"(12) All final decisions of the Washington professional educator standards board shall be subject to unanimous consensus of all members of the board."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli and Finkbeiner on page 3, after line 21, to Substitute Senate Bill No. 6668.

The motion by Senator Zarelli failed and the amendment was not adopted.

MOTION

Senator Finkbeiner moved that the following amendment by Senators Finkbeiner and McAuliffe be adopted:

On page 4, line 12, after "capacity." insert "The Washington professional educator standards board shall submit a separate report by December 1, 2000, to the governor and the legislature, providing recommendations for at least two high quality alternate routes to teacher certification."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Finkbeiner and McAuliffe on page 4, line 12, to Substitute Senate Bill No. 6668.

The motion by Senator Finkbeiner carried and the amendment was adopted.

MOTION

Senator Finkbeiner moved that the following amendment be adopted:

On page 5, beginning on line 10, after "certificate" strike all material through "certificate." on line 12, and insert ". Beginning May 1, 2003, individuals with a residency or professional certificate who pass this assessment shall receive an endorsement in the appropriate subject area without fulfilling further requirements."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Finkbeiner on page 5, beginning on line 10, to Substitute Senate Bill No. 6668.

The motion by Senator Finkbeiner failed and the amendment was not adopted on a rising vote.

MOTION

Senator Finkbeiner moved that the following amendment be adopted:

On page 7, after line 21, insert the following:

"PART 3
CONDITIONAL CERTIFICATION

NEW SECTION. **Sec. 301.** A new section is added to chapter 28A.410 RCW to read as follows:

(1) The purpose of a conditional certificate is to assist local school districts, approved private schools, and educational service districts in meeting the state's educational goals by giving them flexibility in hiring decisions based on shortages or the opportunity to secure the services of talented individuals.

(2) A conditional certificate shall be issued upon application by the local school district, approved private school, or educational service district superintendent to persons who meet the age, good moral character, and personal fitness requirements established by the state board of education for all certificated staff, if one of the following conditions is verified:

(a) The applicant is highly qualified and experienced in the subject matter to be taught and has unusual distinction or exceptional talent; or

(b) No person with regular teacher certification in the endorsement area is available as verified by the district or educational service district superintendent or approved private school administrator, or circumstances warrant consideration of issuance of a conditional certificate.

(3) When requesting a conditional certificate for persons who provide classroom instruction, the educational service district superintendent or local district superintendent or approved private school administrator shall verify that the following criteria will be met:

(a) The individual passes the basic skills assessment under section 201(1) of this act when it becomes required;

(b) The individual passes the subject knowledge assessment under section 201(2) of this act when it becomes required;

(c) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities;

(d) The individual will be oriented and prepared for the specific assignment by the employing district or approved private school; and

(e) Within the first sixty working days, the individual will complete sixty clock hours of coursework in pedagogy and child/adolescent development appropriate to the assigned grade levels as approved by the employing school district or approved private school.

(4) The certificate is valid for two years or less, as evidenced by the expiration date that is printed on the certificate, and only for the activity specified. The certificate may be reissued for two years and for two-year intervals thereafter upon application by the employing local school district, approved private school, or educational service district, and upon completion of sixty clock hours since the issuance of the most recent certificate."

Renumber the remaining part and sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Finkbeiner on page 7, after line 21, to Substitute Senate Bill No. 6668.

The motion by Senator Finkbeiner failed and the amendment was not adopted.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 6668 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Deccio, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6668.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6668 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 41.

Voting nay: Senators Honeyford, Johnson, Morton, Stevens, Swecker and Zarelli - 6.

Excused: Senators McCaslin and Sellar - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6668, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6220, by Senators Prentice, Winsley, Deccio and Rasmussen

Prohibiting unfair competition by motor vehicle dealers and manufacturers.

MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 6220 was substituted for Senate Bill No. 6220 and the substitute bill was placed on second reading and read the second time.

Senator Winsley moved that the following striking amendment by Senators Winsley and Prentice be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 46.96 RCW to read as follows:

(1) Notwithstanding the terms of a franchise agreement, a manufacturer, distributor, factory branch, or factory representative, or an agent, officer, parent company, wholly or partially owned subsidiary, affiliated entity, or other person controlled by or under common control with a manufacturer, distributor, factory branch, or factory representative, shall not:

(a) Discriminate between new motor vehicle dealers by selling or offering to sell a like vehicle to one dealer at a lower actual price than the actual price offered to another dealer for the same model similarly equipped;

(b) Discriminate between new motor vehicle dealers by selling or offering to sell parts or accessories to one dealer at a lower actual price than the actual price offered to another dealer;

(c) Discriminate between new motor vehicle dealers by using a promotion plan, marketing plan, or other similar device that results in a lower actual price on vehicles, parts, or accessories being charged to one dealer over another dealer;

(d) Discriminate between new motor vehicle dealers by adopting a method, or changing an existing method, for the allocation, scheduling, or delivery of new motor vehicles, parts, or accessories to its dealers that is not fair, reasonable, and equitable. Upon the request of a dealer, a manufacturer, distributor, factory branch, or factory representative shall disclose in writing to the dealer the method by which new motor vehicles, parts, and accessories are allocated, scheduled, or delivered to its dealers handling the same line or make of vehicles;

(e) Give preferential treatment to some new motor vehicle dealers over others by refusing or failing to deliver, in reasonable quantities and within a reasonable time after receipt of an order, to a dealer holding a franchise for a line or make of motor vehicles sold or distributed by the manufacturer, distributor, factory branch, or factory representative, a new vehicle, parts, or accessories, if the vehicle, parts, or accessories are being delivered to other dealers, or require a dealer to purchase unreasonable advertising displays or other materials, or reasonably require a dealer to remodel or renovate existing facilities as a prerequisite to receiving a model or series of vehicles;

(f) Compete with a new motor vehicle dealer by acting in the capacity of a new motor vehicle dealer, or by owning, operating, or controlling, whether directly or indirectly, a motor vehicle dealership in this state. It is not, however, a violation of this subsection for:

(i) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership for a temporary period, not to exceed two years, during the transition from one owner of the dealership to another where the dealership was previously owned by a franchised dealer and is currently for sale to any qualified independent person at a fair and reasonable price. The temporary operation may be extended for up to one twelve-month period on petition of the temporary operator to the department. The matter will be handled as an adjudicative proceeding under chapter 34.05 RCW. Any dealer who is a franchisee of the petitioning manufacturer or distributor shall have the right to intervene and participate in any proceeding under chapter 34.05 RCW. The temporary operator has the burden of proof to show justification for the extension and a good faith effort to sell the dealership to an independent person at a fair and reasonable price;

(ii) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership in conjunction with an independent person in a bona fide business relationship program for the purpose of broadening the diversity of its dealer body and enhancing opportunities for qualified persons who are part of a group who have historically been underrepresented in its dealer body, or other qualified persons who lack the resources to purchase a dealership outright, and where the independent person: (A) Has made a significant, bona fide capital investment in the dealership that is subject to loss; (B) has an ownership interest in the dealership; and (C) operates the dealership under a bona fide written agreement with the manufacturer, distributor, factory branch, or factory representative under which he or she will acquire all of the ownership interest in the dealership within a reasonable period of time and under reasonable terms and conditions. The manufacturer, distributor, factory branch, or factory representative has the burden of proof of establishing that the acquisition of the dealership by the independent person under the program was made within a reasonable period of time and under reasonable terms and conditions;

(iii) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership in conjunction with an independent person in a bona fide business relationship where the independent person: (A) Has made a significant, bona fide capital investment in the dealership that is subject to loss; (B) has an ownership interest in the dealership; and (C) operates the dealership under a bona fide written agreement with the manufacturer, distributor, factory branch, or factory representative under which he or she will acquire all of the ownership interest in the dealership within a reasonable period of time and under reasonable terms and conditions. The manufacturer, distributor, factory branch, or factory representative has the burden of proof of establishing that the acquisition of the dealership by the independent person was made within a reasonable period of time and under reasonable terms and conditions. The number of dealerships operated under this subsection (1)(f)(iii) may not exceed two percent of the total of new motor vehicle dealer franchises per manufacturer in this state;

(iv) A truck manufacturer to own, operate, or control a new motor vehicle dealership that sells only trucks of that manufacturer's line make with a gross vehicle weight rating of 12,500 pounds or more, and the truck manufacturer has been continuously engaged in the retail sale of the trucks at least since January 1, 1993; or

(v) A manufacturer to own, operate, or control a new motor vehicle dealership trading exclusively in a single line make of the manufacturer if (A) the manufacturer's ownership interest is no more than forty-five percent of the total ownership, (B) at the time the manufacturer first acquires an ownership interest or assumes operation, the distance between any dealership thus owned or operated and the nearest unaffiliated motor vehicle dealership trading in the same line make is not less than fifteen miles, (C) during the period of ownership, the manufacturer of the line make has no more than five motor vehicle franchise agreements governing the line make in effect in this state, and (D) the manufacturer has been continuously engaged, at least since January 1, 1993, in the retail sale of motor vehicles of its own line make through the dealership;

(g) Compete with a new motor vehicle dealer by owning, operating, or controlling, whether directly or indirectly, a service facility in this state for the repair or maintenance of motor vehicles. Nothing in this subsection (1)(g), however, prohibits a manufacturer, distributor, factory branch, or factory representative from owning or operating a service facility for the purpose of providing or performing maintenance, repair, or service work on motor vehicles that are owned by the manufacturer, distributor, factory branch, or factory representative;

(h) Disclose, misappropriate, or unfairly use confidential or proprietary information obtained from an entity or person having a franchise agreement or franchise relationship with the manufacturer, distributor, factory branch, or factory representative. Confidential or proprietary information obtained from a franchisee is a valuable trade secret and may not be used by the manufacturer or distributor in a manner that is detrimental or disadvantageous to the franchisee, including but not limited to competing with the franchisee. For purposes of this section, the term "confidential or proprietary information" means trade secrets as defined in RCW 19.108.010, business plans, marketing plans or strategies, customer lists, contracts, sales data, revenues or other financial information, forecasts, or any other information that is designated as confidential, or, if disclosed orally, is identified as confidential or proprietary at the time of disclosure.

(2) Subsection (1)(a), (b), and (c) of this section do not apply to sales to a motor vehicle dealer: (a) For resale to a federal, state, or local government agency; (b) where the vehicles will be sold or donated for use in a program of driver's education; (c) where the sale is made under a manufacturer's bona fide promotional program offering sales incentives or rebates; (d) where the sale of parts or accessories is under a manufacturer's bona fide quantity discount program; or (e) where the sale is made under a manufacturer's bona fide fleet vehicle discount program. For purposes of this subsection, "fleet" means a group of fifteen or more new motor vehicles purchased or leased by a dealer at one time under a single purchase or lease agreement for use as part of a fleet, and where the dealer has been assigned a fleet identifier code by the department of licensing.

(3) The following definitions apply to this section:

(a) "Actual price" means the price to be paid by the dealer less any incentive paid by the manufacturer, distributor, factory branch, or factory representative, whether paid to the dealer or the ultimate purchaser of the vehicle.

(b) "Control" or "controlling" means (i) the possession of, title to, or control of ten percent or more of the voting equity interest in a person, whether directly or indirectly through a fiduciary, agent, or other intermediary, or (ii) the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting securities, through director control, by contract, or otherwise, except as expressly provided under the franchise agreement.

(c) "Motor vehicles" does not include trucks that are 14,001 pounds gross vehicle weight and above or recreational vehicles as defined in RCW 43.22.335.

(d) "Operate" means to manage a dealership, whether directly or indirectly.

(e) "Own" or "ownership" means to hold the beneficial ownership of one percent or more of any class of equity interest in a dealership, whether the interest is that of a shareholder, partner, limited liability company member, or otherwise. To hold an ownership interest means to have possession of, title to, or control of the ownership interest, whether directly or indirectly through a fiduciary, agent, or other intermediary.

(4) A violation of this section is deemed to affect the public interest and constitutes an unlawful and unfair practice under chapter 19.86 RCW. A new motor vehicle dealer having a franchise with a manufacturer or distributor, who is alleged to have violated any provision of this section, may bring an action under chapter 7.04 RCW against that manufacturer or distributor to restrain and prevent the doing of any act prohibited in this section or declared to be unlawful and to recover any damages sustained by reason of the manufacturer's or distributor's violation, together with the costs of the suit, including reasonable attorneys' fees."

POINT OF INQUIRY

Senator Haugen: "Senator Winsley, well I am really sympathetic to the car dealers, but I can tell you that I am really more sympathetic to the people that I represent who have to buy cars. I need to know that, in any way, does this bill make it so that the people I represent and you all represent would make it more difficult for them to find a good car at a bargain price? You know, I am really proud of the dealer I deal with, but I think people ought to have

the right to be able to go buy a car where they can get the best deal. I wouldn't want to vote for anything that would make it more difficult for the people who don't have a whole lot of money to be able to get the best buy they can find."

Senator Winsley: "Senator, I believe that just the opposite is true. I think there is a lot of information--for instance I think one of the things we learned in committee is how often the manufacturers finance dealerships and loan them money and it is at a low interest rate, so they are helping. Most of your car dealers--not all--but a lot are owned by families and they have been passed on from one generation to another. I am not going to name names, but I think if some of these large dealerships were to sell, they may not find someone on the market right away that could take over and purchase that for that amount of money.

"In this bill, the manufacturer could do it on a temporary basis. I feel that we have put enough in this bill that will give the consumer the right to look for the best bargain. We took the Internet out, so they could still shop for a car on the Internet, if that is the best buy, or the best bang for the buck--let's put it that way. I don't know about Costco, but there is nothing in here, I guess, to avoid that. I will just have to put a little plug; we had a little bill last session--remember--we wanted to let everybody know about those 800 numbers they were calling when they were ordering flowers, so as the old saying goes--what is good for the goose is good for the gander. I urge your support."

Further debate ensued.

POINT OF INQUIRY

Senator Benton: "Senator Gardner, can you tell me if this amendment that is being offered here on the floor today, is this in agreement by both parties at this time? Do you know?"

Senator Gardner: "I can't speak for all parties; I can only speak for myself and my perusal of it. I don't speak for anyone else. I am urging the other Senators to vote for it, because of my own personal opinion."

Senator Benton: "Okay, thank you very much, Senator."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Winsley and Prentice to Substitute Senate Bill No. 6220.

The motion by Senator Winsley carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Winsley, the following title amendment was adopted:

On line 2 of the title, after "manufacturers;" strike the remainder of the title and insert "and adding a new section to chapter 46.96 RCW."

On motion of Senator Winsley, the rules were suspended, Engrossed Substitute Senate Bill No. 6220 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6220.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6220 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6220, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6686, by Senators Patterson, Horn, Oke, Roach and Kline (by request of Governor Locke)

Protecting personal financial information.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6686 was substituted for Senate Bill No. 6686 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 6686 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6686.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6686 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6686, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6455, by Senators Gardner, Winsley, Fraser, Shin, Kohl-Welles, Brown, Costa, Fairley and Jacobsen

Providing for the licensing of geologists.

MOTIONS

On motion of Senator Gardner, Substitute Senate Bill No. 6455 was substituted for Senate Bill No. 6455 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gardner, the following amendment was adopted:

On page 14, after line 23, insert the following:

"NEW SECTION. **Sec. 17.** The board shall immediately suspend the license or practice permit of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for a license under this chapter during the suspension, reissuance of the license shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the child support order. The procedure in RCW 074.20A.320 is the exclusive administrative remedy for contesting the establishment of noncompliance with a child support order, and suspension of a license under this subsection, and satisfies the requirements of RCW 34.05.422."

Renumber the sections consecutively and correct any internal references accordingly.

MOTION

On motion of Senator Gardner, the rules were suspended, Engrossed Substitute Senate Bill No. 6455 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6455.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6455 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 36.

Voting nay: Senators Benton, Finkbeiner, Hargrove, Hochstatter, Honeyford, Johnson, McCaslin, Roach, Rossi, Stevens, West and Zarelli - 12.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6455, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6775, by Senators Patterson, Horn, Haugen, Shin, Prentice, Goings, Gardner and Costa

Simplifying public disclosure report filing and distributions.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6775 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6775.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6775 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 42.

Voting nay: Senators Benton, Hargrove, Honeyford, Roach, Stevens and Zarelli - 6.

Excused: Senator Sellar - 1.

SENATE BILL NO. 6775, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5874, by Senators Deccio, Franklin, Hale, Prentice, Costa, Loveland, B. Sheldon, Fairley, Kline, Spanel, Hochstatter, Long, Shin and McAuliffe

Concerning optometrists' use of approved drugs.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5874 was substituted for Senate Bill No. 5874 and the substitute bill was placed on second reading and read the second time.

Senator Wojahn moved that the following amendments by Senators Wojahn, McDonald and Rasmussen be considered simultaneously and be adopted:

On page 3, beginning on line 15, after "prescribe" strike all material through "pain" on line 16, and insert "drugs administered orally for therapeutic purposes"

On page 3, after line 17, strike all material through "pain." on line 27

Beginning on page 6, line 24, strike all of section 4

Renumber the remaining section consecutively and correct any internal references accordingly.

Debate ensued.

DEMAND FOR THE PREVIOUS QUESTION

Senators Snyder, Spanel and Prentice demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried on a rising vote.

The President declared the question before the Senate to be adoption of the amendment by Senators Wojahn, McDonald and Rasmussen on page 3, beginning on line 15; page 3, after line 17; and beginning on page 6, line 24, to Substitute Senate Bill No. 5874.

The motion by Senator Wojahn failed and the amendments were not adopted on a rising vote.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5874 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5874.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5874 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 42.

Voting nay: Senators Eide, McDonald, Rasmussen, Sheldon, T., West and Wojahn - 6.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 5874, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 6613, deferred on second reading earlier today.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Kline to the scope and object of the amendment by Senator Deccio on page 3, line 32, to the striking amendment by Senators Costa, Oke and Heavey to Senate Bill No. 6613, the President would again like to remind the members that under Senate Rule 66, the President measures an amendment to a striking amendment against the scope and object of the underlying bill, not to the striking amendment to the bill. Also, for purposes of Senate Rule 66, the President does not take into account the title of the bill, but rather looks to the bill's substance.

"According to these standards, the President finds that Senate Bill No. 6613, the underlying bill in this case, is a measure which relates broadly to safety belts. The measure would make changes to requirements for child

restraint systems and the measure would also make safety belt violations subject to enforcement as a primary actions. The amendment by Senator Deccio on page 3, line 32, to the striking amendment would also create an incentive to comply with safety belt requirements; namely, the amendment would provide that failure to comply with safety belt requirements may be admissible as evidence of negligence in a civil action.

"The President, therefore, finds that the amendment to the striking amendment does not change the scope and object of the underlying bill, and that the point is not well taken."

The amendment by Senator Deccio on page 3, line 32, to the striking amendment by Senators Costa, Oke and Heavey was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senator Deccio on page 3, line 32, to the striking amendment by Senators Costa, Oke and Heavey to Senate Bill No. 6613.

Debate ensued.

Senator Kline demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Deccio on page 3, line 32, to the striking amendment by Senators Costa, Oke and Heavey to Senate Bill No. 6613.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 15; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Senators Deccio, Hale, Hochstatter, Honeyford, McCaslin, McDonald, Morton, Oke, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West and Winsley - 15.

Voting nay: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Wojahn and Zarelli - 33.

Excused: Senator Sellar - 1.

MOTION

Senator Roach moved that the following amendment to the striking amendment by Senators Costa, Oke and Heavey be adopted:

On page 1, line 9 of the striking amendment, strike "sixteen" and insert "twelve"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 1, line 9, to the striking amendment by Senators Costa, Oke and Heavey to Senate Bill No. 6613.

The motion by Senator Roach failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Roach moved that the following amendments to the striking amendment by Senators Costa, Oke and Heavey be considered simultaneously and be adopted:

On page 1, line 20 of the striking amendment, strike "shall" and insert "((~~shall~~)) may"

On page 1, line 21 of the striking amendment, after "forward facing" insert "or rear-facing"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Roach on page 1, lines 20 and 21, to the striking amendment by Senators Costa, Oke and Heavey to Senate Bill No. 6613.

The motion by Senator Roach failed and the amendments to the striking amendment were not adopted.

MOTION

Senator Roach moved that the following amendment to the striking amendment by Senators Costa, Oke and Heavey be adopted:

On page 2, line 3 of the striking amendment, after "(2)" strike "A" and insert "In a vehicle registered in the state of Washington, a"

PERSONAL PRIVILEGE

Senator Roach: "I want to state as a matter of personal privilege before I enter into this discussion. We should be respectful of all members of the Senate. I think it is disrespectful to suggest, just because somebody is not on the Transportation Committee, that they don't understand these issues. I have had five children, raised them all, and they have all been in automobiles and I think the maker of that comment can't say that for even one. So, let's start keeping our comments to what we should be talking about and that is the issue before us."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 2, line 3, to the striking amendment by Senators Costa, Oke and Heavey to Senate Bill No. 6613. The motion by Senator Roach failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Zarelli moved that the following amendment by Senators Benton, Zarelli and Johnson to the striking amendment by Senators Costa, Oke and Heavey be adopted:

On page 3, beginning on line 22 of the striking amendment, strike everything through "action." on line 23

Debate ensued.

PERSONAL PRIVILEGE

Senator Tim Sheldon: "A point of personal privilege, Mr. President. As the hour grows late and given the intensity of the debate, perhaps we should consider seat belts on legislative chairs."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton, Zarelli and Johnson on page 3, beginning on line 22, to the striking amendment by Senators Costa, Oke and Heavey to Senate Bill No. 6613.

The motion by Senator Zarelli failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Benton moved that the following amendment to the striking amendment be adopted:

On page 3, line 23 of the striking amendment, after "officers" strike "must" and insert "may"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 3, line 23, to the striking amendment by Senators Costa, Oke and Heavey to Senate Bill No. 6613.

The motion by Senator Benton carried and the amendment to the striking amendment was adopted.

MOTION

Senator Benton moved that the following amendment to the striking amendment be adopted:

On page 4, after line 7, insert the following:

"NEW SECTION. **Sec. 4.** A new section is added to chapter 46.61 RCW to read as follows:

Seventy-five percent of all fines and penalties collected under RCW 46.61.688 shall be allocated to the traffic safety commission to be used solely to raise public awareness of the importance of properly restraining child passengers and the value of seatbelts to adult motorists."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 4, after 7, to the striking amendment by Senators Costa, Oke and Heavey to Senate Bill No. 6613.

The motion by Senator Benton failed and the amendment to the striking amendment was not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Costa, Oke and Heavey, as amended, to Senate Bill No. 6613.

The motion by Senator Costa carried and the striking amendment, as amended, was adopted.

PARLIAMENTARY INQUIRY

Senator Benton: "I rise to a parliamentary inquiry. When you asked for a vote on Senator Costa's amendment. Would that be the amendment, as amended?"

REPLY BY THE PRESIDENT

President Owen: "Yes, that is correct."

Senator Benton: "Thank you."

MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 46.61.687 and 46.61.688; and adding new sections to chapter 46.61 RCW."

On motion of Senator Costa, the rules were suspended, Engrossed Senate Bill No. 6613 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6613.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6613 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 37.

Voting nay: Senators Benton, Finkbeiner, Hale, Hochstatter, McCaslin, Morton, Roach, Rossi, Sheldon, T., Stevens and Zarelli - 11.

Excused: Senator Sellar - 1.

ENGROSSED SENATE BILL NO. 6613, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 10:17 p.m.,0 on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Tuesday, February 15, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

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THIRTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 15, 2000

The Senate was called to order at 9:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Finkbeiner, Haugen, McDonald, Patterson and Sellar. On motion of Senator Franklin, Senators Haugen and Patterson were excused. On motion of Senator Honeyford, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Pages Liz Jenkins and Edward Johnson, presented the Colors. Reverend Mike McIntosh, pastor of the Grace Church in Federal Way, and a guest of Senator Tracey Eide, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

February 11, 2000

MR. PRESIDENT:

The House has passed:
SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1059,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1071,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1572,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2109,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2380,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2439,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2451,
SUBSTITUTE HOUSE BILL NO. 2491,
SUBSTITUTE HOUSE BILL NO. 2599,
ENGROSSED HOUSE BILL NO. 2755,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2929,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3045,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4018, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

February 11, 2000

MR. PRESIDENT:

The House has passed:
ENGROSSED HOUSE BILL NO. 1968,

SUBSTITUTE HOUSE BILL NO. 2060,
SECOND SUBSTITUTE HOUSE BILL NO. 2359,
SUBSTITUTE HOUSE BILL NO. 2377,
HOUSE BILL NO. 2407,
HOUSE BILL NO. 2452,
SUBSTITUTE HOUSE BILL NO. 2454,
HOUSE BILL NO. 2505,
SUBSTITUTE HOUSE BILL NO. 2608,
SUBSTITUTE HOUSE BILL NO. 2614,
HOUSE BILL NO. 2733,
SUBSTITUTE HOUSE BILL NO. 2803,
HOUSE BILL NO. 2832,
SUBSTITUTE HOUSE BILL NO. 2850,
HOUSE BILL NO. 2853,
HOUSE BILL NO. 2861,
SUBSTITUTE HOUSE BILL NO. 2874,
SUBSTITUTE HOUSE BILL NO. 2899,
SECOND SUBSTITUTE HOUSE BILL NO. 3016,
SUBSTITUTE HOUSE BILL NO. 3099,
HOUSE JOINT MEMORIAL NO. 4026, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 6851 by Senators Rossi, T. Sheldon, McDonald, Finkbeiner, Johnson, Hale, Oke, Deccio and West

AN ACT Relating to creating the education and transportation funding act of 2000; adding a new section to chapter 41.06 RCW; adding a new section to chapter 43.88 RCW; creating a new section; repealing RCW 41.06.380 and 41.06.382; and providing for submission of this act to a vote of the people.
Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2E2SHB 1059 by House Committee on Appropriations (originally sponsored by Representatives O'Brien, Ballasiotes, Kastama, Van Luven, McMorris, Cody, Carlson, Lantz, Parlette, Bush, Keiser, Skinner, Constantine, Anderson, Haigh, K. Schmidt, Regala, Fisher, Hurst, Delvin, Lovick, Ruderman, Radcliff, Kenney, Stensen, Kessler, Dunshee, Dickerson, D. Schmidt, Ogden, Rockefeller, Poulsen, Cooper, Quall, Scott, Lisk, Esser, McDonald, DeBolt, Conway, Mielke, Kagi, Morris and McIntire)

Creating crimes concerning the theft or destruction of mail or mail boxes.

Referred to Committee on Judiciary.

E2SHB 1071 by House Committee on State Government (originally sponsored by Representatives Romero and D. Schmidt) (by request of Alternative Public Works Methods Oversight Committee)

Creating a limited public works process.

Referred to Committee on State and Local Government.

E2SHB 1572 by House Committee on Education (originally sponsored by Representatives Wensman, Tokuda, Santos, Quall, Veloria, Schoesler, Conway, Murray, Constantine, Ogden, Rockefeller, Kenney, O'Brien, D. Schmidt and Haigh)

Creating the Washington civil liberties public education program.

Referred to Committee on Education.

EHB 1968 by Representatives Van Luven, Cody, Alexander and Parlette

Limiting the scope of mental health record audits.

Referred to Committee on Health and Long-Term Care.

SHB 2060 by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives DeBolt, Morris, Crouse, Ruderman and Poulsen)

Concerning the use of public rights of way in cities and towns.

Referred to Committee on Energy, Technology and Telecommunications.

E2SHB 2109 by House Committee on Finance (originally sponsored by Representatives Van Luven, Thomas, Dunshee, Pennington, Dunn, Cairnes, Veloria, Buck, G. Chandler and Haigh)

Authorizing tax exemptions for properties of Indian housing authorities designated for low-income housing program uses.

Referred to Committee on Ways and Means.

2SHB 2359 by House Committee on Appropriations (originally sponsored by Representatives Parlette, Cody, Edmonds, Rockefeller, B. Chandler, Schoesler, Kenney, Conway, McDonald and Van Luven)

Concerning the nursing facility payment rate.

Referred to Committee on Health and Long-Term Care.

SHB 2377 by House Committee on Agriculture and Ecology (originally sponsored by Representatives G. Chandler, Linville, Pennington and Haigh) (by request of Department of Agriculture)

Regulating custom meat slaughter and preparation.

Referred to Committee on Agriculture and Rural Economic Development.

ESHB 2380 by House Committee on Health Care (originally sponsored by Representatives Cody, Parlette and Edwards) (by request of Governor Locke)

Clarifying the authority of the department of social and health services concerning boarding homes.

Referred to Committee on Health and Long-Term Care.

HB 2407 by Representatives Lantz, Esser and Haigh (by request of Board for Judicial Administration)

Authorizing judges pro tempore whenever a judge serves on a commission, board, or committee.

Referred to Committee on Judiciary.

E2SHB 2439 by House Committee on Appropriations (originally sponsored by Representatives Tokuda, Kagi, D. Sommers, Lovick, Kessler, Regala, Kenney, Cooper, Ogden, Eickmeyer, Murray, Schual-Berke, Stensen, Edmonds, Santos, Lantz, Wood and Benson)

Revising the family reconciliation process.

Referred to Committee on Human Services and Corrections.

E2SHB 2451 by House Committee on Appropriations (originally sponsored by Representatives McDonald, Hurst, Ruderman, Dunn, Mielke, Sullivan, Kastama, Bush, O'Brien, Schoesler, Wolfe, Stensen and Keiser)

Creating penalties for crimes involving anhydrous ammonia.

Referred to Committee on Judiciary.

HB 2452 by Representatives Cody, Parlette, Edwards and Hurst (by request of Department of Health)

Making technical changes and corrections to department of health statutes.

Referred to Committee on Health and Long-Term Care.

SHB 2454 by House Committee on Health Care (originally sponsored by Representatives Edmonds, Parlette, Cody, Kenney, Radcliff, Kagi, Edwards, Lantz, Hatfield, Ogden, Conway, Veloria, Lovick, Kessler, O'Brien, Regala, McDonald, Carlson, Tokuda, Cooper, Van Luven, Ruderman, Murray, Schual-Berke, Scott, Stensen, Keiser, Santos, Pflug, Rockefeller, Wood and McIntire)

Providing a program to support family and other unpaid long-term caregivers.

Referred to Committee on Health and Long-Term Care.

SHB 2491 by House Committee on Appropriations (originally sponsored by Representatives Schindler, Ballasiotes, Koster, Sullivan, Esser, Wood, Crouse, Cairnes, Rockefeller, Edmonds, Mulliken, Clements, Ruderman, McDonald and Dunn)

Providing a procedure to conduct DNA testing of evidence for persons sentenced to death or life imprisonment.

Referred to Committee on Human Services and Corrections.

HB 2505 by Representatives Cairnes, Veloria, O'Brien, Morris, Radcliff, Scott, Barlean, Esser, Kagi, Keiser, Fortunato, Schual-Berke, Edwards and Miloscia

Modifying the definition of "city" for the multiple-unit dwellings property tax exemption.

Referred to Committee on State and Local Government.

SHB 2599 by House Committee on Local Government (originally sponsored by Representatives Doumit, Mulliken, Scott, Fisher and Alexander)

Creating a training program for port district officials.

Referred to Committee on Labor and Workforce Development.

SHB 2608 by House Committee on Appropriations (originally sponsored by Representatives Alexander, Carlson, H. Sommers, Doumit, Delvin, Lambert, Conway, Schoesler, Pflug, Talcott, Clements, Bush and Eickmeyer) (by request of Joint Committee on Pension Policy)

Establishing eligibility for the employee attendance incentive program.

Referred to Committee on Ways and Means.

SHB 2614 by House Committee on Agriculture and Ecology (originally sponsored by Representatives G. Chandler, Parlette, Linville, Sump, Schoesler and Ruderman)

Expanding sufficient cause for nonuse of water rights.

Referred to Committee on Environmental Quality and Water Resources.

HB 2733 by Representatives Wensman, Mastin, Skinner, Rockefeller and Santos

Allowing family member representation for traffic charges against non-English speaking persons.

Referred to Committee on Judiciary.

EHB 2755 by Representatives Gombosky, Crouse, Wood, Poulsen, Bush, Reardon, Mielke, Grant, McDonald, Delvin and Mastin

Clarifying the taxation of electrical energy sales.

Referred to Committee on Energy, Technology and Telecommunications.

SHB 2803 by House Committee on Appropriations (originally sponsored by Representatives Lambert, Koster, Benson, Talcott, Cox, D. Schmidt, Esser, Lantz and Rockefeller)

Allowing private school students and students receiving home-based education to take the Washington assessments of student learning at district expense.

Referred to Committee on Education.

HB 2832 by Representatives McMorris, Carlson and Kenney

Changing eligibility for educational opportunity grants.

Referred to Committee on Higher Education.

SHB 2850 by House Committee on Finance (originally sponsored by Representatives Reardon, Schoesler, Scott, D. Schmidt, Tokuda, Skinner, Thomas, Clements, Dunshee, McIntire and Pennington)

Modifying the tax treatment of linen and uniform supply services.

Referred to Committee on Ways and Means.

HB 2853 by Representatives Wolfe, D. Schmidt, Romero, Cairnes, Haigh and Cody (by request of Department of Services for the Blind)

Conforming the advisory council for the blind with the federal rehabilitation act.

Referred to Committee on Human Services and Corrections.

HB 2861 by Representatives O'Brien, Cody, Miloscia, Parlette, Ballasiotes, Morris, Alexander, Anderson, Santos, Edmonds, Murray, Kastama, Schual-Berke, Scott, Thomas, Barlean, Quall, Dickerson, Mitchell, Delvin, Kenney, Edwards, Rockefeller and McIntire

Modifying the definition of health care information.

Referred to Committee on Human Services and Corrections.

SHB 2874 by House Committee on Higher Education (originally sponsored by Representatives Dunn, Skinner and Carlson)

Creating a legislative task force on community and technical college out-of-state tuition and residency.

Referred to Committee on Higher Education.

SHB 2899 by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Clements, Cody, Cooper and Keiser) (by request of Department of Social and Health Services)

Developing a workplace safety plan for state hospitals.

Referred to Committee on Human Services and Corrections.

E2SHB 2929 by House Committee on Appropriations (originally sponsored by Representatives McDonald and Linville)

Modifying requirements concerning on-site sewage disposal systems.

Referred to Committee on Environmental Quality and Water Resources.

2SHB 3016 by House Committee on Appropriations (originally sponsored by Representatives Parlette and Cody)

Creating a reimbursement system for the state's medical assistance programs in rural hospitals.

Referred to Committee on Health and Long-Term Care.

ESHB 3045 by House Committee on Commerce and Labor (originally sponsored by Representatives Wood and Clements)

Clarifying the requirements for a class 1 racing license.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SHB 3099 by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Barlean, Murray, Reardon, Koster and Lovick)

Allowing state and local governments to continue to lower their exposure to interest rate fluctuations with respect to financial obligations.

Referred to Committee on Ways and Means.

SHJM 4018 by House Committee on Local Government (originally sponsored by Representatives Mulliken, Doumit, Mielke, Scott, Ericksen, Fortunato, Hatfield, Schindler, Dunn, Thomas, D. Sommers and Esser)

Petitioning the Governor to direct state agencies adopting rules to examine and minimize impacts that would create new costs for local governments.

Referred to Committee on State and Local Government.

HJM 4026 by Representatives Doumit, Buck, Anderson, Sump, Eickmeyer, Hatfield and Schoesler

Requesting a review of migratory bird predation on salmonid stocks.

Referred to Committee on Natural Resources, Parks and Recreation.

MOTION

On motion of Senator Betti Sheldon, House Bill No. 2861 was referred to the Committee on Human Services and Corrections.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Deccio, Gubernatorial Appointment No. 9152, Ann Miller, as a member of the Board of Trustees for Yakima Valley Community College District No. 16, was confirmed.

APPOINTMENT OF ANN MILLER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senators Finkbeiner and McDonald - 2.

Excused: Senators Haugen, Patterson and Sellar - 3.

MOTION

On motion of Senator Honeyford, Senators Finkbeiner and McDonald were excused.

SECOND READING

SENATE BILL NO. 6781, by Senators Rasmussen and Morton

Modifying provisions concerning the management of dairy nutrients.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6781 was substituted for Senate Bill No. 6781 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6781 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6781.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6781 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41.

Voting nay: Senators Eide, Fairley, Kline and Kohl-Welles - 4.

Excused: Senators Finkbeiner, Haugen, McDonald and Sellar - 4.

SUBSTITUTE SENATE BILL NO. 6781, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SPECIAL ORDER OF BUSINESS

On motion of Senator Snyder, Senate Bill No. 6566 will be a special order of business at 4:55 p.m. this afternoon.

SECOND READING

SENATE BILL NO. 6260, by Senators Rasmussen, Heavey, Haugen, Goings, Oke and Gardner

Increasing penalties for manufacturing a controlled substance when children are present.

MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 6260 was substituted for Senate Bill No. 6260 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 6260 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6260.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6260 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Finkbeiner, Haugen, McDonald and Sellar - 4.

SUBSTITUTE SENATE BILL NO. 6260, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6617, by Senators Prentice, Hale and Rasmussen (by request of Lieutenant Governor Owen)

Encouraging local economic development.

The bill was read the second time.

MOTION

On motion of Senator Hale, the following amendment by Senators Hale and Prentice was adopted:

On page 2, after line 27, insert the following:

"NEW SECTION. **Sec. 3.** The legislature finds that economic development, work force training, international trade, tourism development, housing assistance, assistance to local governments, and other programs and services provided by the department of community, trade, and economic development are vital to all regions of the state. The legislature further finds that program development and service delivery to the eastern region of the state could be significantly enhanced by a continuous, full-time physical staff presence in that region.

NEW SECTION. **Sec. 4.** For the purposes of this act:

(1) "Department" means the department of community, trade, and economic development, or its successor agency or agencies.

(2) "Director" means the director of the department.

NEW SECTION. **Sec. 5.** In order to more effectively respond to the needs of eastern Washington communities, the department shall, as soon as practicable, establish a field office and a full-time staff presence in eastern Washington. If practicable, the office shall be colocated with one or more existing state agencies in the Tri-Cities area to facilitate the urgent economic development needs of southeastern Washington. This office shall be staffed by the director in the most efficient manner that is likely to provide improved service to eastern Washington communities.

NEW SECTION. **Sec. 6.** Program activities and priorities for this office serving eastern Washington shall be determined by the director, in consultation with local government officials, business, labor, and educational advisors from the region.

NEW SECTION. **Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Renumber the sections consecutively and correct any internal references accordingly.

MOTIONS

On motion of Stentor Prentice, the following title amendment was adopted:

On page 1, on line 1 of the title, after "capacity;", strike the remainder of the title and insert "amending RCW 43.330.070; creating new sections; and declaring an emergency."

On motion of Senator Prentice, the rules were suspended, Engrossed Senate Bill No. 6617 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6617.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6617 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators McDonald and Sellar - 2.

ENGROSSED SENATE BILL NO. 6617, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6618, by Senators Prentice, Shin, Hale and Rasmussen (by request of Lieutenant Governor Owen)

Establishing an industry cluster-based approach to economic development.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6618 was substituted for Senate Bill No. 6618 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6618 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6618.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6618 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Loveland - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6618, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6579, by Senators Prentice, Haugen and Hale

Regulating cosmetology, barbering, manicuring, and esthetics.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6579 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6579.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6579 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe,

McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SENATE BILL NO. 6579, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6214, by Senators Deccio, Winsley and Franklin

Changing guardian duties under probate and trust law.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6214 was substituted for Senate Bill No. 6214 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6214 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6214.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6214 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Deccio - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6214, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

MOTION

On motion of Senator Eide, Senator Snyder was excused.

SECOND READING

SENATE BILL NO. 6761, by Senator Hargrove (by request of Department of Corrections)

Authorizing agreements for the operation of correctional facilities and programs in any other state.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6761 was substituted for Senate Bill No. 6761 and the substitute bill was placed on second reading and read the second time.

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Hargrove be adopted:

On page 2, line 13, after "offender." insert "In determining whether the transfer will impose a hardship on the offender, the secretary shall consider: (a) The location of the offender's family and whether the offender has maintained contact with members of his or her family; (b) whether, if the offender has maintained

contact, the contact will be significantly disrupted by the transfer due to the family's inability to maintain the contact as a result of the transfer; and (c) whether the offender is enrolled in a vocational or educational program that cannot reasonably be resumed if the offender is returned to the state."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Hargrove on page 2, line 13, to Substitute Senate Bill No. 6761.

The motion by Senator Kohl-Welles carried and the amendment was adopted.

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6761 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6761.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6761 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Sellar and Snyder - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6761, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6263, by Senators Zarelli, Brown, Haugen, Swecker and Johnson

Concerning the legal parents or guardians of minor drivers.

MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 6263 was substituted for Senate Bill No. 6263 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Goings, the rules were suspended, Substitute Senate Bill No. 6263 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6263.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6263 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Sellar and Snyder - 2.

SUBSTITUTE SENATE BILL NO. 6263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6431, by Senators Heavey, West, Prentice, Hale, Winsley, Horn, Gardner and Roach (by request of Horse Racing Commission)

Allowing for the dissemination of criminal history record information to the horse racing commission.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6431 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6431.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6431 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Thibaudeau, West, Winsley and Wojahn - 39.

Voting nay: Senators Benton, Finkbeiner, Hargrove, Hochstatter, Roach, Stevens, Swecker and Zarelli - 8.

Excused: Senators Sellar and Snyder - 2.

SENATE BILL NO. 6431, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5848, by Senate Committee on Health and Long-Term Care (originally sponsored by Senators Hargrove, Hochstatter, Thibaudeau and Oke)

Providing insurance coverage under the basic health plan.

MOTIONS

On motion of Senator Thibaudeau, Third Substitute Senate Bill No. 5848 was substituted for Engrossed Substitute Senate Bill No. 5848 and the third substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Third Substitute Senate Bill No. 5848 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Third Substitute Senate Bill No. 5848.

ROLL CALL

The Secretary called the roll on the final passage of Third Substitute Senate Bill No. 5848 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Sellar and Snyder - 2.

THIRD SUBSTITUTE SENATE BILL NO. 5848, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6689, by Senators Haugen, Patterson, Winsley, Kline, Sheahan, Rasmussen and Kohl-Welles

Modifying the use of funds derived from the local real estate excise tax.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6689 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

DEMAND FOR THE PREVIOUS QUESTION

Senators West, Morton and Deccio demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6689.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6689 and the bill failed to passed the Senate by the following vote: Yeas, 20; Nays, 27; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Sheldon, B., Shin, Spanel, Thibaudeau and Wojahn - 20.

Voting nay: Senators Bauer, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Morton, Oke, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 27.

Excused: Senators Sellar and Snyder - 2.

SENATE BILL NO. 6689, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Haugen served notice to reconsider the vote by which Senate Bill No. 6689 failed to pass the Senate.

SECOND READING

SENATE BILL NO. 6347, by Senators Patterson, Winsley and Gardner

Creating small works roster provisions to award public works contracts.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6347 was substituted for Senate Bill No. 6347 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the following amendments were considered simultaneously and were adopted:

On page 6, after line 7, insert the following:

"NEW SECTION. **Sec. 105.** A new section is added to chapter 39.04 RCW to read as follows:

The department of community development, in cooperation with the municipal research and services center, shall prepare a small works roster manual and periodically notify the different types of local government authorized to use a small works roster process about this authority."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 26, after line 23, insert the following:

"NEW SECTION. **Sec. 303.** (1) Section 104 of this act is null and void if Substitute Senate Bill No. 6396 or Substitute House Bill No. 2382 is enacted into law by June 30, 2000.

(2) Section 105 of this act takes effect only if Substitute Senate Bill No. 6396 or Substitute House Bill No. 2382 is enacted into law by June 30, 2000."

MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 4 of the title, after "adding" strike "a new section" and insert "new sections"

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute Senate Bill No. 6347 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6347.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6347 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6347, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6369, by Senators Patterson, McCaslin, Haugen, Long, Costa, Fairley, Eide, Heavey, Wojahn, Prentice, Brown and Winsley

Ordering a study of law enforcement issues in counties with over 150,000 population.

MOTIONS

On motion of Senator Patterson, Second Substitute Senate Bill No. 6369 was substituted for Senate Bill No. 6369 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Second Substitute Senate Bill No. 6369 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6369.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6369 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Voting nay: Senator Roach - 1.

Excused: Senator Sellar - 1.

SECOND SUBSTITUTE SENATE BILL NO. 6369, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5132, by Senators Kohl-Welles, Long, Hargrove, Brown, Patterson, McAuliffe and Costa

Improving child care services.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5132 was substituted for Senate Bill No. 5132 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5132 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5132.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5132 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 5132, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6555, by Senators Long, Hargrove, Patterson, Costa, Eide, Winsley and Kohl-Welles

Ordering a study of evaluations of children needing long-term care.

The bill was read the second time.

MOTION

On motion of Senator Long, the following striking amendment by Senators Long, Hargrove and Loveland was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.14A.050 and 1998 c 245 s 149 are each amended to read as follows:

The secretary shall:

(1)(a) Consult with relevant qualified professionals to develop a set of minimum guidelines to be used for identifying all children who are in a state-assisted support system, whether at-home or out-of-home, who are likely to need long-term care or assistance, because they face physical, emotional, medical, mental, or other long-term challenges;

(b) The guidelines must, at a minimum, consider the following criteria for identifying children in need of long-term care or assistance:

(i) Placement within the foster care system for two years or more;

(ii) Multiple foster care placements;

(iii) Repeated unsuccessful efforts to be placed with a permanent adoptive family;

(iv) Chronic behavioral or educational problems;

(v) Repetitive criminal acts or offenses;

(vi) Failure to comply with court-ordered disciplinary actions and other imposed guidelines of behavior, including drug and alcohol rehabilitation; and

(vii) Chronic physical, emotional, medical, mental, or other similar conditions necessitating long-term care or assistance;

(2) Develop programs that are necessary for the long-term care of children and youth that are identified for the purposes of this section. Programs must: (a) Effectively address the educational, physical, emotional, mental, and medical needs of children and youth; and (b) incorporate an array of family support options, to individual needs and choices of the child and family. The programs must be ready for implementation by January 1, 1995;

(3) Conduct an evaluation of all children currently within the foster care agency caseload to identify those children who meet the criteria set forth in this section. The evaluation shall be completed by January 1, 1994. All children entering the foster care system after January 1, 1994, must be evaluated for identification of long-term needs within thirty days of placement;

(4) By region, report to the legislature on the following using aggregate data every six months beginning December 31, 2000:

(a) The number of children evaluated during the first thirty days of placement as required in subsection (3) of this section;

(b) The tool or tools used to evaluate children, including the content of the tool and the method by which the tool was validated;

(c) The findings from the evaluation regarding the children's needs;

(d) How the department used the results of the evaluation to provide services to the foster child to meet his or her needs; and

(e) Whether and how the evaluation results assisted the department in providing appropriate services to the child, matching the child with an appropriate care provider early on in the child's placement and achieving the child's permanency plan in a timely fashion.

(5) Each region of the department shall make the appropriate number of referrals to the foster care assessment program to ensure that the services offered by the program are used to the extent funded pursuant to the department's contract with the program. The department shall report to the legislature by November 30, 2000, on the number of referrals, by region, to the foster care assessment program. If the regions are not referring an adequate number of cases to the program, the department shall include in its report an explanation of what action it is or has taken to ensure that the referrals are adequate.

(6) The department shall report to the legislature by December 15, 2000, on how it will use the foster care assessment program model to assess children as they enter out-of-home care.

(7) The department is to accomplish the tasks listed in subsections (4) through (6) of this section within existing resources.

(8) Study and develop a comprehensive plan for the evaluation and identification of all children and youth in need of long-term care or assistance, including, but not limited to, the mentally ill, developmentally disabled, medically fragile, seriously emotionally or behaviorally disabled, and physically impaired;

(((~~(5)~~))) (9) Study and develop a plan for the children and youth in need of long-term care or assistance to ensure the coordination of services between the department's divisions and between other state agencies who are involved with the child or youth;

(((~~(6)~~))) (10) Study and develop guidelines for transitional services, between long-term care programs, based on the person's age or mental, physical, emotional, or medical condition; and

(((~~(7)~~))) (11) Study and develop a statutory proposal for the emancipation of minors."

MOTIONS

On motion of Senator Long, the following title amendment was adopted:

On page 1, line 2 of the title, after "needs;" strike the remainder of the title and insert "and amending RCW 74.14A.050."

On motion of Senator Long, the rules were suspended, Engrossed Senate Bill No. 6555 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6555.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6555 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Deccio - 1.

Excused: Senator Sellar - 1.

ENGROSSED SENATE BILL NO. 6555, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Hargrove was excused.

SECOND READING

SENATE BILL NO. 6743, by Senators Costa, Hargrove, Long and Winsley

Adding a limitation on sealing of juvenile offender records.

The bill was read the second time.

MOTION

On motion of Senator Costa, the rules were suspended, Senate Bill No. 6743 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6743.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6743 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Kohl-Welles - 1.

Excused: Senators Hargrove and Sellar - 2.

SENATE BILL NO. 6743, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Loveland was excused.

SECOND READING

SENATE BILL NO. 6373, by Senators Gardner, T. Sheldon, Prentice, Rasmussen, Winsley, Hale, Deccio and Shin

Clarifying promotional contests of chance.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6373 was substituted for Senate Bill No. 6373 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6373 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6373.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6373 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senators Haugen, Long and Swecker - 3.

Excused: Senators Hargrove, Loveland and Sellar - 3.

SUBSTITUTE SENATE BILL NO. 6373, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Rasmussen, the following resolution was adopted:

SENATE RESOLUTION 2000-8713

By Senator Rasmussen, Swecker, Franklin, Spanel, Honeyford, Sheldon, B., Goings, and Kohl-Welles

WHEREAS, The 4-H Youth Development Program has helped young people in Washington develop useful "life skills" since it was established in 1914; and

WHEREAS, The program centers on teaching young people to become productive members of society by fostering self-esteem, and communication and decision-making skills; and

WHEREAS, 83,000 young people throughout Washington participated in 4-H Youth Development Programs in 1999; and

WHEREAS, These programs help participants learn about a wide variety of subjects including science, family living and applied arts; and

WHEREAS, More than 7,100 4-H youth raising livestock statewide are participating in an educational program learning how to produce high quality animals in an ethical manner;

WHEREAS, In addition to working with traditional community clubs, the programs reach youth through urban groups, special interest groups, nutrition programs, school enrichment, school-age care providers, camping, and interagency learning experiences;

WHEREAS, The 4-H Youth Development Program promotes volunteer service by enlisting more than 10,500 volunteers statewide, who donate an average two hundred hours of their time during the year; and

WHEREAS, In 1998, the program achieved its goal of reaching a more diverse audience as twenty percent of participants came from ethnic minority groups; and

WHEREAS, More than three hundred 4-H members from around the state are currently visiting the State Capitol as part of a statewide education program titled "4-H Know Your Government";

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate recognize the 4-H Youth Development Program for its many contributions to the youth of Washington and the betterment of our communities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Carol Beckman, the state program coordinator for the 4-H Youth Development Program.

Senators Rasmussen and Morton spoke to Senate Resolution 2000-8713.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the 4-H members who were seated in the gallery. Over three hundred 4-H members from around the state are visiting the state capitol learning about their state government.

MOTION

At 11:28 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 1:05 p.m. by President Owen.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

SENATE JOINT MEMORIAL NO. 8022, by Senators Rasmussen, Swecker, Bauer, Roach, Goings, Benton, B. Sheldon, Snyder, Hale, Oke, Gardner, Johnson, Long, McAuliffe, Deccio, Winsley, Zarelli, Kohl-Welles, T. Sheldon and Haugen

Recognizing America's World War II veterans.

The joint memorial was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Joint Memorial No. 8022 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8022.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8022 and the joint memorial passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 5; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senators Eide, Finkbeiner, Kline, McCaslin and Stevens - 5.

Excused: Senator Sellar - 1.

SENATE JOINT MEMORIAL NO. 8022, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Honeyford, Senator McCaslin was excused.

SECOND READING

SENATE BILL NO. 6429, by Senators Patterson and Horn (by request of Secretary of State Munro)

Changing statutes that effect the productivity board.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6429 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6429.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6429 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators McCaslin and Sellar - 2.

SENATE BILL NO. 6429, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6255, by Senators Rasmussen, Prentice, Morton, Franklin, Heavey, Brown and Goings

Prescribing penalties for unlawful possession and storage of anhydrous ammonia.

MOTIONS

On motion of Senator Rasmussen, Second Substitute Senate Bill No. 6255 was substituted for Senate Bill No. 6255 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Second Substitute Senate Bill No. 6255 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6255.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6255 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SECOND SUBSTITUTE SENATE BILL NO. 6255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6513, by Senators Prentice, McCaslin, Kline, Gardner, Winsley, Kohl-Welles, Spanel and Costa (by request of Attorney General Gregoire)

Protecting privacy of personal information in commercial transactions.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6513 was substituted for Senate Bill No. 6513 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the following striking amendment by Senators Prentice, Hale, Winsley, Gardner and Shin was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** INTENT. (1) The legislature finds that every entity has an affirmative and continuing obligation to respect the privacy of its consumers and to protect the security and confidentiality of consumers. The legislature finds that Washington's citizens have a right to privacy and a reasonable expectation that the personal information that they provide in commercial transactions with financial institutions and others who maintain and transfer information will be kept private and confidential. The legislature finds that there is no existing uniform law that creates an appropriate standard of conduct for disclosure of consumers' personal information and that Washington's citizens need additional statutory protection from fraud, deception, nuisance, invasion of privacy, and breach of confidentiality related to the disclosure of personal information. The legislature intends to ensure that entities and consumers work cooperatively to protect consumer information and enforce sanctions when violations occur.

(2) The legislature finds that the disclosure of personal information has caused specific significant harms to Washington consumers, including the appearance of unauthorized charges or debits on consumers' accounts, misappropriation of sensitive information for the purpose of assuming a consumer's identity, the unwanted and unintended dissemination of personal and sensitive information, and the invasion of privacy.

(3) The legislature finds that the dissemination of certain sensitive information causes a great risk of harm to the consumer, that it should be given a greater level of protection under the law, and that requiring consumer authorization to disseminate such sensitive information best balances the benefits and harms of disclosure.

(4) The legislature finds that the flow of less sensitive personal information has resulted in a number of increased market efficiencies that are beneficial to consumers. These include more rapid credit transactions and check verifications, as well as an increased number of choices for products and services. The legislature finds that these benefits can be maintained by giving consumers the opportunity to choose whether their less sensitive information will be shared. The legislature finds that giving consumers this choice best balances the benefits and harms of disclosure of such information.

(5) The legislature finds that the incidence of identity theft is rapidly growing, and that victims of identity theft need further assistance in obtaining the information necessary to the prosecution of their cases. The legislature finds that requiring additional information sharing by merchants with victims will result in greater protections for consumers and deter potential perpetrators.

NEW SECTION. **Sec. 2.** DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affiliate" means an entity that controls, is controlled by, or is under common control or common ownership with another entity. Companies that form alliances as a financial services group for purposes of marketing their services and are located at a common address, have personnel and payroll functions administered through a central office, jointly sponsor one combined employee savings and profit sharing plan, and have centralized data processing, mail service, communications, and procurement are considered under common control and affiliated with each other.

(2) "Consumer" or "customer" means a natural person or his or her legal representative, who is a resident of the state of Washington and who purchases, leases, or otherwise contracts for products, goods, or services within the state of Washington or from an entity located in the state of Washington, that are primarily used for personal, family, or household purposes on or after the effective date of this act and who continues to be a resident of the state of Washington.

(3) "Consumer-requested purpose" means for the purpose of establishing or maintaining a business relationship, completing a transaction, or providing a product, good, or service requested by the consumer.

(4) "De minimus cost method" means any method, such as a toll-free telephone number, a post office box or address for accepting first-class mail, or any similar, convenient, low-cost method, which does not exceed the cost of a first-class postage stamp for the consumer. If other de minimus cost methods are offered, accepting e-mail or online messages from consumers shall be considered a de minimus cost method.

(5) "Financial institution" means (a) a financial institution as defined in section 527(4) of the Gramm-Leach-Bliley Act, P.L. 106-102 and its implementing regulations; or (b) a bank holding company or financial holding company, as defined in sections 2(a) and 2(p) of the Bank Holding Company Act, as amended, or any subsidiary thereof as defined in section 2(d) of the Bank Holding Company Act, as amended.

(6) "Functional business purpose" means use or disclosure of sensitive or personal information by an information custodian to another entity or person to perform services or functions on behalf of the information custodian as part of the information custodian's provision of its products, goods, or services to its customers;

(7) "Information custodian" means all nonpublic commercial entities that maintain data containing personal information or sensitive information about consumers they know reside in Washington and that sell, share, or otherwise transfer the information to others, including affiliates or nonaffiliates, for purposes other than consumer-requested purposes or functional business purposes. An "information custodian" does not include a consumer reporting agency, as defined in the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.), to the extent its activities are directly related to assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and to the extent that the activities are regulated by the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.). "Information custodian" does not include an "agent," "broker," or "solicitor" as defined in chapter 48.17 RCW, to the extent their activities include the sharing, selling, or transferring of personal or sensitive information between an insurer as defined in chapter 48.01 RCW, and its contractually bound agents, brokers, and solicitors, and their activities that are directly related to soliciting applications on behalf of an insurer, effectuating insurance contracts, or collecting premiums on insurances so applied for or effectuated.

(8) "Marketer" means a nonpublic, commercial entity that maintains data containing personal information or sensitive information about consumers it knows reside in Washington and uses the information to engage in marketing.

(9) "Marketing" or "marketing information" means a promotion, solicitation, or advertisement that specifically references the sale or lease of products, goods, or services made through written, telephonic, electronic, or other means, that is directed to a specific named consumer, but shall not include any promotion, solicitation, or advertisement (a) included with a billing or statement, (b) directed to the public, or (c) made to such consumer while present at the marketer's place of business or during any other contact with the marketer initiated by or at the request of the consumer.

(10) "Personal information" means information that is provided by the consumer in a commercial context, and is identifiable to the individual consumer, that concerns the amount or condition of the consumer's assets, liabilities, financial

transactions, purchasing history, buying preferences, business relationships, customer status, demographic information, name, address, telephone number, electronic mail address, or that reflects current or historical deposit or credit card account balances or purchase amounts.

(11) "Sensitive information" means information maintained in a commercial context that is identifiable with an individual consumer or a specific account and may be held for the purpose of transaction initiation, account access or identity verification, and includes account numbers, access codes or passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identicard numbers issued by the department of licensing, and credit card numbers or expiration dates, and electronically captured signatures.

NEW SECTION. **Sec. 3.** RESTRICTION ON CONSUMER INFORMATION. Information custodians and marketers shall, in performing a transaction with a consumer, providing a service for a consumer, or establishing a business relationship with a consumer, require only that the consumer provide information reasonably necessary to perform the transaction, establish the relationship, administer or maintain the business relationship, collect or service a debt, protect against fraud or unauthorized transactions, or comply with applicable law. Any optional information must be specified as such, and the consumer must be given the option not to provide it.

NEW SECTION. **Sec. 4.** CONSUMER PRIVACY POLICIES. (1) An information custodian must have a consumer privacy policy that discloses to existing and prospective consumers the policies and practices of the information custodian regarding the use of consumer personal information and sensitive information acquired or possessed by the information custodian. Entities that maintain data containing personal information or sensitive information but do not sell, share, or otherwise transfer the data, are not required to have a privacy policy.

(2) The consumer privacy policy, at a minimum, must summarize the information custodian's responsibilities under this chapter and describe the consumer's rights and remedies under it, and generally describe with whom the consumer's personal and sensitive information will be shared or to whom it will be sold or transferred.

(3) The consumer privacy policy must also provide a reasonable means for consumers to access their personal and sensitive information that the information custodian shares, sells, or transfers for marketing purposes.

(4) An information custodian must disclose its consumer privacy policy at least once no later than:

(a) The effective date of this act to existing customers about whom the information custodian has names and addresses or other means of contact, or within a reasonable period of time after the information custodian obtains the consumers' names and addresses or other means of contact. For the purposes of this subsection, "existing customer" means a customer whose personal or sensitive information has been sold, shared, or transferred within the twelve-month period preceding the effective date of this act;

(b) Thirty days after a prospective customer's initial request for the policy, following the effective date of this act; and

(c) At the time when a new customer enters into a business relationship with the information custodian.

(5) An information custodian must disclose its consumer privacy policy on an annual basis to existing customers after the initial disclosure described in subsection (4) of this section, and, when material changes are made to the policy, the information custodian must notify the consumer, clearly and conspicuously in writing, in plain language, of the material changes and describe the consumer's rights under sections 5(1) and 7 (1) and (2) of this act, including the consumer's right to withdraw any consent given by the consumer under section 7(2) of this act.

(6) The disclosure of the consumer privacy policy must be clearly and conspicuously made in writing, in a document separate from or attached as the first item of other documents or pages that are provided to the consumer by the information custodian.

(7) The consumer privacy policy must be clearly and conspicuously posted on the information custodian's website, if a website exists, and must be readily available for review at the information custodian's place of business.

(8) Compliance by a financial institution with the timing of disclosures under section 503 of Public Law 106-102 (the Gramm-Leach-Bliley Act of 1999) and its implementing regulations constitutes compliance with the disclosure deadline requirements of subsection (4) of this section and section 5(1)(a) of this act for existing customers.

NEW SECTION. **Sec. 5.** PERSONAL INFORMATION--CONSUMER CONTROL. (1) An information custodian may share, sell, or otherwise transfer personal information for purposes other than consumer-requested purposes or functional business purposes, only if it has clearly and conspicuously disclosed to the consumer the following information in plain language:

(a) That the consumer has the right to choose not to have his or her personal information shared, sold, or otherwise transferred for purposes other than consumer-requested purposes or functional business purposes. The disclosure must be made at the time the consumer privacy policy is provided to the customer under section 4 of this act.

(b) That the consumer may choose not to have his or her personal information shared, sold, or transferred for other than consumer-requested purposes or functional business purposes, by exercising his or her choice through a de minimus cost method the information custodian has established.

(2) If, under this section, a consumer chooses not to have his or her personal information shared, sold, or otherwise transferred under subsection (1) of this section, the information custodian must stop sharing, selling, or otherwise transferring the consumer's personal information for purposes other than consumer-requested purposes or functional business purposes, within ninety days of receiving the consumer's notice. Once a consumer has chosen not to have his or her personal information shared, sold, or otherwise transferred, an information custodian may not share, sell, or otherwise transfer the information for purposes other than consumer-requested purposes or functional business purposes until the consumer notifies the entity that he or she has chosen to have his or her personal information shared, sold, or otherwise transferred under subsection (1) of this section.

(3) This section does not apply to disclosure of personal information under the following circumstances. However, the recipient of the information is subject to section 8 of this act:

(a) Disclosure to or at the direction or with the consent of the consumer upon his or her request and upon proper identification;

(b) Disclosure required by federal, state, or local law or regulation, rules, and other applicable legal requirements;

(c) Disclosure made in the course of a properly authorized civil, criminal, or regulatory examination or investigation or under a search warrant, court order, or subpoena, including an administrative subpoena or other legal process;

(d) Disclosure to a third party or an affiliate for the purpose of collecting a debt or dishonored item;

(e) Disclosure to protect the confidentiality or security of the information custodian's records;

(f) Disclosure to protect against, investigate, or prevent actual or potential fraud, unauthorized transactions, claims, or other liability;

(g) Disclosure as part of a risk control program required by or subject to examination by regulators;

(h) Disclosure by or to a consumer reporting agency as specifically permitted under the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.);

(i) Disclosure of consumer report information between affiliates as specifically permitted under the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.);

(j) Disclosure for purposes of a proposed or actual securitization, secondary market sale (including sales of service rights), or similar transaction related to a consumer-requested purpose;

(k) Disclosure to persons holding a legal or beneficial interest relating to the consumer;

(l) Disclosure in order to provide information to insurance rate advisory organizations, guaranty funds or agencies, applicable rating agencies of the information custodian, persons assessing the information custodian's compliance with industry standards, and the information custodian's attorneys, accountants, and auditors;

(m) Disclosure in connection with a proposed or actual sale, merger, transfer, or exchange of all or a portion of a business or operating unit of an information custodian if the disclosure of information concerns solely consumers of the business or unit;

(n) Disclosure to a federal, state, or local agency as required by that agency to fulfill its legal obligations on behalf of a consumer;

(o) Disclosure of health care information in compliance with state and federal law; or

(p) Disclosure between licensees or franchisees and their licensors or franchisors, when (i) such licensees or franchisees market, sell, or lease products, goods, or services in a retail setting at a common physical address with the licensor or franchisor; (ii) have common data processing functions with the licensor or franchisor; and (iii) advertise, market, or sell products, goods, or services marked or otherwise directly identified with the franchisor's or licensor's name or distinctive brand.

NEW SECTION. **Sec. 6.** MARKETING-CONSUMER CONTROL. (1) A marketer may use personal or sensitive information for marketing purposes only if it has clearly and conspicuously disclosed in plain language to the consumer:

(a) That the consumer has the right to choose not to receive marketing information. This disclosure must be made in all marketing information, in whatever medium the marketing information is sent or, if the marketer is an information custodian, in the privacy policy provided to the customer under section 4 of this act. If the marketer is not an information custodian, it may choose as an option to provide the disclosure in a privacy policy provided to the customer under section 4 of this act instead of disclosing it in all marketing information;

(b) That the consumer may choose not to receive marketing information by exercising his or her choice through a de minimus cost method provided by the marketer. This disclosure must be made in all marketing information in whatever medium the marketing information is sent, or, if the marketer is an information custodian, in the privacy policy provided to the customer under section 4 of this act. The marketer shall maintain adequate and reasonable access for consumers to the de minimus cost method it has established. If the marketer is not an information custodian, it may choose as an option to provide the disclosure in a privacy policy provided to the customer under section 4 of this act instead of disclosing it in all marketing information.

(2) If, under this section, a consumer chooses not to receive marketing information, the marketer must stop marketing to the consumer within ninety days of receiving the consumer's notice. Once a consumer has chosen not to receive marketing

information, a marketer may not market to the consumer until the consumer notifies the marketer that he or she has chosen to receive marketing information.

NEW SECTION. **Sec. 7.** SENSITIVE INFORMATION--CONSUMER CONTROL. (1) An information custodian may not disclose sensitive information to a third party or affiliate for purposes other than consumer-requested purposes or functional business purposes unless the consumer has received written notification of the following:

(a) The information to be disclosed;

(b) The entity or entities authorized to receive the disclosure of information; and

(c) A specific description of the purpose for which the disclosure of information will be made.

(2) An information custodian may not disclose sensitive information to a third party or affiliate for purposes other than consumer-requested purposes or functional business purposes unless the consumer, upon notice as provided in this section and affirmative consent, authorizes the disclosure of the sensitive information sought to be disclosed, in a written statement dated and accepted by the consumer that is separate and distinct from any other document, and that contains a description of the information sought to be disclosed and the purpose for which the information will be disclosed.

(3) This section does not apply to disclosure of sensitive information under the following circumstances. However, the recipient of the information is subject to section 8 of this act:

(a) Disclosure to or at the direction or with the consent of the consumer upon his or her request and upon proper identification;

(b) Disclosure required by federal, state, or local law or regulation, rules, and other applicable legal requirements;

(c) Disclosure made in the course of a properly authorized civil, criminal, or regulatory examination or investigation or under a search warrant, court order, or subpoena, including an administrative subpoena or other legal process;

(d) Disclosure to a third party or an affiliate for the purpose of collecting a debt or a dishonored item;

(e) Disclosure to protect the confidentiality or security of the information custodian's records;

(f) Disclosure to protect against, investigate, or prevent actual or potential fraud or unauthorized transactions, claims, or other liability;

(g) Disclosure as part of a risk control program required by or subject to examination by regulators;

(h) Disclosure by or to a consumer reporting agency as specifically permitted under the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.);

(i) Disclosure of consumer report information between affiliates as specifically permitted under the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.);

(j) Disclosure of sensitive information which is prohibited from disclosure by section 502(d) of Public Law 106-102 (the Gramm-Leach-Bliley Act of 1999);

(k) Disclosure for purposes of a proposed or actual securitization, secondary market sale (including sales service rights), or similar transactions related to a consumer-requested purpose;

(l) Disclosure to persons holding a legal or beneficial interest relating to the consumer;

(m) Disclosure in order to provide information to insurance rate advisory organizations, guaranty funds or agencies, applicable rating agencies of the information custodian, persons assessing the information custodian's compliance with industry standards, and the information custodian's attorneys, accountants, and auditors;

(n) Disclosure in connection with a proposed or actual sale, merger, transfer, or exchange of all or a portion of a business or operating unit of an information custodian if the disclosure of information concerns solely consumers of the business or unit;

(o) Disclosure of health care information in compliance with state and federal law;

(p) Disclosure to a federal, state, or local agency as required by that agency to fulfill its legal obligations on behalf of a consumer; or

(q) Disclosure between licensees or franchisees and their licensors or franchisors, when (i) such licensees or franchisees market, sell, or lease products, goods, or services in a retail setting at a common physical address with the licensor or franchisor; (ii) have common data processing functions with the licensor or franchisor; and (iii) advertise, market, or sell products, goods, or services marked or otherwise directly identified with the franchisor's or licensor's name or distinctive brand.

NEW SECTION. **Sec. 8.** CONFIDENTIALITY AND SECURITY OF INFORMATION. (1) Third parties or affiliates that obtain personal information or sensitive information from information custodians may not sell, share, or otherwise transfer the information for any reason other than the original purpose for which the information was sold, shared, or transferred to the third party or affiliate.

(2) An information custodian, before sharing, selling, or otherwise transferring personal information or sensitive information, must obtain a written agreement from the third party or affiliate providing for the following:

(a) To keep the information confidential;

(b) To use the information only for the original purpose for which it has been shared, sold, or provided; and

(c) To safeguard the information from loss, misuse, theft, unauthorized access, disclosure, defacement, or alteration.

(3) Every information custodian must establish reasonable safeguards to ensure the confidentiality and safety of personal information and sensitive information and to protect them from loss, misuse, theft, unauthorized access, disclosure, defacement, or alteration.

NEW SECTION. **Sec. 9.** ACTIONS OR TRANSACTIONS BY COMPETITIVE TELECOMMUNICATIONS COMPANIES. For purposes of this chapter, and the consumer protection act, chapter 19.86 RCW, actions or transactions by information custodians or marketers who, pursuant to RCW 80.36.320 are competitive telecommunications companies, or actions or transactions associated with competitive telecommunications services are not otherwise permitted, prohibited, or regulated by the utilities and transportation commission.

NEW SECTION. **Sec. 10.** VIOLATION AN UNFAIR OR DECEPTIVE ACT. (1) Unfair and deceptive invasion of privacy rights is not reasonable in relation to the development and preservation of business. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is an unfair or deceptive act in trade or commerce for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(2) A consumer may not bring an action for an alleged violation of this chapter, other than an alleged violation of section 7 or 8 of this act or a willful violation of section 3, 4, or 5 of this act, unless, within seven years before the alleged violation, he or she has notified the defendant of a violation of the section, in writing at an address specified in the defendant's privacy policy if the defendant is an information custodian or at an address provided by the defendant upon the consumer's request if the defendant is a marketer, and the defendant has again committed the violation more than ninety days after having received the notification.

(3) Damages to a person who has been the victim of a violation of this chapter are five hundred dollars, or actual damages, whichever is greater. A court may increase the award of damages in an amount not more than three times the actual damages sustained, or one thousand five hundred dollars, whichever is greater, upon a demonstration that a violation of the chapter was willful.

NEW SECTION. **Sec. 11.** FEDERAL INVALIDITY--ANTITRUST LAWS. If the responsible federal chartering authority, under applicable federal law, or if a court of competent jurisdiction declares that any provision of this chapter is invalid with respect to any financial institution, the provision is also invalid, to the same extent, with respect to financial institutions chartered under the laws of the state of Washington and to host branches of out-of-state banks. The director of the department of financial institutions may, from time to time, publish provisions of state laws that have been found invalidated under federal law and procedures. This section does not impair in any manner the authority of the state attorney general to enforce antitrust laws applicable to financial institutions or their affiliates.

NEW SECTION. **Sec. 12.** A new section is added to chapter 9.35 RCW to read as follows:

DEFINITIONS. As used in this chapter, unless the context clearly requires otherwise:

(1) "Financial information" means, to the extent it is nonpublic, any of the following information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit:

(a) Account numbers and balances;

(b) Transactional information concerning any account; and

(c) Codes, passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identicard numbers issued by the department of licensing, and other information held for the purpose of account access or transaction initiation.

(2) "Financial information repository" means any person engaged in the business of providing services to customers who have a credit, deposit, trust, stock, or other financial account or relationship with the person.

(3) "Means of identification" means any information or item that is not describing finances or credit but is personal to or identifiable with any individual or other person, including any current or former name of the person, telephone number, and electronic address or identifier of the individual or any member of his or her family, including the ancestor of such person; any information relating to a change in name, address, telephone number, or electronic address or identifier of the individual or his or her family; any social security, driver's license, or tax identification number of the individual or any member of his or her family; and other information which could be used to identify the person, including unique biometric data.

(4) "Person" means an individual, partnership, corporation, or association.

(5) "Personal information" means information that is provided by the consumer in a commercial context, and is identifiable to the individual consumer, that concerns the amount or condition of the consumer's assets, liabilities, financial transactions, purchasing history, buying preferences, business relationships, customer status, demographic information, name, address, telephone number, or electronic mail address.

(6) "Sensitive information" means information maintained in a commercial context that is identifiable with an individual consumer or a specific account and is held for the purpose of transaction initiation, account access or identity verification, or that reflects current or historical deposit or credit card account balances or purchase amounts, and includes account numbers, access codes or passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identicard numbers issued by the department of licensing, and credit card numbers or expiration dates.

(7) "Victim" means a person whose means of identification, personal information, or sensitive information has been used or transferred without authorization with the intent to commit, or to aid or abet, an unlawful activity harming or intending to harm the person whose identity is used, or to commit a felony.

NEW SECTION. **Sec. 13.** A new section is added to chapter 9.35 RCW to read as follows:

INFORMATION AVAILABLE TO VICTIM. (1) A person, financial information repository, corporation, trust, partnership, or unincorporated association possessing information relating to an actual or potential violation of this chapter, and who may have entered into a transaction, provided credit, products, goods, or services, accepted payment, or otherwise done business with a person who has used the victim's means of identification, must, upon request of the victim, provide copies of all information relevant to the potential or actual violation of this chapter.

(2) Prior to providing the information required under subsection (1) of this section, the provider may require the victim to provide positive identification of the victim and a copy of a police report evidencing the victim's claim. The provider may also seek reasonable compensation for the actual cost of providing the information requested.

(3) No person, financial information repository, corporation, trust, partnership, or unincorporated association may be held liable for an action voluntarily taken in good faith to provide information regarding potential or actual violations of this chapter to other financial information repositories, merchants, law enforcement authorities, or to the victim, for the purpose of identification and prosecution of violators of this chapter.

Sec. 14. RCW 19.16.250 and 1983 c 107 s 1 are each amended to read as follows:

No licensee or employee of a licensee shall:

(1) Directly or indirectly aid or abet any unlicensed person to engage in business as a collection agency in this state or receive compensation from such unlicensed person: PROVIDED, That nothing in this chapter shall prevent a licensee from accepting, as forwardee, claims for collection from a collection agency or attorney whose place of business is outside the state.

(2) Collect or attempt to collect a claim by the use of any means contrary to the postal laws and regulations of the United States postal department.

(3) Publish or post or cause to be published or posted, any list of debtors commonly known as "bad debt lists" or threaten to do so. For purposes of this chapter, a "bad debt list" means any list of natural persons alleged to fail to honor their lawful debts. However, nothing herein shall be construed to prohibit a licensee from communicating to its customers or clients by means of a coded list, the existence of a check dishonored because of insufficient funds, not sufficient funds or closed account by the financial institution servicing the debtor's checking account: PROVIDED, That the debtor's identity is not readily apparent: PROVIDED FURTHER, That the licensee complies with the requirements of subsection (9)(e) of this section.

(4) Have in his possession or make use of any badge, use a uniform of any law enforcement agency or any simulation thereof, or make any statements which might be construed as indicating an official connection with any federal, state, county, or city law enforcement agency, or any other governmental agency, while engaged in collection agency business.

(5) Perform any act or acts, either directly or indirectly, constituting the practice of law.

(6) Advertise for sale or threaten to advertise for sale any claim as a means of endeavoring to enforce payment thereof or agreeing to do so for the purpose of soliciting claims, except where the licensee has acquired claims as an assignee for the benefit of creditors or where the licensee is acting under court order.

(7) Use any name while engaged in the making of a demand for any claim other than the name set forth on his or its current license issued hereunder.

(8) Give or send to any debtor or cause to be given or sent to any debtor, any notice, letter, message, or form which represents or implies that a claim exists unless it shall indicate in clear and legible type:

(a) The name of the licensee and the city, street, and number at which he is licensed to do business;

(b) The name of the original creditor to whom the debtor owed the claim if such name is known to the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee shall make a reasonable effort to obtain the name of such person and provide this name to the debtor;

(c) If the notice, letter, message, or form is the first notice to the debtor or if the licensee is attempting to collect a different amount than indicated in his or its first notice to the debtor, an itemization of the claim asserted must be made including:

(i) Amount owing on the original obligation at the time it was received by the licensee for collection or by assignment;

(ii) Interest or service charge, collection costs, or late payment charges, if any, added to the original obligation by the original creditor, customer or assignor before it was received by the licensee for collection, if such information is known by the

licensee or employee: PROVIDED, That upon written request of the debtor, the licensee shall make a reasonable effort to obtain information on such items and provide this information to the debtor;

(iii) Interest or service charge, if any, added by the licensee or customer or assignor after the obligation was received by the licensee for collection;

(iv) Collection costs, if any, that the licensee is attempting to collect;

(v) Attorneys' fees, if any, that the licensee is attempting to collect on his or its behalf or on the behalf of a customer or assignor;

(vi) Any other charge or fee that the licensee is attempting to collect on his or its own behalf or on the behalf of a customer or assignor.

(9) Communicate or threaten to communicate, the existence of a claim to a person other than one who might be reasonably expected to be liable on the claim in any manner other than through proper legal action, process, or proceedings except under the following conditions:

(a) A licensee or employee of a licensee may inform a credit reporting bureau of the existence of a claim: PROVIDED, That if the licensee or employee of a licensee reports a claim to a credit reporting bureau, the licensee shall upon receipt of written notice from the debtor that any part of the claim is disputed, forward a copy of such written notice to the credit reporting bureau;

(b) A licensee or employee in collecting or attempting to collect a claim may communicate the existence of a claim to a debtor's employer if the claim has been reduced to a judgment;

(c) A licensee or employee in collecting or attempting to collect a claim that has not been reduced to judgment, may communicate the existence of a claim to a debtor's employer if:

(i) The licensee or employee has notified or attempted to notify the debtor in writing at his last known address or place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing to the licensee disputed any part of the claim: PROVIDED, That the licensee or employee may only communicate the existence of a claim which has not been reduced to judgment to the debtor's employer once unless the debtor's employer has agreed to additional communications.

(d) A licensee may for the purpose of locating the debtor or locating assets of the debtor communicate the existence of a claim to any person who might reasonably be expected to have knowledge of the whereabouts of a debtor or the location of assets of the debtor if the claim is reduced to judgment, or if not reduced to judgment, when:

(i) The licensee or employee has notified or attempted to notify the debtor in writing at his last known address or last known place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing disputed any part of the claim.

(e) A licensee may communicate the existence of a claim to its customers or clients if the claim is reduced to judgment, or if not reduced to judgment, when:

(i) The licensee has notified or attempted to notify the debtor in writing at his last known address or last known place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing disputed any part of the claim.

(10) Threaten the debtor with impairment of his credit rating if a claim is not paid.

(11) Communicate with the debtor after notification in writing from an attorney representing such debtor that all further communications relative to a claim should be addressed to the attorney: PROVIDED, That if a licensee requests in writing information from an attorney regarding such claim and the attorney does not respond within a reasonable time, the licensee may communicate directly with the debtor until he or it again receives notification in writing that an attorney is representing the debtor.

(12) Communicate with a debtor or anyone else in such a manner as to harass, intimidate, threaten, or embarrass a debtor, including but not limited to communication at an unreasonable hour, with unreasonable frequency, by threats of force or violence, by threats of criminal prosecution, and by use of offensive language. A communication shall be presumed to have been made for the purposes of harassment if:

(a) It is made with a debtor or spouse in any form, manner, or place, more than three times in a single week;

(b) It is made with a debtor at his or her place of employment more than one time in a single week;

(c) It is made with the debtor or spouse at his or her place of residence between the hours of 9:00 p.m. and 7:30 a.m.

(13) Communicate with the debtor through use of forms or instruments that simulate the form or appearance of judicial process, the form or appearance of government documents, or the simulation of a form or appearance of a telegraphic or emergency message.

(14) Communicate with the debtor and represent or imply that the existing obligation of the debtor may be or has been increased by the addition of attorney fees, investigation fees, service fees, or any other fees or charges when in fact such fees or charges may not legally be added to the existing obligation of such debtor.

(15) Threaten to take any action against the debtor which the licensee cannot legally take at the time the threat is made.

(16) Send any telegram or make any telephone calls to a debtor or concerning a debt or for the purpose of demanding payment of a claim or seeking information about a debtor, for which the charges are payable by the addressee or by the person to whom the call is made.

(17) In any manner convey the impression that the licensee is vouched for, bonded to or by, or is an instrumentality of the state of Washington or any agency or department thereof.

(18) Collect or attempt to collect in addition to the principal amount of a claim any sum other than allowable interest, collection costs or handling fees expressly authorized by statute, and, in the case of suit, attorney's fees and taxable court costs.

(19) Procure from a debtor or collect or attempt to collect on any written note, contract, stipulation, promise or acknowledgment under which a debtor may be required to pay any sum other than principal, allowable interest, and, in the case of suit, attorney's fees and taxable court costs.

(20) Upon notification by a victim, as defined in section 12 of this act, that a police report has been filed regarding the victim's claim, and upon receipt of a copy of the report indicating that the victim's checkbook or other series of preprinted written instruments has been stolen, fail to accept one single writing from the victim that identifies the numbers of the checks, the bank, and account number, that disputes creditors' claims for the identified checks or written instruments and that includes a copy of the victim's driver's license or other document containing the victim's signature which was executed prior to the date of claim identified in the police report. If more than one collection agency is attempting collection on individual checks or written instruments that are part of the series, each collection agency may request a single writing from the victim that disputes creditors' claims for the entire checkbook or series. Once a single writing has been received, the collection agency must not, except in the context of a judicial or administrative proceeding, contact the victim orally within the one hundred eighty-day period following receipt of the writing to require additional proof, explanation, or evidence except in a court of law from the victim disputing creditors' claims regarding the enumerated checks or other written instruments in the same series or lot and must consider the single writing as a dispute to all creditors' claims arising from use of the enumerated checks or other series of instruments.

Sec. 15. RCW 9.35.010 and 1999 c 368 s 2 are each amended to read as follows:

(1) No person may obtain or attempt to obtain, or cause to be disclosed or attempt to cause to be disclosed to any person, financial information from a financial information repository:

(a) By knowingly making a false, fictitious, or fraudulent statement or representation to an officer, employee, or agent of a financial information repository with the intent to deceive the officer, employee, or agent into relying on that statement or representation for purposes of releasing the financial information;

(b) By knowingly making a false, fictitious, or fraudulent statement or representation to a customer of a financial information repository with the intent to deceive the customer into releasing financial information or authorizing the release of such information;

(c) By knowingly providing any document to an officer, employee, or agent of a financial information repository, knowing that the document is forged, counterfeit, lost, or stolen; was fraudulently obtained; or contains a false, fictitious, or fraudulent statement or representation, if the document is provided with the intent to deceive the officer, employee, or agent to release the financial information.

(2) No person may request another person to obtain financial information from a financial information repository and knows or should have known that the person will obtain or attempt to obtain the information from the financial institution repository in any manner described in subsection (1) of this section.

(3) ((~~As used in this section, unless the context clearly requires otherwise:~~

~~(a) "Financial information" means, to the extent it is nonpublic, any of the following information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit:~~

~~(i) Account numbers and balances;~~

~~(ii) Transactional information concerning any account; and~~

~~(iii) Codes, passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identicard numbers issued by the department of licensing, and other information held for the purpose of account access or transaction initiation.~~

~~(b) "Financial information repository" means any person engaged in the business of providing services to customers who have a credit, deposit, trust, stock, or other financial account or relationship with the person.~~

~~(c) "Person" means an individual, partnership, corporation, or association.~~

~~(4)~~)) No provision of this section shall be construed so as to prevent any action by a law enforcement agency, or any officer, employee, or agent of such agency, or any action of an agent of the financial information repository when working in conjunction with a law enforcement agency.

(((~~(5)~~))) (4) This section does not apply to:

(a) Efforts by the financial information repository to test security procedures or systems of the financial institution repository for maintaining the confidentiality of customer information;

(b) Investigation of alleged employee misconduct or negligence; or

(c) Efforts to recover financial or personal information of the financial institution obtained or received by another person in any manner described in subsection (1) or (2) of this section.

(((~~(6)~~))) (5) Violation of this section is a class C felony.

(((~~(7)~~))) (6) A person ((~~that [who]~~)) who violates this section is liable for five hundred dollars or actual damages, whichever is greater, and reasonable attorneys' fees. If the person violating this section is a business that repeatedly violates this section, that person also violates the Consumer Protection Act, chapter 19.86 RCW.

Sec. 16. RCW 9.35.020 and 1999 c 368 s 3 are each amended to read as follows:

(1) No person may knowingly use or knowingly transfer a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity harming or intending to harm the person whose identity is used, or for committing any felony.

(2) ((~~For purposes of this section, "means of identification" means any information or item that is not describing finances or credit but is personal to or identifiable with any individual or other person, including any current or former name of the person, telephone number, and electronic address or identifier of the individual or any member of his or her family, including the ancestor of such person; any information relating to a change in name, address, telephone number, or electronic address or identifier of the individual or his or her family; any social security, driver's license, or tax identification number of the individual or any member of his or her family; and other information which could be used to identify the person, including unique biometric data.~~

~~(3)~~)) Violation of this section is a class C felony.

(((~~(4)~~))) (3) A person ((~~that [who]~~)) who violates this section is liable for five hundred dollars or actual damages, including costs to repair the person's credit record, whichever is greater, and reasonable attorneys' fees. If the person violating this section is a business that repeatedly violates this section, that person also violates the Consumer Protection Act, chapter 19.86 RCW.

NEW SECTION. **Sec. 17.** Sections 1 through 11 of this act constitute a new chapter in Title 19 RCW.

NEW SECTION. **Sec. 18.** Section captions used in sections 1 through 13 of this act are not part of the law.

NEW SECTION. **Sec. 19.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 20.** Sections 1 through 11 and 17 through 20 of this act take effect June 1, 2001."

MOTIONS

On motion of Senator Prentice, the following title amendment was adopted:

On page 1, line 3 of the title, after "information;" strike the remainder of the title and insert "amending RCW 19.16.250, 9.35.010, and 9.35.020; adding new sections to chapter 9.35 RCW; adding a new chapter to Title 19 RCW; creating a new section; prescribing penalties; and providing an effective date."

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 6513 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6513.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6513 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton,

Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Wojahn - 41.

Voting nay: Senators Finkbeiner, Johnson, Sheahan, Sheldon, T., West and Zarelli - 6.

Absent: Senator Deccio - 1.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6401, by Senators Kohl-Welles, Costa, Hargrove, Winsley, Rasmussen and McAuliffe (by request of Governor Locke)

Protecting vulnerable adults.

MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 6401 was substituted for Senate Bill No. 6401 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 6401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6401.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6401 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Teens Against Tobacco, and members of the SOUL Stomp--stomping out unfiltered lives to promote and encourage the funding of tobacco prevention--who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Thibaudeau: "A point of personal privilege, Mr. President. The point is that I have worked with some of these people that you have just introduced and they are extremely impressive--young--but very impressive and they are going to be down on this floor one of these fine days. The other point I would like to make is that as we went around the community, various communities, across the state and asked for their suggestions. Each one of them said, 'Young people must be involved.' I would like to commend these young people for that involvement. Thank you, Mr. President."

SECOND READING

SENATE BILL NO. 6502, by Senators Winsley, Thibaudeau and Kohl-Welles (by request of Department of Social and Health Services)

Changing provisions on long-term care training.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 6502 was substituted for Senate Bill No. 6502 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 6502 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6502.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6502 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6502, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6217, by Senators Hargrove, Long, Costa and Winsley

Changing provisions relating to dependent children.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 6217 was substituted for Senate Bill No. 6217 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following striking amendment by Senators Hargrove and Long was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.030 and 1999 c 267 s 6 are each amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child" and "juvenile" means any individual under the age of eighteen years.

(((~~(2)~~))) (3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home((~~,~~)) ; (b) an adoption decree, a permanent custody order, or guardianship order is entered((~~,~~)); or (c) the dependency is dismissed, whichever occurs ((~~soonest~~)) first. ((~~If the most recent date of removal occurred prior to the filing of a dependency petition under this chapter or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of a child's current placement episode.~~

((~~(3)~~)) (4) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to ((~~RCW 13.34.232~~)) this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(((~~(4)~~))) (5) "Dependent child" means any child who:

(a) ((~~Who~~)) Has been abandoned; ((~~that is, where the child's parent, guardian, or other custodian has expressed either by statement or conduct, an intent to forego, for an extended period, parental rights or parental responsibilities despite an ability to do so. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon;~~))

(b) ((~~Who~~)) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or

(c) ((~~Who~~)) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

(((~~(5)~~))) (6) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to the individual.

(7) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(((~~(6)~~))) (8) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(((~~(7)~~))) (9) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(((~~(8)~~))) (10) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, general assistance, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(11) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(((~~(9)~~))) (12) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing services, capable of preventing the need for out-of-home placement while protecting the child. Housing services may include, but are not limited to, referrals to federal, state, local, or private agencies or organizations, assistance with forms and applications, or financial subsidies for housing.

(13) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(14) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

Sec. 2. RCW 13.34.040 and 1977 ex.s. c 291 s 32 are each amended to read as follows:

(1) Any person may file with the clerk of the superior court a petition showing that there is within the county, or residing within the county, a dependent child and ((~~praying~~)) requesting that the superior court deal with such child as provided in this chapter((~~: PROVIDED, That~~)). There shall be no fee for filing such petitions.

(2) In counties having paid probation officers, ((~~such~~)) these officers shall, ((~~as far as~~)) to the extent possible, first determine if ((~~such~~)) a petition is reasonably justifiable. ((~~Such~~)) Each petition shall be verified and ((~~shall~~)) contain a statement of facts constituting ((~~such~~)) a dependency, ((~~as defined in this chapter,~~)) and the names and residence, if known to the petitioner, of the parents, guardian, or custodian of ((~~such~~)) the alleged dependent child. ((~~There shall be no fee for filing such petitions.~~))

Sec. 3. RCW 13.34.050 and 1998 c 328 s 1 are each amended to read as follows:

(1) The court may enter an order directing a law enforcement officer, probation counselor, or child protective services official to take a child into custody if: (a) A petition is filed with the juvenile court alleging that the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody; (b) an affidavit or declaration is filed by the department in support of the petition setting forth specific factual information evidencing reasonable grounds that the child's health, safety, and welfare will be seriously endangered if not taken into custody and at least one of the grounds set forth demonstrates a risk of imminent harm to the child. "Imminent harm" for purposes of this section shall include, but not be limited to, circumstances of sexual abuse, or sexual exploitation as defined in RCW 26.44.020; and (c) the court finds reasonable grounds to believe the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody.

(2) Any petition that does not have the necessary affidavit or declaration demonstrating a risk of imminent harm requires that the parents are provided notice and an opportunity to be heard ((~~by the parents~~)) before the order may be entered.

(3) The petition and supporting documentation must be served on the parent, and ((~~the entity with whom~~)) if the child is in custody at the time the child is removed, on the entity with custody other than the parent. Failure to effect service does not invalidate the petition if service was attempted and the parent could not be found.

Sec. 4. RCW 13.34.060 and 1999 c 17 s 2 are each amended to read as follows:

(1) A child taken into custody pursuant to RCW 13.34.050 or 26.44.050 shall be immediately placed in shelter care. A child taken by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070 shall be placed in shelter care only when permitted under RCW 13.34.055. ((~~"Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to that section.~~))

(a) Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered, priority placement for a child in shelter care shall be with any person described in RCW 74.15.020(2)(a). The person must be willing and available to care for the child and be able to meet any special needs of the child. If a child is not initially placed with a relative pursuant to this section, the supervising agency shall make an effort within available resources to place the child with a relative on the next business day after the child is taken into custody. The supervising agency shall document its effort to place the child with a relative pursuant to this section. Nothing within this subsection (1)(a) establishes an entitlement to services or a right to a particular placement.

(b) Whenever a child is taken into ((~~such~~)) custody pursuant to this section, the supervising agency may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care. In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility. No child may be held longer than seventy-two hours, excluding Saturdays, Sundays and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. The child and his or her parent, guardian, or custodian shall be informed that they have a right to a shelter care hearing. The court shall hold a shelter care hearing within seventy-two hours after the child is taken into custody, excluding Saturdays, Sundays, and holidays. If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, ((~~that~~)) whether such waiver is knowing and voluntary.

(2) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parents, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title as soon as possible and in no event ((~~longer~~)) shall notice be provided more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody. The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

((~~The written notice of custody and rights shall be in substantially the following form:~~

~~"NOTICE~~

~~Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.~~

~~1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.~~

~~2. You have the right to have a lawyer represent you at the hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure) .~~

~~3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.~~

~~4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.~~

~~You should be present at this hearing. If you do not come, the judge will not hear what you have to say.~~

~~You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number) ."~~

~~Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.~~

~~If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.~~

~~(3) If child protective services is not required to give notice under subsection (2) of this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.~~

~~(4) Reasonable efforts to advise and to give notice, as required in subsections (2) and (3) of this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the juvenile court counselor or caseworker shall testify at the hearing or state in a declaration:~~

~~(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and~~

~~(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.~~

~~(5) At the commencement of the shelter care hearing the court shall advise the parties of their basic rights as provided in RCW 13.34.090 and shall appoint counsel pursuant to RCW 13.34.090 if counsel has not been retained by the parent or guardian and if the parent or guardian is indigent, unless the court finds that the right to counsel has been expressly and voluntarily waived in court.~~

~~(6) The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall hear evidence regarding the efforts made to place the child with a~~

~~relative. The court shall make an express finding as to whether the notice required under subsections (2) and (3) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.~~

~~(7) The juvenile court probation counselor shall submit a recommendation to the court as to the further need for shelter care, except that such recommendation shall be submitted by the department of social and health services in cases where the petition alleging dependency has been filed by the department of social and health services, unless otherwise ordered by the court.~~

~~(8) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:~~

~~(a) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and~~

~~(b)(i) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or~~

~~(ii) The release of such child would present a serious threat of substantial harm to such child; or~~

~~(iii) The parent, guardian, or custodian to whom the child could be released is alleged to have violated RCW 9A.40.060 or 9A.40.070.~~

~~If the court does not release the child to his or her parent, guardian, or legal custodian, and the child was initially placed with a relative pursuant to subsection (1) of this section, the court shall order continued placement with a relative, unless there is reasonable cause to believe the safety or welfare of the child would be jeopardized. If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to subsection (1) of this section. If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. The court shall enter a finding as to whether subsections (2) and (3) of this section have been complied with. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090.~~

~~(9) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.~~

~~The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent and give weight to that fact before ordering return of the child to shelter care.~~

~~(10) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be detained for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.~~

~~(11) Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. The hearing shall be held within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.~~))

NEW SECTION. **Sec. 5.** A new section is added to chapter 13.34 RCW to read as follows:

(1) The written notice of custody and rights required by RCW 13.34.060 shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure) .

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number) ."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(2) If child protective services is not required to give notice under RCW 13.34.060(2) and subsection (1) of this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(3) Reasonable efforts to advise and to give notice, as required in RCW 13.34.060(2) and subsections (1) and (2) of this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

(4) The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall hear evidence regarding the efforts made to place the child with a relative. The court shall make an express finding as to whether the notice required under RCW 13.34.060(2) and subsections (1) and (2) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(5) A shelter care order issued pursuant to section 7 of this act may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(6) Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

NEW SECTION. **Sec. 6.** A new section is added to chapter 13.34 RCW to read as follows:

At the commencement of the shelter care hearing the court shall advise the parties of basic rights as provided in RCW 13.34.090 and appoint counsel pursuant to RCW 13.34.090 if the parent or guardian is indigent unless counsel has been retained by the parent or guardian or the court finds that the right to counsel has been expressly and voluntarily waived in court.

NEW SECTION. **Sec. 7.** A new section is added to chapter 13.34 RCW to read as follows:

(1) The juvenile court probation counselor shall submit a recommendation to the court as to the further need for shelter care unless the petition has been filed by the department, in which case the recommendation shall be submitted by the department.

(2) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(a) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(b)(i) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(ii) The release of such child would present a serious threat of substantial harm to such child; or

(iii) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

If the court does not release the child to his or her parent, guardian, or legal custodian, and the child was initially placed with a relative pursuant to RCW 13.34.060(1), the court shall order continued placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized. If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1). If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. The court shall enter a finding as to whether RCW 13.34.060(2) and subsections (1) and (2) of this section have been complied with. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090.

(3) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent and give weight to that fact before ordering return of the child to shelter care.

Sec. 8. RCW 13.34.070 and 1993 c 358 s 1 are each amended to read as follows:

(1) Upon the filing of the petition, the clerk of the court shall issue a summons, one directed to the child, if the child is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. If the child is developmentally disabled and not living at home, the notice shall be given to the child's custodian as well as to the child's parent. The developmentally disabled child shall not be required to appear unless requested by the court. ((~~Where~~)) When the custodian is summoned, the parent or guardian or both shall also be served with a summons. The fact-finding hearing on the petition shall be held no later than seventy-five days after the filing of the petition, unless exceptional reasons for a continuance are found. The party requesting the continuance shall have the burden of proving by a preponderance of the evidence that exceptional circumstances ((~~do~~)) exist. To ensure that the hearing on the petition occurs within the seventy-five day time limit, the court shall schedule and hear the matter on an expedited basis.

(2) A copy of the petition shall be attached to each summons.

(3) The summons shall advise the parties of the right to counsel. The summons shall also inform the child's parent, guardian, or legal custodian of his or ((~~[her]~~)) her right to appointed counsel, if indigent, and of the procedure to use to secure appointed counsel.

(4) The summons shall advise the parents that they may be held responsible for the support of the child if the child is placed in out-of-home care.

(5) The judge may endorse upon the summons an order directing any parent, guardian, or custodian having the custody or control of the child to bring the child to the hearing.

(6) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the child needs to be taken into custody pursuant to RCW 13.34.050, the judge may endorse upon the summons an order that an officer serving the summons shall at once take the child into custody and take him or her to the place of shelter designated by the court.

(7) If the person summoned as provided in this section is subject to an order of the court pursuant to subsection (5) or (6) of this section, and if the person fails to abide by the order, he or she may be proceeded against as for contempt of court. The order endorsed upon the summons shall conspicuously display the following legend:

NOTICE:
VIOLATION OF THIS ORDER
IS SUBJECT TO PROCEEDING
FOR CONTEMPT OF COURT
PURSUANT TO RCW 13.34.070.

(8) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally as soon as possible following the filing of the petition, but in no case later than fifteen court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy ((~~thereof~~)) by certified mail as soon as possible following the filing of the petition, but in no case later than fifteen court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the address is

known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy ((~~thereof~~)) to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.

(9) Service of summons may be made under the direction of the court by any person eighteen years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or department ((~~of social and health services social worker~~)) employee.

(10) In any proceeding brought under this chapter where the court knows or has reason to know that the child involved is a member or is eligible to be a member of an Indian tribe, notice of the pendency of the proceeding shall also be sent by registered mail, return receipt requested, to the child's tribe. If the identity or location of the tribe cannot be determined, such notice shall be transmitted to the secretary of the interior of the United States.

Sec. 9. RCW 13.34.080 and 1990 c 246 s 3 are each amended to read as follows:

((~~In a dependency case where it appears by the petition or verified statement, that the person standing in the position of natural or legal guardian of the person of any child, is a nonresident of this state, or that the name or place of residence or whereabouts of such person is unknown, as well as in all cases where, after due diligence, the officer has been unable to make service of the summons or notice provided for in RCW 13.34.070, and a copy of the notice has been deposited in the post office, postage prepaid, directed to such person at his last known place of residence,~~)) (1) The court shall direct the clerk to publish notice in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, with the first publication of the notice to be at least twenty-five days prior to the date fixed for the hearing when it appears by the petition or verified statement that:

(a)(i) The parent or guardian is a nonresident of this state; or

(ii) The name or place of residence or whereabouts of the parent or guardian is unknown; and

(b) After due diligence, the person attempting service of the summons or notice provided for in RCW 13.34.070 has been unable to make service, and a copy of the notice has been deposited in the post office, postage prepaid, directed to such person at his or her last known place of residence. If the parent, guardian, or legal custodian is believed to be a resident of another state or a county other than the county in which the petition has been filed, notice also shall be published in the county in which the parent, guardian, or legal custodian is believed to reside.

((~~Additionally,~~)) (2) Publication may proceed simultaneously with efforts to provide ((~~personal~~)) service in person or ((~~service~~)) by mail ((~~for good cause shown~~)), when the court determines there is reason to believe that ((~~personal~~)) service in person or ((~~service~~)) by mail will not be successful. ((~~Such~~)) Notice shall be directed to the parent, parents, or other person claiming the right to the custody of the child, if their names are known((~~, or~~)). If their names are unknown, the phrase "To whom it may concern" shall be used ((~~and~~)), apply to, and be binding upon, ((~~any such~~)) those persons whose names are unknown. The name of the court, the name of the child (or children if of one family), the date of the filing of the petition, the date of hearing, and the object of the proceeding in general terms shall be set forth((~~, and the whole shall be subscribed by the clerk~~)). There shall be filed with the clerk an affidavit showing due publication of the notice((~~, and~~)). The cost of publication shall be paid by the county at a rate not ((~~to exceed~~)) greater than the rate paid ((~~by the county~~)) for other legal notices. The publication of notice shall be deemed equivalent to personal service upon all persons, known or unknown, who have been designated as provided in this section.

Sec. 10. RCW 13.34.090 and 1998 c 328 s 3 and 1998 c 141 s 1 are each reenacted and amended to read as follows:

(1) Any party has a right to be represented by an attorney in all proceedings under this chapter, to introduce evidence, to be heard in his or her own behalf, to examine witnesses, to receive a decision based solely on the evidence adduced at the hearing, and to an unbiased fact-finder.

(2) At all stages of a proceeding in which a child is alleged to be dependent ((~~as defined in RCW 13.34.030(4)~~)), the child's parent, guardian, or legal custodian has the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court. Unless waived in court, counsel shall be provided to the child's parent, guardian, or legal custodian, if such person (a) has appeared in the proceeding or requested the court to appoint counsel and (b) is financially unable to obtain counsel because of indigency ((~~as defined in chapter 10.101 RCW~~)).

(3) If a party to an action under this chapter is represented by counsel, no order shall be provided to that party for his or her signature without prior notice and provision of the order to counsel.

(4) Copies of department of social and health services or supervising agency records to which parents have legal access pursuant to chapter 13.50 RCW shall be given to the child's parent, guardian, legal custodian, or his or her legal counsel, prior to any shelter care hearing and within fifteen days after the department or supervising agency receives a written request for such records from the parent, guardian, legal custodian, or his or her legal counsel. These records shall be provided to the child's parents, guardian, legal custodian, or legal counsel a reasonable period of time prior to the shelter care hearing in order to allow an opportunity to review the records prior to the hearing. These records shall be legible and shall be provided at no expense to

the parents, guardian, legal custodian, or his or her counsel. When the records are served on legal counsel, legal counsel shall have the opportunity to review the records with the parents and shall review the records with the parents prior to the shelter care hearing.

Sec. 11. RCW 13.34.110 and 1995 c 313 s 1 and 1995 c 311 s 27 are each reenacted and amended to read as follows:

The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor((~~, and after it has announced its findings of fact shall hold a hearing to consider disposition of the case immediately following the fact-finding hearing or at a continued hearing within fourteen days or longer for good cause shown~~)). Immediately after the entry of the findings of fact, the court shall hold a disposition hearing, unless there is good cause for continuing the matter. If good cause is shown, the case may be continued. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by certified mail of the time and place of any continued hearing. Unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or efforts to reunite the parent and child would be hindered, the court shall direct the department to notify those adult persons who: (1) Are related by blood or marriage to the child in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, or aunt; (2) are known to the department as having been in contact with the family or child within the past twelve months; and (3) would be an appropriate placement for the child. Reasonable cause to dispense with notification to a parent under this section must be proved by clear, cogent, and convincing evidence.

The parties need not appear at the fact-finding or dispositional hearing if the parties, their attorneys, the guardian ad litem, and court-appointed special advocates, if any, are all in agreement. The court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence. ((~~Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by mail of the time and place of any continued hearing.~~

~~All hearings may be conducted at any time or place within the limits of the county, and such cases may not be heard in conjunction with other business of any other division of the superior court. The general public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. Unless the court states on the record the reasons to disallow attendance, the court shall allow a child's relatives and, if a child resides in foster care, the child's foster parent, to attend all hearings and proceedings pertaining to the child for the sole purpose of providing oral and written information about the child and the child's welfare to the court.~~

~~Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.~~))

NEW SECTION. **Sec. 12.** A new section is added to chapter 13.34 RCW to read as follows:

All hearings may be conducted at any time or place within the limits of the county, and such cases may not be heard in conjunction with other business of any other division of the superior court. The public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. Unless the court states on the record the reasons to disallow attendance, the court shall allow a child's relatives and, if a child resides in foster care, the child's foster parent, to attend all hearings and proceedings pertaining to the child for the sole purpose of providing oral and written information about the child and the child's welfare to the court.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

Sec. 13. RCW 13.34.120 and 1998 c 328 s 4 are each amended to read as follows:

(((~~(1)~~))) To aid the court in its decision on disposition, a social study((~~, consisting of a written evaluation of matters relevant to the disposition of the case,~~)) shall be made by the person or agency filing the petition. A parent may submit a counselor's or health care provider's evaluation of the parent, which shall either be included in the social study or considered in conjunction with the social study. The study shall include all social ((~~records~~)) files and may also include facts relating to the child's cultural heritage, and shall be made available to the court. The court shall consider the social file, social study, guardian ad litem report, the court-appointed special advocate's report, if any, and any reports filed by a party at the disposition hearing in addition to evidence produced at the fact-finding hearing. At least ten working days before the disposition hearing, the department shall mail to the parent and his or her attorney a copy of the agency's social study and proposed service plan, which shall be in writing or in a form understandable to the parents or custodians. In addition, the department shall provide an opportunity for parents to review and comment on the plan at the ((~~community service~~)) local office closest to the parents' residence. If the parents disagree with the agency's plan or any part thereof, the parents shall submit to the court at least twenty-four hours before the hearing, in writing, or signed oral statement, an alternative plan to correct the problems which led to the finding of

dependency. This section shall not interfere with the right of the parents or custodians to submit oral arguments regarding the disposition plan at the hearing.

(((~~(2) In addition to the requirements set forth in subsection (1) of this section, a predisposition study to the court in cases of dependency alleged pursuant to RCW 13.34.030(4) (b) or (c) shall contain the following information:~~

~~(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;~~

~~(b) A description of the specific programs, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such programs are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify services chosen and approved by the parent;~~

~~(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs which have been considered and rejected; the preventive services that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;~~

~~(d) A statement of the likely harms the child will suffer as a result of removal. This section should include an exploration of the nature of the parent-child attachment and the meaning of separation and loss to both the parents and the child;~~

~~(e) A description of the steps that will be taken to minimize harm to the child that may result if separation occurs; and~~

~~(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.~~))

NEW SECTION. **Sec. 14.** A new section is added to chapter 13.34 RCW to read as follows:

If the most recent date that a child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care occurred prior to the filing of a dependency petition or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of the child's current placement episode.

Sec. 15. RCW 13.34.130 and 1999 c 267 s 16, 1999 c 267 s 9, and 1999 c 173 s 3 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030((~~;~~)) after consideration of the ((~~predisposition report~~)) social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In ((~~selecting a program~~)) determining the disposition, the court should choose those services, including housing assistance, that least interfere with family autonomy((~~, provided that the services~~)) and are adequate to protect the child.

(b) Order ((~~that~~)) the child to be removed from his or her home and ((~~ordered~~)) into the custody, control, and care of a relative or the department ((~~of social and health services~~)) or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is: (i) Related to the child as defined in RCW 74.15.020(2)(a) ((~~and~~)) with whom the child has a relationship and is comfortable((~~,~~)); and ((~~who is~~)) (ii) willing and available to care for the child.

(2) Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(((~~(i)~~))) (a) There is no parent or guardian available to care for such child;

(((~~(ii)~~))) (b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(((~~(iii)~~))) (c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger((~~; or~~

~~(iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home~~)).

(((~~(2)~~))) (3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the ((~~court finds: (a) Termination is recommended by the supervising agency; (b) termination is in the best interests of the child; and (c) that because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interest of the child. In determining whether aggravated circumstances exist by clear, cogent, and convincing evidence, the court shall consider one or more of the following:~~

~~(i) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;~~

~~(ii) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;~~

~~(iii) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;~~

~~(iv) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;~~

~~(v) Conviction of the parent of attempting, soliciting, or conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of this subsection;~~

~~(vi) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;~~

~~(vii) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. Sec. 1903), the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home;~~

~~(viii) An infant under three years of age has been abandoned as defined in RCW 13.34.030(4)(a);~~

~~(ix) The mother has given birth to three or more drug-affected infants, resulting in the department filing a petition under section 23, chapter 314, Laws of 1998;~~

~~(x) Conviction of the parent of a sex offense under chapter 9A.44 RCW or incest under RCW 9A.64.020 when the child is born of the offense.~~

~~(3) If reasonable efforts are not ordered under subsection (2) of this section a permanency planning hearing shall be held within thirty days. Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.~~

~~(4) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:~~

~~(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; and independent living, if appropriate and if the child is age sixteen or older; or a responsible living skills program. Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial affairs and to manage his or her personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.~~

~~(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.~~

~~(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.~~

~~(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.~~

~~(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.~~

~~(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.~~

~~(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.~~

~~(5) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.~~

~~(6)~~)) requirements of section 16 of this act are met.

(4) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(((~~(7) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.~~

~~(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.~~

~~(b) If the child is not returned home, the court shall establish in writing:~~

~~(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;~~

~~(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;~~

~~(iii) Whether there is a continuing need for placement and whether the placement is appropriate;~~

~~(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;~~

~~(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;~~

~~(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;~~

~~(vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and~~

~~(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.~~

~~(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.~~

~~(8) The court's ability to order housing assistance under this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.~~))

NEW SECTION. **Sec. 16.** A new section is added to chapter 13.34 RCW to read as follows:

A court may order that a petition seeking termination of the parent and child relationship be filed if the following requirements are met:

(1) The court has removed the child from his or her home pursuant to RCW 13.34.130;

(2) Termination is recommended by the supervising agency;

(3) Termination is in the best interests of the child; and

(4) Because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interests of the child. In determining whether aggravated circumstances exist by clear, cogent, and convincing evidence, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) Conviction of the parent of attempting, soliciting, or conspiring to commit a crime listed in (a), (b), (c), or (d) of this subsection;

(f) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(g) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. Sec. 1903), the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home;

(h) An infant under three years of age has been abandoned;

(i) Conviction of the parent, when a child has been born of the offense, of: (A) A sex offense under chapter 9A.44 RCW; or (B) incest under RCW 9A.64.020.

NEW SECTION. **Sec. 17.** A new section is added to chapter 13.34 RCW to read as follows:

If reasonable efforts are not ordered under section 16 of this act, a permanency planning hearing shall be held within thirty days of the court order to file a petition to terminate parental rights. Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

NEW SECTION. **Sec. 18.** A new section is added to chapter 13.34 RCW to read as follows:

(1) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(3), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(3), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed.

(2) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

NEW SECTION. **Sec. 19.** A new section is added to chapter 13.34 RCW to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(2) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

Sec. 20. RCW 13.34.145 and 1999 c 267 s 17 are each amended to read as follows:

(1) A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(a) Whenever a child is placed in out-of-home care pursuant to RCW 13.34.130, the agency that has custody of the child shall provide the court with a written permanency plan of care directed towards securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; a responsible living skills program; and independent living, if appropriate and if the child is age sixteen or older and the provisions of subsection (2) of this section are met.

(b) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(d) For purposes related to permanency planning:

(i) "Guardianship" means a dependency guardianship ((~~pursuant to this chapter~~)), a legal guardianship pursuant to chapter 11.88 RCW, or equivalent laws of another state or a federally recognized Indian tribe.

(ii) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(iii) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or of a federally recognized Indian tribe.

(2) Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial ((~~affairs and to manage his or her~~)), personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(3) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(4) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in subsection (3) of this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed.

(5) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(6) At the permanency planning hearing, the court shall enter findings as required by ((~~RCW 13.34.130(7)~~)) section 19 of this act and shall review the permanency plan prepared by the agency. If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280 and ((~~13.34.130(7)~~)) section 19 of this act. If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. In cases where the primary permanency planning goal has not ((~~yet~~)) been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. In all cases, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to ((~~RCW 13.34.130(7)~~)) section 19 of this act, and the court shall determine the need for continued intervention.

(8) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when((~~,~~)): (a) The court has ordered implementation of a permanency plan that includes legal guardianship or permanent legal custody((~~,~~)); and (b) the party pursuing the legal guardianship or permanent legal custody is the party identified in the permanency plan as the prospective legal guardian or custodian. During the pendency of such proceeding, ((~~juvenile~~)) the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(10) Except as ((~~otherwise~~)) provided in RCW 13.34.235, the status of all dependent children shall continue to be reviewed by the court at least once every six months, in accordance with ((~~RCW 13.34.130(7)~~)) section 19 of this act, until the dependency is dismissed. Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(11) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(12) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights.

(13) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 21. RCW 13.34.165 and 1998 c 296 s 38 are each amended to read as follows:

(1) Failure by a party to comply with an order entered under this chapter is civil contempt of court as provided in RCW 7.21.030(2)(e).

(2) The maximum term of ((~~imprisonment~~)) confinement that may be imposed as a remedial sanction for contempt of court under this section is confinement for up to seven days.

(3) A child ((~~imprisoned~~)) held for contempt under this section shall be confined only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(4) A motion for contempt may be made by a parent, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order entered pursuant to this chapter.

(5) Whenever the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered under this chapter, the court may issue an order directing law enforcement to pick up and take the child to detention. The order may be entered ex parte without prior notice to the child or other parties. Following the child's admission to detention, a detention review hearing must be held in accordance with RCW 13.32A.065.

Sec. 22. RCW 13.34.170 and 1981 c 195 s 9 are each amended to read as follows:

In any case in which ((~~an order or decree of~~)) the ((~~juvenile~~)) court ((~~requiring~~)) has ordered a parent or parents, guardian, or other person having custody of a child to pay ((~~for shelter care and/or~~)) support ((~~of such child is~~)) under RCW 13.34.160 and the order has not been complied with, the court may, upon such person or persons being duly summoned or voluntarily appearing, proceed to inquire into the amount due upon ((~~said~~)) the order ((~~or decree~~)) and enter judgment for ((~~such~~)) that amount against the defaulting party or parties, and ((~~such~~)) the judgment shall be docketed as are other judgments for the payment of money.

In such judgments, the county in which the ((~~same are~~)) order is entered shall be ((~~denominated~~)) the judgment creditor, or the state may be the judgment creditor where the child is in the custody of a state agency ((~~and said~~)). Judgments may be enforced by the prosecuting attorney of ((~~such~~)) the county, or the attorney general where the state is the judgment creditor and any moneys recovered ((~~thereon~~)) shall be paid into the registry of the juvenile court and shall be disbursed to such person, persons, agency, or governmental department as the court ((~~shall find to be~~)) finds is entitled ((~~thereto~~)) to it.

Such judgments shall remain ((~~as~~)) valid and enforceable ((~~judgments~~)) for a period of ten years ((~~subsequent to the~~)) after the date of entry ((~~thereof~~)).

Sec. 23. RCW 13.34.174 and 1993 c 412 s 5 are each amended to read as follows:

(1) The provisions of this section shall apply when a court orders a party to undergo an alcohol or substance abuse diagnostic investigation and evaluation.

(2) The facility conducting the investigation and evaluation shall make a written report to the court stating its findings and recommendations including family-based services or treatment when appropriate. If its findings and recommendations support treatment, it shall also recommend a treatment plan setting out:

(a) Type of treatment;

(b) Nature of treatment;

(c) Length of treatment;

(d) A treatment time schedule; and

(e) Approximate cost of the treatment.

The affected person shall be included in developing the appropriate ((~~plan of~~)) treatment plan. The ((~~plan of~~)) treatment plan must be signed by ((~~[the]~~)) the treatment provider and the affected person. The initial written progress report based on the treatment plan ((~~and response to treatment~~)) shall be sent to the appropriate persons six weeks after initiation of treatment((~~, and~~)). Subsequent progress reports shall be provided after three months, ((~~after~~)) six months, ((~~after~~)) twelve months, and thereafter every six months if treatment exceeds twelve months. Reports are to be filed with the court in a timely manner. Close-out of the treatment record must include summary of pretreatment and posttreatment, with final outcome and disposition. The report shall also include recommendations for ongoing stability and decrease in destructive behavior.

((~~The~~)) Each report ((~~with the treatment plan~~)) shall also be filed with the court and a copy given to the person evaluated and the person's counsel. A copy of the treatment plan shall also be given to the department's caseworker and to the guardian ad litem. Any program for chemical dependency shall meet the program requirements contained in chapter 70.96A RCW.

(3) If the court has ordered treatment pursuant to a dependency proceeding it shall also require the treatment program to provide, in the reports required by subsection (2) of this section, status reports to the court, the department, the supervising child-placing agency if any, and the person or person's counsel regarding((~~: (a)~~)) the person's cooperation with the treatment plan proposed((~~;~~)) and ((~~(b)~~)) the person's progress in treatment.

(4) ((~~In addition,~~)) If ((~~the party~~)) a person subject to this section fails or neglects to carry out and fulfill any term or condition of the treatment plan, the program or agency administering the treatment shall report such breach to the court, the department, the guardian ad litem, the supervising child-placing agency if any, and the person or person's counsel, within twenty-four hours, together with its recommendation. These reports shall be made as a declaration by the person who is personally responsible for providing the treatment.

(5) Nothing in this chapter may be construed as allowing the court to require the department to pay for the cost of any alcohol or substance abuse evaluation or treatment program.

Sec. 24. RCW 13.34.176 and 1993 c 412 s 6 are each amended to read as follows:

(1) The court ((~~or the department~~)), upon receiving a report under RCW 13.34.174(4) or at the department's request, may schedule a show cause hearing to determine whether the person is in violation of the treatment conditions. All parties shall be given notice of the hearing. The court shall hold the hearing within ten days of the request for a hearing. At the hearing, testimony, declarations, reports, or other relevant information may be presented on the person's alleged failure to comply with the treatment plan and the person shall have the right to present similar information on his or her own behalf.

(2) If the court finds that there has been a violation of the treatment conditions it shall modify the dependency order, as necessary, to ensure the safety of the child. The modified order shall remain in effect until the party is in full compliance with the treatment requirements.

Sec. 25. RCW 13.34.180 and 1998 c 314 s 4 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (2) or (3) of this section applies:

(((~~(1)~~))) (a) That the child has been found to be a dependent child ((~~under RCW 13.34.030(4)~~)); ((~~and~~

(~~(2)~~))) (b) That the court has entered a dispositional order pursuant to RCW 13.34.130; ((~~and~~

(~~(3)~~))) (c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency ((~~under RCW 13.34.030(4)~~)); ((~~and~~

((~~(4)~~)) (d) That the services ordered under ((~~RCW 13.34.130~~)) section 18 of this act have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided; ((~~and~~

~~(5)~~)) (e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(((~~(a)~~))) (i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; or

(((~~(b)~~))) (ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; and

(((~~(6)~~))) (f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home((~~; or~~)).

(((~~(7)~~))) (2) In lieu of the allegations in subsection((~~s~~)) (1) ((~~through (6)~~)) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found((~~; or~~)).

(((~~(8)~~))) (3) In lieu of the allegations in subsection((~~s (2) through (6)~~)) (1)(b) through (f) of this section, the petition may allege that the parent has been ((~~found by a court of competent jurisdiction~~)) convicted of:

(a) ((~~To have committed, against another child of such parent,~~)) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) ((~~To have committed, against another child of such parent,~~)) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) ((~~To have attempted, conspired, or solicited~~)) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) ((~~To have committed~~)) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(4) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure) .

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number) ."

Sec. 26. RCW 13.34.190 and 1998 c 314 s 5 are each amended to read as follows:

After hearings pursuant to RCW 13.34.110 or 13.34.130, the court may enter an order terminating all parental rights to a child only if the court finds that:

(1)(a) The allegations contained in the petition as provided in RCW 13.34.180(1) ((~~through (6)~~)) are established by clear, cogent, and convincing evidence; or

(b) ((~~RCW 13.34.180 (3) and (4) may be waived because the allegations under~~)) The provisions of RCW 13.34.180 (1)((~~, (2), (5), and (6)~~)) (a), (b), (e), and (f) are established beyond a reasonable doubt and if so, then RCW 13.34.180(1) (c) and (d) may be waived. When an infant has been abandoned, as defined in RCW 13.34.030, and the abandonment has been proved beyond a reasonable doubt, then RCW 13.34.180(1) (c) and (d) may be waived; or

(c) The allegation under RCW 13.34.180(((~~7~~))) (2) is established beyond a reasonable doubt. In determining whether RCW 13.34.180 (((~~(5) and (6)~~))) (1) (e) and (f) are established beyond a reasonable doubt, the court shall consider whether one or more of the aggravated circumstances listed in ((~~RCW 13.34.130(2)~~)) section 16 of this act exist; or

(d) The allegation under RCW 13.34.180(((~~8~~))) (3) is established beyond a reasonable doubt; and

(2) Such an order is in the best interests of the child.

Sec. 27. RCW 13.34.200 and 1977 ex.s. c 291 s 48 are each amended to read as follows:

(1) Upon the termination of parental rights pursuant to RCW 13.34.180, all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, visitation, or support existing between the child and parent shall be severed and terminated and the parent shall have no standing to appear at any further legal proceedings concerning the child: PROVIDED, That any support obligation existing prior to the effective date of the order terminating parental rights shall not be severed or terminated. The rights of one parent may be terminated without affecting the rights of the other parent and the order shall so state.

(2) An order terminating the parent and child relationship shall not disentitle a child to any benefit due the child from any third person, agency, state, or the United States, nor shall any action under this chapter be deemed to affect any rights and benefits that ((~~a native American~~)) an Indian child derives from the child's descent from a member of a federally recognized Indian tribe.

Sec. 28. RCW 13.34.210 and 1991 c 127 s 6 are each amended to read as follows:

If, upon entering an order terminating the parental rights of a parent, there remains no parent having parental rights, the court shall commit the child to the custody of the department ((~~of social and health services~~)) or to a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption((~~, or in the absence thereof~~)). If an adoptive home has not been identified, the department or agency shall place the child in a licensed foster home, or take other suitable measures for the care and welfare of the child. The custodian shall have authority to consent to the adoption of the child consistent with chapter 26.33 RCW, the marriage of the child, the enlistment of the child in the armed forces of the United States, necessary surgical and other medical treatment for the child, and to consent to such other matters as might normally be required of the parent of the child.

If a child has not been adopted within six months after the date of the order and a ((~~general guardian~~)) guardianship of the child under RCW 13.34.231 or chapter 11.88 RCW, or a permanent custody order under chapter 26.10 RCW, has not been ((~~appointed~~)) entered by the court, ((~~the child shall be returned to the court for entry of further orders for his or her care, custody, and control, and, except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW,~~)) the court shall review the case every six months ((~~thereafter~~)) until a decree of adoption is entered except for those cases which are reviewed by a citizen review board under chapter 13.70 RCW.

Sec. 29. RCW 13.34.231 and 1994 c 288 s 6 are each amended to read as follows:

At the hearing on a dependency guardianship petition, all parties have the right to present evidence and cross examine witnesses. The rules of evidence apply to the conduct of the hearing. A guardianship shall be established if the court finds by a preponderance of the evidence that:

(1) The child has been found to be a dependent child under RCW 13.34.030;

(2) A dispositional order has been entered pursuant to RCW 13.34.130;

(3) The child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under RCW 13.34.030;

(4) The services ordered under RCW 13.34.130 and section 18 of this act have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided;

(5) There is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future; and

(6) A guardianship, rather than termination of the parent-child relationship or continuation of efforts to return the child to the custody of the parent, would be in the best interest of the child.

Sec. 30. RCW 13.34.233 and 1995 c 311 s 24 are each amended to read as follows:

(1) Any party may request the court under RCW 13.34.150 to modify or terminate a dependency guardianship order ((~~under RCW 13.34.150~~)). Notice of any motion to modify or terminate the guardianship shall be served on all other parties, including any agency that was responsible for supervising the child's placement at the time the guardianship petition was filed. Notice ((~~shall~~)) in all cases shall be served upon the department ((~~of social and health services~~)). If the department was not

previously a party to the guardianship proceeding, the department shall nevertheless have the right to: (a) Initiate a proceeding to modify or terminate a guardianship; and ((~~the right to~~)) (b) intervene at any stage of such a proceeding.

(2) The guardianship may be modified or terminated upon the motion of any party or the department if the court finds by a preponderance of the evidence that there has been a substantial change of circumstances subsequent to the establishment of the guardianship and that it is in the child's best interest to modify or terminate the guardianship. The court shall hold a hearing on the motion before modifying or terminating a guardianship.

(3) Upon entry of an order terminating the guardianship, the dependency guardian shall not have any rights or responsibilities with respect to the child and shall not have legal standing to participate as a party in further dependency proceedings pertaining to the child. The court may allow the child's dependency guardian to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

(4) Upon entry of an order terminating the guardianship, the child shall remain dependent and the court shall either return the child to the child's parent or order the child into the custody, control, and care of the department ((~~of social and health services~~)) or a licensed child-placing agency for placement in a foster home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to such chapter. The court shall not place a child in the custody of the child's parent unless the court finds that ((~~a~~)) reasons for removal as set forth in RCW 13.34.130 no longer exist((~~s~~)) and that such placement is in the child's best interest. The court shall thereafter conduct reviews as provided in ((~~RCW 13.34.130(5)~~)) section 19 of this act and, where applicable, shall hold a permanency planning hearing in accordance with RCW 13.34.145.

Sec. 31. RCW 13.34.235 and 1981 c 195 s 6 are each amended to read as follows:

A dependency guardianship ((~~established under RCW 13.34.231 and 13.34.232~~)) is not subject to the review hearing requirements of ((~~RCW 13.34.130~~)) section 19 of this act unless ordered by the court under RCW 13.34.232(1)(e).

Sec. 32. RCW 13.34.260 and 1990 c 284 s 25 are each amended to read as follows:

In an attempt to minimize the inherent intrusion in the lives of families involved in the foster care system and to maintain parental authority where appropriate, the department, absent good cause, shall follow the wishes of the natural parent regarding the placement of the child. Preferences such as family constellation, ethnicity, and religion shall be ((~~given consideration~~)) considered when matching children to foster homes. Parental authority is appropriate in areas that are not connected with the abuse or neglect that resulted in the dependency and ((~~should~~)) shall be integrated through the foster care team. For purposes of this section, "foster care team" means the foster parent currently providing care, the currently assigned social worker, and the parent or parents.

Sec. 33. RCW 13.34.270 and 1998 c 229 s 2 are each amended to read as follows:

(1) Whenever the department ((~~of social and health services~~)) places a ((~~developmentally disabled~~)) child with a developmental disability in out-of-home care pursuant to RCW 74.13.350, the department shall obtain a judicial determination within one hundred eighty days of the placement that continued placement is in the best interests of the child. If the child's out-of-home placement ends before one hundred eighty days have elapsed, no judicial determination is required.

(2) To obtain the judicial determination, the department shall file a petition alleging that there is located or residing within the county a child who has a developmental disability((~~, as defined in RCW 71A.10.020,~~)) and that the child has been placed in out-of-home care pursuant to RCW 74.13.350. The petition shall request that the court review the child's placement, make a determination ((~~that~~)) whether continued placement is in the best interests of the child, and take other necessary action as provided in this section. The petition shall contain the name, date of birth, and residence of the child and the names and residences of the child's parent or legal guardian who has agreed to the child's placement in out-of-home care. Reasonable attempts shall be made by the department to ascertain and set forth in the petition the identity, location, and custodial status of any parent who is not a party to the placement agreement and why that parent cannot assume custody of the child.

(3) Upon filing of the petition, the clerk of the court shall schedule the petition for a hearing to be held no later than fourteen calendar days after the petition has been filed. The department shall provide notification of the time, date, and purpose of the hearing to the parent or legal guardian who has agreed to the child's placement in out-of-home care. The department shall also make reasonable attempts to notify any parent who is not a party to the placement agreement, if the parent's identity and location is known. Notification under this section may be given by the most expedient means, including but not limited to, mail, personal service, and telephone((~~, and telegraph~~)).

(4) The court shall appoint a guardian ad litem for the child as provided in RCW 13.34.100, unless the court for good cause finds the appointment unnecessary.

(5) Permanency planning hearings shall be held as provided in this ((~~subsection~~)) section. At the hearing, the court shall review whether the child's best interests are served by continued out-of-home placement and determine the future legal status of the child.

(a) For children age ten and under, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree or guardianship order under chapter 11.88 RCW

has not previously been entered. The hearing shall take place no later than twelve months following commencement of the child's current placement episode.

(b) For children over age ten, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least fifteen months and an adoption decree or guardianship order under chapter 11.88 RCW has not previously been entered. The hearing shall take place no later than eighteen months following commencement of the current placement episode.

(c) No later than ten working days before the permanency planning hearing, the department shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties. The plan shall be directed toward securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent or legal guardian; adoption; guardianship; or long-term out-of-home care, until the child is age eighteen, with a written agreement between the parties and the child's care provider.

(d) If a goal of long-term out-of-home care has been achieved before the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remains appropriate. In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal.

(e) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the voluntary placement agreement is terminated.

(6) Any party to the voluntary placement agreement may terminate the agreement at any time. Upon termination of the agreement, the child shall be returned to the care of the child's parent or legal guardian, unless the child has been taken into custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130. The department shall notify the court upon termination of the voluntary placement agreement and return of the child to the care of the child's parent or legal guardian. Whenever a voluntary placement agreement is terminated, an action under this section shall be dismissed.

(7) This section does not prevent the department from filing a dependency petition if there is reason to believe that the child is a dependent child as defined in RCW 13.34.030. An action filed under this section shall be dismissed upon the filing of a dependency petition regarding a child who is the subject of the action under this section.

Sec. 34. RCW 13.34.300 and 1979 ex.s. c 201 s 3 are each amended to read as follows:

The legislature finds that it is the responsibility of the custodial parent, parents or guardian to ensure that children within the custody of such individuals attend school as provided for by law. To this end, while a parent's failure to cause a juvenile to attend school should not alone provide a basis for a neglect petition against the parent or guardian, when a neglect petition is filed on the basis of other evidence, a parent or guardian's failure to take reasonable steps to ensure that the juvenile attends school may be ((~~used as evidence with respect~~)) relevant to the question of the appropriate disposition of a neglect petition.

Sec. 35. RCW 13.34.340 and 1999 c 188 s 4 are each amended to read as follows:

For minors who cannot consent to the release of their records with the department because they are not old enough to consent to treatment, or, if old enough, lack the capacity to consent, or if the minor is receiving treatment involuntarily with a provider the department has authorized to provide mental health treatment under RCW 13.34.320, the department shall disclose, upon the treating physician's request, all relevant records, including the minor's passport as established under RCW 74.13.285, in the department's possession that the treating physician determines contain information required for treatment of the minor. The treating physician shall maintain all records received from the department in a manner that distinguishes the records from any other records in the minor's file with the treating physician and the department records may not be disclosed by the treating physician to any other person or entity absent a court order except that, for medical purposes only, a treating physician may disclose the department records to another treating physician.

Sec. 36. RCW 13.70.003 and 1989 1st ex.s. c 17 s 1 are each amended to read as follows:

The legislature recognizes the importance of permanency and continuity to children and of fairness to parents in the provision of child welfare services.

The legislature intends to create a citizen review board system that will function in an advisory capacity to the judiciary, the department, and the legislature. The purpose of the citizen review board system is to:

(1) Provide periodic review of cases involving substitute care of children in a manner that complies with case review requirements and time lines imposed by federal laws pertaining to child welfare services;

(2) Improve the quality of case review provided to children in substitute care and their families; and

(3) Provide a means for community involvement in monitoring cases of children in substitute care.

In order to accomplish the foregoing purposes, the citizen review board system shall not be subject to the procedures and standards usually applicable to judicial and administrative hearings, except as otherwise specifically provided in this chapter and ((~~RCW 13.34.130~~)) section 19 of this act, 13.34.145, and 26.44.115. Nothing in this chapter and ((~~RCW 13.34.130~~)) section 19 of this act, 13.34.145, and 26.44.115 shall limit the ability of the department to utilize court review hearings and administrative reviews to meet the periodic review requirements imposed by federal law.

Sec. 37. RCW 13.70.110 and 1991 c 127 s 5 are each amended to read as follows:

(1) This section shall apply to cases where a child has been placed in substitute care pursuant to a proceeding under chapter 13.34 RCW.

(2) Within forty-five days following commencement of the placement episode, the court shall assign the child's case to a board and forward to the board a copy of the dependency petition and any shelter care or dependency disposition orders which have been entered in the case by the court.

(3) The board shall review the case plan for each child whose case is assigned to the board by the court. The review shall take place at times set by the board. The first review shall occur within ninety days following commencement of the placement episode. The second review shall occur within six months following commencement of the placement episode. The next review shall occur within one year after commencement of the placement episode. Within ((~~eighteen~~)) twelve months following commencement of the placement episode, a permanency planning hearing shall be held before the court in accordance with RCW 13.34.145. Thereafter, the court shall assign the child's case for a board review or a court review hearing pursuant to ((~~RCW 13.34.130(5)~~)) section 17 of this act. A board review or a court review hearing shall take place at least once every six months until the child is no longer within the jurisdiction of the court or no longer in substitute care or until a guardianship order or adoption decree is entered. After the permanency planning hearing, a court review hearing must occur at least once a year as provided in ((~~RCW 13.34.130~~)) section 19 of this act. The board shall review any case where a petition to terminate parental rights has been denied, and such review shall occur as soon as practical but no later than forty-five days after the denial.

(4) The board shall prepare written findings and recommendations with respect to:

(a) Whether reasonable efforts were made before the placement to prevent or eliminate the need for removal of the child from the home, including whether consideration was given to removing the alleged offender, rather than the child, from the home;

(b) Whether reasonable efforts have been made subsequent to the placement to make it possible for the child to be returned home;

(c) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(d) Whether there is a continuing need for placement and whether the placement is appropriate;

(e) Whether there has been compliance with the case plan;

(f) Whether progress has been made toward alleviating the need for placement;

(g) A likely date by which the child may be returned home or other permanent plan of care may be implemented; and

(h) Other problems, solutions, or alternatives the board determines should be explored.

(5) Within ten working days following the review, the board shall send a copy of its findings and recommendations to the parents and their attorneys, the child's custodians and their attorneys, mature children and their attorneys, other attorneys or guardians ad litem appointed by the court to represent children, the department and other child placement agencies directly responsible for supervising the child's placement, and any prosecuting attorney or attorney general actively involved in the case. If the child is an Indian as defined in the Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., a copy of the board's findings and recommendations shall also be sent to the child's Indian tribe.

(6) If the department is unable or unwilling to implement the board recommendations, the department shall submit to the board, within ten working days after receipt of the findings and recommendations, an implementation report setting forth the reasons why the department is unable or unwilling to implement the board's recommendations. The report will also set forth the case plan which the department intends to implement.

(7) Within forty-five days following the review, the board shall either:

(a) Schedule the case for further review by the board; or

(b) Submit to the court the board's findings and recommendations and the department's implementation reports, if any. If the board's recommendations are different from the existing court-ordered case plan, the board shall also file with the court a motion for a review hearing.

(8) Within ten days of receipt of the board's written findings and recommendations and the department's implementation report, if any, the court shall review the findings and recommendations and implementation reports, if any. The court may on its own motion schedule a review hearing.

(9) Unless modified by subsequent court order, the court-ordered case plan and court orders that are in effect at the time that a board reviews a case shall remain in full force and effect. Board findings and recommendations are advisory only and do not in any way modify existing court orders or court-ordered case plans.

(10) The findings and recommendations of the board and the department's implementation report, if any, shall become part of the department's case file and the court social file pertaining to the child.

(11) Nothing in this section shall limit or otherwise modify the rights of any party to a dependency proceeding to request and receive a court review hearing pursuant to the provisions of chapter 13.34 RCW or applicable court rules.

Sec. 38. RCW 13.70.140 and 1993 c 505 s 4 are each amended to read as follows:

A permanency planning hearing shall be held before the court in accordance with RCW 13.34.145. Thereafter, court review hearings shall occur at least once every six months, under ((~~RCW 13.34.130(5)~~)) section 19 of this act, until the child is no longer within the jurisdiction of the court or the child returns home or a guardianship order or adoption decree is entered. The court may review the case more frequently upon the court's own motion or upon the request of any party to the proceeding.

Sec. 39. RCW 26.44.115 and 1990 c 246 s 10 are each amended to read as follows:

If a child is taken into custody by child protective services pursuant to a court order issued under ((~~RCW 13.34.050~~)) section 5 of this act, the child protective services worker shall take reasonable steps to advise the parents immediately, regardless of the time of day, that the child has been taken into custody, the reasons why the child was taken into custody, and general information about the child's placement. The department shall comply with RCW 13.34.060 when providing notice under this section.

Sec. 40. RCW 74.15.030 and 1997 c 386 s 33 are each amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee except that in the case of a foster family home, if this expense would work a hardship on the licensee, the department shall pay the expense. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under ((~~RCW 13.34.060~~)) section 7 of this act or RCW 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the child care coordinating committee and other affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

NEW SECTION. **Sec. 41.** RCW 13.34.170 shall be recodified to appear immediately following RCW 13.34.160.

NEW SECTION. **Sec. 42.** The following acts or parts of acts are each repealed:

(1) RCW 13.34.162 (Child support schedule) and 1993 c 412 s 10 and 1988 c 275 s 15; and

(2) RCW 13.34.220 (Order terminating parent and child relationship--Prevailing party to present findings, etc., to court, when) and 1979 c 155 s 50."

MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 2 of the title, after "statutes;" strike the remainder of the title and insert "amending RCW 13.34.030, 13.34.040, 13.34.050, 13.34.060, 13.34.070, 13.34.080, 13.34.120, 13.34.145, 13.34.165, 13.34.170, 13.34.174, 13.34.176, 13.34.180, 13.34.190, 13.34.200, 13.34.210, 13.34.231, 13.34.233, 13.34.235, 13.34.260, 13.34.270, 13.34.300, 13.34.340, 13.70.003, 13.70.110, 13.70.140, 26.44.115, and 74.15.030; reenacting and amending RCW 13.34.090, 13.34.110, and 13.34.130; adding new sections to chapter 13.34 RCW; recodifying RCW 13.34.170; and repealing RCW 13.34.162 and 13.34.220."

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6217 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6217.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6217 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Finkbeiner - 1.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6217, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, Senator Thibaudeau was excused.

SECOND READING

SENATE BILL NO. 6182, by Senators McCaslin and Costa

Specifying the effect that changes in law will have on sentencing provisions.

MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 6182 was substituted for Senate Bill No. 6182 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 6182 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6182.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6182 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Sellar and Thibaudeau - 2.

SUBSTITUTE SENATE BILL NO. 6182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6234, by Senators Patterson, Haugen, Eide, Costa, Kohl-Welles, Gardner and McAuliffe

Specifying conditions for requiring examination of a driver.

The bill was read the second time.

MOTIONS

On motion of Senator Hargrove, the following amendment by Senators Hargrove and Patterson was adopted:

On page 1, line 12, strike ", but not limited to,"

On motion of Senator Goings, the rules were suspended, Engrossed Senate Bill No. 6234 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6234.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6234 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Sellar and Thibaudeau - 2.

ENGROSSED SENATE BILL NO. 6234, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator McCaslin was excused.

SECOND READING

SENATE BILL NO. 6667, by Senators Haugen, Swecker, Gardner, Morton, Sellar, Sheahan, Benton and Winsley

Exempting certain commercial vehicles from replacing license plates.

The bill was read the second time.

MOTION

On motion of Senator Goings, the rules were suspended, Senate Bill No. 6667 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6667.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6667 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 45.

Voting nay: Senator Honeyford - 1.

Excused: Senators McCaslin, Sellar and Thibaudeau - 3.

SENATE BILL NO. 6667, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6773, by Senators Haugen and Bauer

Adjusting day labor allowances for county road construction.

MOTIONS

On motion of Senator Snyder, Substitute Senate Bill No. 6773 was substituted for Senate Bill No. 6773 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the following striking amendment by Senators Morton, Haugen and Snyder was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.77.065 and 1980 c 40 s 1 are each amended to read as follows:

The board may cause any county road to be constructed or improved by day labor as provided in this section.

(1) As used in this section, "county road construction budget" means the aggregate total of those costs as defined by the budgeting, accounting, and reporting system for counties and cities and other local governments authorized under RCW 43.09.200 and 43.09.230 as prescribed in the state auditor's budget, accounting, and reporting manual's (BARS) road and street construction accounts 541.00 through 541.90 in effect April 1, 1975: PROVIDED, That such costs shall not include those costs assigned to the preliminary engineering account 541.11, right of way accounts 541.20 through 541.25, ancillary operations account 541.80, and ferries account 541.81 in the budget, accounting, and reporting manual.

(2) For counties with a population density that equals or exceeds one hundred persons per square mile, except for those counties composed entirely of islands, the total amount of day labor construction programs one county may perform annually shall total no more than the amounts determined in the following manner:

(a) Any county with a total annual county road construction budget of four million dollars or more may accumulate a day labor road construction budget equal to no more than eight hundred thousand dollars or fifteen percent of the county's total annual county road construction budget, whichever is greater.

(b) Any county with a total annual county road construction budget ((~~over~~)) of one million five hundred thousand dollars or more and less than four million dollars may accumulate a day labor road construction budget equal to not more than five hundred twenty-five thousand dollars or twenty percent of the county's total annual county road construction budget, whichever is greater.

(c) Any county with a total annual county road construction budget ((~~over~~)) of five hundred thousand dollars or more and less than one million five hundred thousand dollars may accumulate a day labor road construction budget equal to two hundred fifty thousand dollars or thirty-five percent of the county's total annual county road construction budget, whichever is greater.

(d) Any county with a total annual county road construction budget less than five hundred thousand dollars may accumulate a day labor road construction budget equal to two hundred fifty thousand dollars: PROVIDED, That any county with a total annual road construction budget of less than five hundred thousand dollars may, by resolution of the board at the time the county road construction budget is adopted, elect to construct or improve county roads by day labor in an amount not to exceed thirty-five thousand dollars on any one project, including labor, equipment, and materials; such election to be in lieu of the two hundred fifty thousand dollar limit provided for in this section, except that any project means a complete project and the division of any project into units of work or classes of work so as to permit construction by day labor is not authorized.

(3) For counties with a population density of less than one hundred persons per square mile and those counties composed entirely of islands, the total amount of day labor construction programs one county may perform annually shall total no more than the amounts determined in the following manner:

(a) Any county with a total annual county road construction budget of four million dollars or more may accumulate a day labor road construction budget equal to not more than eight hundred eighty thousand dollars or twenty-five percent of the county's total annual county road construction budget, whichever is greater;

(b) Any county with a total annual county road construction budget of one million five hundred thousand dollars or more and less than four million dollars may accumulate a day labor road construction budget equal to not more than five hundred seventy-seven thousand dollars or thirty percent of the county's total annual county road construction budget, whichever is greater;

(c) Any county with a total annual county road construction budget of five hundred thousand dollars or more and less than one million five hundred thousand dollars may accumulate a day labor road construction budget equal to two hundred seventy-five thousand dollars or forty-five percent of the county's total annual county road construction budget, whichever is greater;

(d) Any county with a total annual county road construction budget less than five hundred thousand dollars may accumulate a day labor road construction budget equal to two hundred seventy-five thousand dollars: PROVIDED, That any county with a total annual road construction budget of less than five hundred thousand dollars may, by resolution of the board at the time the county road construction budget is adopted, elect to construct or improve county roads by day labor in an amount not to exceed thirty-eight thousand five hundred dollars on any one project, including labor, equipment, and materials; such election to be in lieu of the two hundred seventy-five thousand dollar limit provided for in this section, except that any project means a

complete project and the division of any project into units of work or classes of work so as to permit construction by day labor is not authorized.

(4) Any county that adopts a county road construction budget unreasonably exceeding that county's actual road construction expenditures for the same budget year which has the effect of permitting the county to exceed the day labor amounts established in this section is in violation of the county road administration board's standards of good practice under RCW 36.78.020 and is in violation of this section. Any county, whose expenditure for day labor for road construction projects unreasonably exceeds the limits specified in this section, is in violation of the county road administration board's standards of good practice under RCW 36.78.020 and is in violation of this section.

(((~~3~~))) (5) Notwithstanding any other provision in this section, whenever the construction work or improvement is the installation of electrical traffic control devices, highway illumination equipment, electrical equipment, wires, or equipment to convey electrical current, in an amount exceeding ten thousand dollars for any one project including labor, equipment, and materials, such work shall be performed by contract as in this chapter provided. This section means a complete project and does not permit the construction of any project by day labor by division of the project into units of work or classes of work."

MOTIONS

On motion of Senator Morton, the following title amendment was adopted:

On page 1, line 1 of the title, after "projects;" strike the remainder of the title and insert "and amending RCW 36.77.065."

On motion of Senator Snyder, the rules were suspended, Engrossed Substitute Senate Bill No. 6773 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6773.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6773 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 45.

Voting nay: Senator Wojahn - 1.

Excused: Senators McCaslin, Sellar and Thibaudeau - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6773, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8025, by Senators Gardner, Spanel and Morton

Encouraging the free flow of goods and people across the United States/Canadian border.

The joint memorial was read the second time.

MOTION

On motion of Senator Gardner, the rules were suspended, Senate Joint Memorial No. 8025 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8025.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8025 and the joint memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Gardner - 1.

Excused: Senators Sellar and Thibaudeau - 2.

SENATE JOINT MEMORIAL NO. 8025, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6683, by Senators Franklin, Kline, Heavey, Thibaudeau and Costa

Reporting information on routine traffic enforcement.

MOTIONS

On motion of Senator Heavey, Second Substitute Senate Bill No. 6683 was substituted for Senate Bill No. 6683 and the second substitute bill was placed on second reading and read the second time.

Senator Heavey moved that the following striking amendment by Senators Franklin and Heavey be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.43 RCW to read as follows:

(1) Beginning May 1, 2000, the Washington state patrol shall collect, and report semiannually to the criminal justice training commission, the following information:

(a) The number of individuals stopped for routine traffic enforcement, whether or not a citation or warning was issued;

(b) Identifying characteristics of the individual stopped, including the race or ethnicity, approximate age, and gender;

(c) The nature of the alleged violation that led to the stop;

(d) Whether a search was instituted as a result of the stop; and

(e) Whether an arrest was made, or a written citation issued, as a result of either the stop or the search.

(2) The criminal justice training commission and the Washington state patrol shall compile the information required under subsection (1) of this section and make a report to the legislature no later than December 1, 2000.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.43 RCW to read as follows:

(1) The Washington state patrol shall work with the criminal justice training commission and the Washington association of sheriffs and police chiefs to develop (a) further criteria for collection and evaluation of the data collected under section 1 of this act, and (b) training materials for use by the state patrol and local law enforcement agencies on the issue of racial profiling.

(2) The Washington state patrol, criminal justice training commission, and Washington association of sheriffs and police chiefs shall encourage local law enforcement agencies to voluntarily collect the data set forth under section 1(1) of this act.

NEW SECTION. **Sec. 3.** The Washington association of sheriffs and police chiefs shall report to the legislature by December 1, 2000, the following information:

(1) The names and number of local law enforcement agencies voluntarily collecting data on potential racial profiling;

(2) The type of data being collected by each participating agency; and

(3) The manner in which the agencies are using the data collected.

NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTION

Senator Haugen moved that the following amendment to the striking amendment by Senators Franklin and Heavey be adopted:

On page 2, beginning of line 9 of the amendment, strike all of section 4

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen on page 2, beginning on line 9, to the striking amendment by Senators Franklin and Heavey.

The motion by Senator Haugen failed and the amendment to the striking amendment was not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Franklin and Heavey to Second Substitute Senate Bill No. 6683.

The motion by Senator Heavey carried and the striking amendment was adopted.

MOTION

On motion of Senator Eide, Senator Haugen was excused.

MOTIONS

On motion of Senator Heavey, the following title amendment was adopted:

On page 1, line 2 of the title, after "enforcement;" strike the remainder of the title and insert "adding new sections to chapter 43.43 RCW; creating a new section; and declaring an emergency."

On motion of Senator Heavey, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6683 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6683.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6683 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Voting nay: Senators Johnson and Morton - 2.

Excused: Senators Haugen and Sellar - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6683, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6212, by Senators T. Sheldon, Haugen and Oke

Authorizing private passenger-only ferries.

MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 6212 was substituted for Senate Bill No. 6212 and the substitute bill was placed on second reading and read the second time.

Senator Tim Sheldon moved that the following striking amendment by Senators Tim Sheldon, Oke and Haugen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The operation of passenger-only ferries within the state is a matter of public interest. If the department of transportation discontinues its operations on passenger-only ferry crossings, or decides not to pursue passenger-only ferry crossings that have been previously budgeted and approved by the transportation commission, the public interest requires that persons and entities other than the department be allowed the opportunity to operate passenger-only ferry service on those crossings. The lease of passenger-only ferries and facilities from the department, or provision of money, equipment, or

materials, or the provision of equipment, materials, services, or facilities at below-market value by a public entity, to allow an entity to operate passenger-only ferry service is for the benefit of the public to ensure adequate passenger-only ferry service along passenger-only ferry crossings.

NEW SECTION. **Sec. 2.** As used in this chapter:

(1) "Commission" means the Washington utilities and transportation commission.

(2) "Department" means the Washington department of transportation.

(3) "Passenger-only ferry" means any vessel operating for the public use for hire over a regular route between fixed termini, excluding:

(a) Auto ferries;

(b) Charter service, as defined in RCW 81.84.005;

(c) Excursion service, as defined in RCW 81.84.005;

(d) Common carrier ferries, defined as vessels primarily engaged in transporting freight other than vehicles, whose gross earnings from the transportation of passengers are not more than ten percent of the total gross earnings of the vessel;

(e) Launch service, defined as the transportation of either passengers, or freight, or both, to or from a vessel underway, at anchor, or at a dock; and

(f) All vessels or services described in RCW 81.84.007.

(4) "Passenger-only ferry operator" includes, but is not limited to, a nonprofit corporation, public-private partnership, transit agency, municipality, private entity, person, or any combination of them.

(5) "Public participation" includes the provision of money, equipment, or materials, or the provision of equipment, materials, services, or facilities at below-market value by a public entity.

NEW SECTION. **Sec. 3.** (1) All applications to operate passenger-only ferry service upon the waters of this state, including rivers, lakes, and Puget Sound are subject to the provisions of this chapter. Any nonprofit corporation, public-private partnership, transit agency, municipality, private entity, person, or any combination of them, may apply to the commission for a permit to operate passenger-only ferry service.

(2) Applicants who filed an application under chapter 81.84 RCW before February 1, 2000, will have the first option for a passenger-only ferry permit under this chapter for the ferry crossing applied for in chapter 81.84 RCW.

(3) The commission may, upon written application, and upon notice and hearing, grant a passenger-only ferry permit to operate service at a passenger-only ferry crossing that was discontinued by the department, or at any other ferry crossing upon the waters of this state, including rivers, lakes, and Puget Sound. The commission shall act on an application for a passenger-only ferry permit within ninety days after the conclusion of the hearing. A passenger-only ferry permit is effective for an initial period of five years. The commission may revoke or cancel the permit on its own motion if the passenger-only ferry permit holder has not initiated service within one year after the commission grants the permit. The commission may renew passenger-only ferry permits for periods of three years, subject to compliance with all rules, and provision of adequate service.

(4)(a) In deciding whether to grant a passenger-only ferry permit the commission shall consider, at a minimum:

(i) The applicant's ability to initiate service within one year;

(ii) The adequacy of service to the community;

(iii) The effect of the applicant's proposed service on operation of auto ferry service by the department; and

(iv) The effect of the applicant's proposed service on transportation congestion mitigation.

(b) When determining whether an applicant can initiate service, the commission shall consider, at a minimum, whether the applicant:

(i) Has sufficient financial resources, which may include public participation;

(ii) Has sufficient experience and knowledge of ferry operations;

(iii) Has made or is making arrangements for parking, docking, vessels, and coordination of ground transportation; and

(iv) Has identified or met any local government land use or environmental requirements.

(c) When determining whether an applicant will provide adequate service to the community, the commission shall consider, at a minimum:

(i) How the proposed service compares to that previously provided by the department along the crossing, if applicable;

(ii) Whether the applicant has coordinated its service with ground transportation; and

(iii) The number of runs the applicant proposes to operate.

(5) The commission may grant only one passenger-only ferry permit for operation at a particular ferry crossing for a given time period.

(6) The department shall designate an employee with knowledge of ferry operations as a technical advisor to assist the commission in implementing this chapter.

NEW SECTION. **Sec. 4.** (1) The department shall immediately notify the commission when it becomes apparent that the department will discontinue one or more passenger-only ferry crossings or that it has decided not to pursue one or more passenger-only ferry crossings that had been previously budgeted and approved by the transportation commission. The commission shall compile a mailing list of interested persons that includes, at a minimum: All certificated commercial ferry operators; all common carrier vessel operators; all affected counties, municipalities, public transportation benefit areas, metropolitan municipal corporations, and regional transit authorities; and all other persons who have notified the commission in writing that they desire to be on the mailing list.

(2) The commission shall notify all persons on the mailing list that one or more passenger-only ferry crossing routes are eligible under this chapter for issuance of a passenger-only ferry permit. The commission shall accept written petitions from qualified applicants for a period of one hundred twenty days from the date of the notice unless the commission makes a finding that the public interest requires a shorter notice period, in which case the minimum notice period is thirty days from the date of the notice.

(3) To the extent that the department, before the effective date of this section, has made the decision to discontinue one or more passenger-only ferry crossings or has decided not to pursue one or more passenger-only ferry crossings that had been previously budgeted and approved by the transportation commission, the commission shall compile the mailing list and make notification to interested persons as soon as practicable after that date.

NEW SECTION. **Sec. 5.** The commission, in issuing a permit to a passenger-only ferry operator, shall require that liability and property damage insurance be acquired and maintained on each vessel or ferry to be used to provide service, in the amount of not less than one hundred thousand dollars for any recovery for personal injury by one person, and not less than one million dollars and in an additional amount that the commission determines, for all persons receiving personal injury and property damage by reason of one act of negligence, and not less than fifty thousand dollars for damage to property of any person other than the insured; or combined bodily injury and property damage liability insurance of not less than one million dollars. Proof of liability or property damage insurance or surety bond required by this section must be filed with the commission and kept in full force and effect, and failure to do so is cause for cancellation of the operator's permit.

NEW SECTION. **Sec. 6.** A passenger-only ferry permit holder may lease passenger-only ferries and facilities from the department as long as the lease of the ferries or facilities does not conflict with the operation of the Washington state ferry system.

NEW SECTION. **Sec. 7.** No passenger-only ferry permit granted under this chapter may be sold, assigned, leased, mortgaged, or in any manner transferred, either by the act of the permit holder, or by operation of law, without first obtaining the commission's approval.

NEW SECTION. **Sec. 8.** For the purposes of this section only, passenger-only ferry operators are considered to be commercial ferries as defined in chapter 81.84 RCW and shall comply with RCW 81.24.030 requiring annual report filing and payment of regulatory fees and RCW 81.84.040 requiring the payment of application filing fees.

NEW SECTION. **Sec. 9.** The commission may adopt rules for operation of passenger-only ferry service, to include rules concerning the process for issuing a passenger-only ferry permit, determining adequacy of service, and establishing fares. The degree and level of regulation may vary with the degree and level of public participation.

NEW SECTION. **Sec. 10.** If the department decides to resume service on a passenger-only ferry crossing, the commission shall not renew any existing passenger-only ferry permit for that crossing previously granted by it. During the remainder of the term of the permit, the Washington state ferry system shall not extend similar or competing passenger-only ferry services along that crossing, except upon a proper showing that the passenger-only ferry operator is not providing adequate service. Nothing in this section precludes the Washington state ferry system from entering into an agreement with the passenger-only ferry permit holder, or purchasing or condemning the permit authority or equipment.

NEW SECTION. **Sec. 11.** The commission, upon complaint by an interested party, or on its own motion after notice and opportunity for hearing, may cancel, revoke, suspend, alter, or amend a permit issued under this chapter on any of the following grounds:

(1) Failure of the permit holder to initiate the proposed service within one year after the permit has been granted;

(2) Violation of any provision of this chapter;

(3) Violation of or failure to observe the provisions or conditions of the permit or tariff;

(4) Violation of an order, decision, rule, regulation, or requirement established by the commission under this chapter;

(5) Failure of a permit holder to maintain the required insurance coverage in full force and effect; or

(6) Failure or refusal to furnish reasonable and adequate service after initiating service.

The commission shall take appropriate action within thirty days upon a complaint by an interested party or of its own finding that this section has been violated.

NEW SECTION. **Sec. 12.** All applicable provisions of this title relating to procedure, powers of the commission, and penalties apply to the operation and regulation of passenger-only ferry operators under this chapter, except as those provisions may conflict with this chapter and rules adopted under it by the commission.

NEW SECTION. **Sec. 13.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or application of the provision to other persons or circumstances is not affected.

Sec. 14. RCW 81.84.010 and 1993 c 427 s 2 are each amended to read as follows:

(1) Except for certificates to provide commercial ferry service issued before February 1, 2000, all applications for passenger-only ferry service must be filed under section 3 of this act. Except for ferries granted permits under that section, no commercial ferry may hereafter operate any vessel or ferry for the public use for hire between fixed termini or over a regular route upon the waters within this state, including the rivers and lakes and Puget Sound, without first applying for and obtaining from the commission a certificate declaring that public convenience and necessity require such operation. Service authorized by certificates issued before or after July 25, 1993, to a commercial ferry operator shall be exercised by the operator in a manner consistent with the conditions established in the certificate or tariffs: PROVIDED, That no certificate shall be required for a vessel primarily engaged in transporting freight other than vehicles, whose gross earnings from the transportation of passengers and/or vehicles, are not more than ten percent of the total gross annual earnings of such vessel((~~: PROVIDED, That~~)).

(2) Nothing ((~~herein shall be construed to~~)) in this chapter affects the right of any county public transportation authority, public transportation benefit area authority, or other public agency within this state to construct, condemn, purchase, operate, or maintain, itself or by contract, agreement, or lease, with any person, firm, or corporation, ferries or boats across or wharfs at or upon the waters within this state, including rivers and lakes and Puget Sound, provided such operation is not over the same route or between the same districts, being served by a certificate holder without first acquiring the rights granted to the certificate holder under the certificate((~~, nor shall this chapter be construed to affect, amend, or invalidate any contract entered into prior to January 15, 1927, for the operation of ferries or boats upon the waters within this state, which was entered into in good faith by any county with any person, firm, or corporation, except that in case of the operation or maintenance by any county, city, town, port district, or other political subdivision by contract, agreement, or lease with any person, firm, or corporation, of ferries or boats across or wharfs at or upon the waters within this state, including rivers and lakes and Puget Sound, the commission shall have power and authority to regulate rates and services of such operation or maintenance of ferries, boats, or wharfs, to make, fix, alter, or amend said rates, and to regulate service and safety of operations thereof, in the manner and to the same extent as it is empowered to regulate a commercial ferry, notwithstanding the provisions of any act or parts of acts inconsistent herewith~~)).

(((~~(2)~~))) (3) The holder of a certificate of public convenience and necessity granted under this chapter must initiate service within five years of obtaining the certificate. The certificate holder shall report to the commission every six months after the certificate is granted on the progress of the certificated route. The reports shall include, but not be limited to, the progress of environmental impact, parking, local government land use, docking, and financing considerations. However, if service has not been initiated within five years of obtaining the certificate, the commission may extend the certificate on a twelve-month basis for up to three years if the six-month progress reports indicate there is significant advancement toward initiating service.

(((~~(3) The commission shall review certificates in existence as of July 25, 1993, where service is not being provided on all or any portion of the route or routes certificated. Based on progress reports required under subsection (2) of this section, the commission may grant an extension beyond that provided in subsection (2) of this section. Such additional extension may not exceed a total of two years.~~)))

Sec. 15. RCW 81.84.060 and 1993 c 427 s 7 are each amended to read as follows:

The commission, upon complaint by an interested party, or upon its own motion after notice and opportunity for hearing, may cancel, revoke, suspend, alter, or amend a certificate issued under this chapter on any of the following grounds:

(1) Failure of the certificate holder to initiate service by the conclusion of the fifth year after the certificate has been granted or by the conclusion of an extension granted under RCW 81.84.010 (((~~(2) or (3)~~))), if the commission has considered the progress report information required under RCW 81.84.010 (((~~(2) or (3)~~)));

(2) Failure of the certificate holder to file an annual report;

(3) The filing by a certificate holder of an annual report that shows no revenue in the previous twelve-month period after service has been initiated;

(4) The violation of any provision of this chapter;

(5) The violation of or failure to observe the provisions or conditions of the certificate or tariffs;

(6) The violation of an order, decision, rule, regulation, or requirement established by the commission under this chapter;

(7) Failure of a certificate holder to maintain the required insurance coverage in full force and effect; or

(8) Failure or refusal to furnish reasonable and adequate service after initiating service.

The commission shall take appropriate action within thirty days upon a complaint by an interested party or of its own finding that a provision of this section has been violated.

Sec. 16. RCW 47.60.120 and 1993 c 427 s 1 are each amended to read as follows:

(1) If the department acquires or constructs, maintains, and operates any ferry crossings upon or toll bridges over Puget Sound or any of its tributary or connecting waters, there shall not be constructed, operated, or maintained any other ferry crossing upon or bridge over any such waters within ten miles of any such crossing or bridge operated or maintained by the department excepting such bridges or ferry crossings in existence, and being operated and maintained under a lawfully issued franchise at the time of the location of the ferry crossing or construction of the toll bridge by the department.

(2) The ten-mile distance in subsection (1) of this section means ten statute miles measured by airline distance. The ten-mile restriction shall be applied by comparing the two end points (termini) of a state ferry crossing to those of a private ferry crossing.

(3) The Washington utilities and transportation commission may, upon written petition of a commercial ferry operator certificated or applying for certification under chapter 81.84 RCW, or upon written petition from a passenger-only ferry operator as provided for under section 3 of this act, and upon notice and hearing, grant a waiver from the ten-mile restriction. The waiver must not be detrimental to the public interest. In making a decision to waive the ten-mile restriction, the commission shall consider, but is not limited to, the impact of the waiver on transportation congestion mitigation, air quality improvement, and the overall impact on the Washington state ferry system. The commission shall act upon a request for a waiver within ninety days after the conclusion of the hearing. A waiver is effective for a period of five years from the date of issuance. At the end of five years the waiver becomes permanent unless appealed within thirty days by the commission on its own motion, the department, or an interested party.

(4) The department shall not maintain and operate any ferry crossing or toll bridge over Puget Sound or any of its tributary or connecting waters that would infringe upon any franchise lawfully issued by the state and in existence and being exercised at the time of the location of the ferry crossing or toll bridge by the department, without first acquiring the rights granted to such franchise holder under the franchise.

NEW SECTION. **Sec. 17.** A new section is added to chapter 81.104 RCW to read as follows:

High-capacity transportation systems may operate passenger-only ferry service. This includes responsibility for system implementation. Contracts and agreements to operate passenger-only ferry service may include public-private partnerships, design-build, turnkey, and super turnkey purchasing methods authorized under federal law applicable to joint development projects, such as P.L. 105-178 and 62 Fed. Reg. 12266.

NEW SECTION. **Sec. 18.** A new section is added to chapter 81.104 RCW to read as follows:

RCW 81.104.100 and 81.104.110 do not apply to an assumption of a high-capacity responsibility, route, or plan element by one agency from another, such as the assumption by a local transit agency of the responsibility, route, or plan element of a state transportation agency if the assuming agency undertakes all the obligations of the planning process and the assumption is approved by the appropriate regional planning process.

NEW SECTION. **Sec. 19.** (1) The joint task force on ferries is created, to be composed of:

(a) Eight members of the legislature selected as follows:

(i) Four members of the senate, two from each of the major caucuses, to be appointed by the chair of the senate transportation committee;

(ii) Four members of the house of representatives, two from each of the major caucuses, to be appointed by the cochairs of the house of representatives transportation committee; and

(b) At least one person designated by the cochairs representing each of the following:

(i) Ferry advisory committees;

(ii) Persons who do not use ferries;

(iii) Labor organizations representing ferry workers;

(iv) Washington State Ferries;

(v) Transit operators;

(vi) The office of financial management; and

(vii) Other groups as deemed appropriate by the cochairs of the task force.

(2) The transportation committees shall provide staff support as mutually agreed by the cochairs of the joint select committee. The chair of the senate transportation committee and the cochairs of the house of representatives transportation committee shall designate the cochairs.

NEW SECTION. **Sec. 20.** The joint task force on ferries shall meet during the interim and report back to the transportation committees of the senate and house of representatives by December 15, 2000. The task force is charged with development of an orderly process to examine all possible solutions that are presented to the task force, including, but not limited

to, continued operation of passenger-only ferry service by Washington State Ferries, state and local partnerships, local partnerships, government and nonprofit partnerships, and private operations. The task force shall consider public options first, nonprofit options second, and private operations third.

The report to the senate and house of representatives transportation committees must include, but is not limited to, analysis and recommendations on the following:

(1) Continued operation of all current passenger-only ferry routes and levels of service by Washington State Ferries;

(2) Continued operation of selected passenger-only ferry routes or reduced levels of service on selected routes;

(3) Operation of selected routes by any public entity or combination of public entities;

(4) Operation of selected routes by any nonprofit entity or combination of nonprofit entities;

(5) Operation of selected routes by any private entity or combination of private entities;

(6) Ferry fare equity between ferry routes of different lengths;

(7) Establishment of a target for recovery of operating costs from fare revenue when operations include participation by a public entity; and

(8) In consultation with Washington State Ferries, the feasibility of transferring an auto ferry to cover a route between Vashon/Southworth and downtown Seattle if passenger-only service is discontinued.

NEW SECTION. **Sec. 21.** Sections 1 through 13 of this act constitute a new chapter in Title 81 RCW.

NEW SECTION. **Sec. 22.** Sections 19 and 20 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

MOTION

Senator Betti Sheldon moved that the following amendment to the striking amendment by Senators Tim Sheldon, Oke and Haugen be adopted:

On page 2, line 15, after "Any" insert "public entities,"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Betti Sheldon on page 2, line 15, to the striking amendment by Senators Tim Sheldon, Oke and Haugen to Substitute Senate Bill No. 6212.

The motion by Senator Betti Sheldon carried and the amendment to the striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Tim Sheldon, Oke and Haugen, as amended, to Substitute Senate Bill No. 6212.

Debate ensued.

The motion by Senator Tim Sheldon carried and the striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Goings, the following title amendment was adopted:

On page 1, line 1 of the title, after "ferries;" strike the remainder of the title and insert "amending RCW 81.84.010, 81.84.060, and 47.60.120; adding new sections to chapter 81.104 RCW; adding a new chapter to Title 81 RCW; creating new sections; and declaring an emergency."

On motion of Senator Goings, the rules were suspended, Engrossed Substitute Senate Bill No. 6212 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6212.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6212 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Eide, Finkbeiner, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, West, Winsley and Zarelli - 35.

Voting nay: Senators Bauer, Brown, Costa, Fairley, Franklin, Heavey, Kline, Kohl-Welles, Loveland, Prentice, Spanel, Thibaudeau and Wojahn - 13.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6212, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6552, by Senators Jacobsen, Oke, Kohl-Welles, Fraser and Spanel

Studying recreational opportunities available in the west slope of the Cascade foothills.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 6552 was substituted for Senate Bill No. 6552 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 6552 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6552.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6552 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6552, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6450, by Senator Jacobsen

Creating the wildlife publications account.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 6450 was substituted for Senate Bill No. 6450 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 6450 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6450.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6450 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6554, by Senators Long, Hargrove, Costa and Winsley

Changing provisions relating to less restrictive alternative mental health commitments.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6554 was substituted for Senate Bill No. 6554 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6554 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Honeyford, Senator Deccio was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6554.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6554 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Deccio and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 6554, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6363, by Senators Gardner, Patterson, McCaslin, Winsley and Costa

Clarifying procedures for absentee voting and mail ballots.

MOTIONS

On motion of Senator Gardner, Substitute Senate Bill No. 6363 was substituted for Senate Bill No. 6363 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gardner, the following amendment by Senators Gardner and Horn was adopted:

On page 17, line 19, delete all of sections 24 and 25 and insert the following:

"**Sec. 24.** RCW 29.04.055 and 1986 c 167 s 3 are each amended to read as follows:

COMBINING OR DIVIDING PRECINCTS, ELECTION BOARDS. At any ((~~election, general or~~)) special election((~~,~~)) or ((~~at any~~)) primary, the county auditor may combine, unite, or divide precincts and may combine or unite election boards for the purpose of holding such election. At any general election, the county auditor may combine or unite election boards for the purpose of holding such election, but shall report all election returns by individual precinct.

Sec. 25. RCW 29.62.090 and 1999 c 298 s 21 are each amended to read as follows:

ABSTRACT BY ELECTION OFFICER--TRANSMITTAL TO SECRETARY OF STATE. (1) Immediately after the official results of a state primary ((~~or general election~~)) in a county are ascertained, the county auditor or other election officer shall make an abstract of the number of registered voters in each precinct and of all the votes cast in the county at such state primary ((~~or general election~~)) for and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The abstract shall be entered on blanks furnished by the secretary of state or on compatible computer printouts approved by the secretary of state, and transmitted to the secretary of state no later than the next business day following the certification by the county canvassing board.

(2) After each general election, the county auditor or other election officer shall ((~~provide to the secretary of state a report~~)) make an abstract of the number of registered voters and all((~~absentee~~)) ballots cast in each precinct at such general election for and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. ((~~The report may be included in the abstract required by this section or may be transmitted to the secretary of state separately, but in no event later than March 31 of the year following the election.~~)) Absentee ballot results may be incorporated into votes cast at the polls for each precinct or may be reported separately on a precinct-by-precinct basis. The abstract shall be entered on blanks furnished by the secretary of state or on compatible computer printouts approved by the secretary of state, and transmitted to the secretary of state no later than the next business day following the certification by the county canvassing board.

(3) If absentee ballot results are not incorporated into votes cast at the polls, the county auditor or other election official may aggregate results from more than one precinct if the auditor, pursuant to rules adopted by the secretary of state, finds that reporting a single precinct's absentee ballot results would jeopardize the secrecy of a person's ballot. To the extent practicable, precincts for which absentee results are aggregated shall be contiguous."

MOTION

On motion of Senator Gardner, the rules were suspended, Engrossed Substitute Senate Bill No. 6363 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6363.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6363 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Deccio and Sellar - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6363, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, Senator Loveland was excused.

SECOND READING

SENATE BILL NO. 6478, by Senators McAuliffe, Kohl-Welles, Goings, Eide, Patterson and Rasmussen

Developing training requirements for handlers of food in schools.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 6478 was substituted for Senate Bill No. 6478 and the substitute bill was placed on second reading and read the second time.

Senator Zarelli moved that the following striking amendment by Senators McAuliffe and Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that over four hundred thousand breakfasts and lunches are served in Washington's schools each school day. The legislature further finds that food safety standards specifically tailored to food service workers in schools will help maintain and improve the high standards of service currently provided in our schools.

NEW SECTION. **Sec. 2.** A new section is added to chapter 69.06 RCW to read as follows:

The state board of health shall, in consultation with the department of health, the superintendent of public instruction, local health jurisdictions, representatives of food and nutrition service employees, and representatives of the food service industry, adopt rules establishing minimum food safety and sanitation training requirements specifically designed for kitchen managers and lead kitchen workers hired by school districts to handle or prepare food. In developing the rules, the state board of health shall consider the specific health risks applicable to children. The rules shall apply to school employees hired, renewing a food and beverage service worker's permit, or transferring into a kitchen manager or lead kitchen worker position, after the effective date of this section."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Zarelli to Substitute Senate Bill No. 6478.

The motion by Senator Zarelli carried and the striking amendment was adopted.

MOTIONS

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "adding a new section to chapter 69.06 RCW; and creating a new section."

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 6478 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6478.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6478 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Loveland and Sellar - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6478, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6586, by Senators Prentice, Hale, Winsley, Goings, Oke and Gardner (by request of Attorney General Gregoire)

Prohibiting pyramid schemes.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6586 was substituted for Senate Bill No. 6586 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6586 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Morton: "Senator Prentice, I don't understand this. I was not in the committee. I have tried, in the diagrams that I have been sent--and I have been sent over fifty letters--none of which asked me to vote for this. I have been trying to design a pyramid out of this and I can't do it graphically. As I understand it, it is dependent upon club membership, that this is a club process and it is a membership into the club. So, I would like to have you explain about that and also if there is a risk involved. The diagrams that I have been sent indicate that it is merely a risk of one to eight. Comparing that to the state lottery or other risk areas--even my own agriculture--that ain't much risk. I would like some response."

Senator Prentice: "Certainly, there is a big difference, Senator Morton. First of all, agriculture is not against the law and the lottery is part of the law. That is the first thing. Pyramid schemes are clearly against the law. The pyramid is based on the recruitment of new members and you will have a number of them. They have to invest money in order to be part of it. As they move up, they are expected to recoup their finances. Some of them are as little as fifty. We have heard of some that are based on five thousand dollars even to be a part of it.

"The people that you are hearing from that are so frantic are the ones that are at the bottom and have invested money and are afraid that they are not going to get at the top. Then, they come back in, but each step is dependent on the investment of money. They are telling us this is about friendship, about empowering women and I am saying that is really pathetic to have to earn friends via the investment of money. I never have had any friends that I had to pay in order to be my friends. This has been clearly illegal for many, many years and there is nothing new. They are like an exaggerated form of the pigeon drop--people who pretend to be your friends and all they are there for is to take your money."

Senator Morton: "If I could just continue with one more question, please. Thank you for that explanation. However, I still have not grasped the significance between this club and what is commonly known as a stock market investment club. Would you care to comment on that?"

Senator Prentice: "Yes, and I am not clear by what you mean by a stock market investment club. If it is already an illegal operation, then it is clearly illegal. You said, agriculture--sure that is a gamble, but that is a gamble that is legal. Pyramid clubs are clearly illegal and have been for a long time. There is nothing new in this bill that changes that. What we are changing is the penalties involved. They have always been there and it is very unfortunate that this has been spreading throughout our state. It is tragic that many people are really being fleeced. So, I would urge your 'yes' vote."

. Further debate ensued.

DEMAND FOR THE PREVIOUS QUESTION

Senators Snyder, Bauer and Wojahn demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

MOTION

On motion of Senator Franklin, Senator Thibaudeau was excused.

MOTION

On motion of Senator Jacobsen, Senators Brown and Eide were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6586.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6586 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 10; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Costa, Deccio, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, West, Winsley and Wojahn - 35.

Voting nay: Senators Benton, Finkbeiner, Johnson, McCaslin, Morton, Roach, Rossi, Stevens, Swecker and Zarelli - 10.

Excused: Senators Brown, Eide, Sellar and Thibaudeau - 4.

SUBSTITUTE SENATE BILL NO. 6586, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6354, by Senators Kline, Franklin, Wojahn, Fairley, Kohl-Welles, Prentice and Costa

Contracting for services performed by classified employees.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6354 was substituted for Senate Bill No. 6354 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kline, the following amendment by Senators Kline, Zarelli and McAuliffe was adopted:

On page 1, beginning on line 14, after "RCW." strike all material through "provide." on line 17, and insert "The school district shall provide the office of the superintendent of public instruction with the same employee information on contracted employees under this section that a school district or educational service district is required to provide on school district and educational service district employees."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute Senate Bill No. 6354 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6354.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6354 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, Winsley, Wojahn and Zarelli - 39.

Voting nay: Senators Deccio, Finkbeiner, Hale, Horn, McCaslin, McDonald, Rossi, Swecker and West - 9.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6354, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6211, by Senator T. Sheldon

Concerning the use of access road revolving fund moneys.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 6211 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6211.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6211 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Finkbeiner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, West, Winsley and Zarelli - 36.

Voting nay: Senators Costa, Eide, Fairley, Franklin, Fraser, Gardner, Kline, Kohl-Welles, Patterson, Spanel, Thibaudeau and Wojahn - 12.

Excused: Senator Sellar - 1.

SENATE BILL NO. 6211, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6446, by Senators Patterson and Oke (by request of Department of Community, Trade, and Economic Development)

Providing for review and evaluation of a city or county's comprehensive growth plan.

The bill was read the second time.

MOTION

Senator Tim Sheldon moved that the following amendment be adopted:

On page 3, after line 7, insert the following:

"NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW to read as follows:

(1)(a) A rural county, after conferring with its cities, may develop alternative methods of achieving the planning goals established by RCW 36.70A.020.

(b) The authority provided by this subsection may not be used to modify:

(i) Requirements for the designation and protection of critical areas or for the designation of natural resource lands under RCW 36.70A.060(2), 36.70A.170, and 36.70A.172; or

(ii) The requirement to establish a process for the siting of essential public facilities pursuant to RCW 36.70A.200.

(c) Before adopting any alternative methods of achieving the planning goals established by RCW 36.70A.020, a rural county shall provide an opportunity for public review and comment. An ordinance or resolution proposing or adopting alternative methods must be submitted to the department in the same manner as provided in RCW 36.70A.106 for submittal of proposed and adopted comprehensive plans and development regulations.

(2) For purposes of this section, "rural county" means a county with a population density of less than one hundred persons per square mile as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

Sec. 3. RCW 36.70A.320 and 1997 c 429 s 20 are each amended to read as follows:

(1) Except as provided in subsection (5) of this section, comprehensive plans and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption.

(2) Except as otherwise provided in subsection (4) of this section, the burden is on the petitioner to demonstrate that any action taken by a state agency, county, or city under this chapter is not in compliance with the requirements of this chapter.

(3) In any petition under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In making its determination, the board shall consider the criteria adopted by the department under RCW 36.70A.190(4). The board shall find compliance unless it determines that the action by the state agency, county, or city is clearly erroneous in view of the entire record before the board and in light of the goals and requirements of this chapter. In any petition concerning whether or not a rural county's methods of achieving planning goals are in compliance with this chapter, the board shall give great weight to decisions made by the rural county with regard to developing alternative methods of achieving planning goals under section 2 of this act, and the board shall find that such alternative methods are in compliance with this chapter unless it finds by clear, cogent, and convincing evidence that the alternative methods will not achieve the planning goals established by RCW 36.70A.020.

(4) A county or city subject to a determination of invalidity made under RCW 36.70A.300 or 36.70A.302 has the burden of demonstrating that the ordinance or resolution it has enacted in response to the determination of invalidity will no longer substantially interfere with the fulfillment of the goals of this chapter under the standard in RCW 36.70A.302(1).

(5) The shoreline element of a comprehensive plan and the applicable development regulations adopted by a county or city shall take effect as provided in chapter 90.58 RCW."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Tim Sheldon on page 3, after line 7, to Senate Bill No. 6446.

The motion by Senator Tim Sheldon failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator Fraser, the following amendment by Senators Fraser, Patterson, Swecker, Morton and Snyder was adopted:

On page 3, after line 7, insert the following:

"**Sec. 2.** RCW 90.58.080 and 1995 c 347 s 305 are each amended to read as follows:

(1) To assist local governments in aligning the related work of reviewing and revising comprehensive plans and development regulations under section 1 of this act, the department upon the request of a local government may grant an extension of up to an additional twelve months to the deadlines provided in this section for developing and amending the shoreline master program element of comprehensive plans.

(2) Local governments shall develop or amend((~~, within twenty-four months after the adoption of guidelines as provided in RCW 90.58.060,~~)) a master program for regulation of uses of the shorelines of the state consistent with the required elements of the guidelines adopted by the department. Except as provided in subsection (3) of this section as to state guidelines adopted before December 31, 2000, master programs shall be reviewed for compliance with the guidelines and adopted or amended as necessary within twenty-four months after the adoption of guidelines as provided in RCW 90.58.060.

(3) Consistent with the priority salmon recovery regions identified in the state-wide strategy to recover salmon and population growth data provided by the office of financial management, the following master program development or amendment schedule applies for guidelines adopted by the department before December 31, 2000:

(a) For King, Snohomish, Pierce, Clark, and Kitsap counties and the cities and towns therein with shorelines of the state, master programs shall be reviewed for compliance with the guidelines and adopted or amended as necessary within thirty-six months after the adoption of guidelines as provided in RCW 90.58.060;

(b) For Thurston, Whatcom, Benton, Yakima, Skagit, Cowlitz, Clallam, Chelan, Mason, and Jefferson counties and the cities and towns therein with shorelines of the state, master programs shall be reviewed for compliance with the guidelines and adopted or amended as necessary within forty-eight months after the adoption of guidelines as provided in RCW 90.58.060;

(c) For all other counties, cities, and towns with shorelines of the state, master programs shall be reviewed for compliance with the guidelines and adopted or amended as necessary within sixty months after the adoption of guidelines amendments as provided in RCW 90.58.060."

Renumber the sections consecutively and correct any internal references accordingly.

MOTION

On motion of Senator Fraser, the following amendment by Senators Fraser, Rasmussen, Snyder, Roach, McCaslin, Swecker, Benton, Patterson, Eide, Wojahn, Franklin, McAuliffe, Morton, Rossi, Goings, Zarelli, Stevens, Johnson, Shin, T. Sheldon, Oke, Hale, Costa, Honeyford and Gardner was adopted:

On page 3, after line 7, insert the following:

"**Sec. 2.** RCW 36.61.020 and 1987 c 432 s 2 are each amended to read as follows:

(1) To assist with development and implementation of elements of comprehensive plans related to long-term lake management objectives in coordination with revision of comprehensive plans, local governments may create lake management districts for any needed period of time.

(2) Any county may create lake management districts to finance the improvement and maintenance of lakes located within or partially within the boundaries of the county. All or a portion of a lake and the adjacent land areas may be included within one or more lake management districts. More than one lake, or portions of lakes, and the adjacent land areas may be included in a single lake management district. ((~~A lake management district may be created for a period of up to ten years.~~))

Special assessments or rates and charges may be imposed on the property included within a lake management district to finance lake improvement and maintenance activities, including: (1) The control or removal of aquatic plants and vegetation; (2) water quality; (3) the control of water levels; (4) storm water diversion and treatment; (5) agricultural waste control; (6) studying lake water quality problems and solutions; (7) cleaning and maintaining ditches and streams entering or leaving the lake; and (8) the related administrative, engineering, legal, and operational costs, including the costs of creating the lake management district.

Special assessments or rates and charges may be imposed annually on all the land in a lake management district for the duration of the lake management district without a related issuance of lake management district bonds or revenue bonds. Special assessments also may be imposed in the manner of special assessments in a local improvement district with each landowner being given the choice of paying the entire special assessment in one payment, or to paying installments, with lake management district bonds being issued to obtain moneys not derived by the initial full payment of the special assessments, and the installments covering all of the costs related to issuing, selling, and redeeming the lake management district bonds.

Sec. 3. RCW 36.61.260 and 1985 c 398 s 26 are each amended to read as follows:

(1) Counties may issue lake management district bonds in accordance with this section. Lake management district bonds may be issued to obtain money sufficient to cover that portion of the special assessments that are not paid within the thirty-day period provided in RCW 36.61.190. ((~~The maximum term of lake management district bonds shall be ten years.~~))

Whenever lake management district bonds are proposed to be issued, the county legislative authority shall create a special fund or funds for the lake management district from which all or a portion of the costs of the lake improvement and maintenance activities shall be paid. Lake management district bonds shall not be issued in excess of the costs and expenses of the lake improvement and maintenance activities and shall not be issued prior to twenty days after the thirty days allowed for the payment of special assessments without interest or penalties.

Lake management district bonds shall be exclusively payable from the special fund or funds and from a guaranty fund that the county may have created out of a portion of proceeds from the sale of the lake management district bonds.

(2) Lake management district bonds shall not constitute a general indebtedness of the county issuing the bond nor an obligation, general or special, of the state. The owner of any lake management district bond shall not have any claim for the payment thereof against the county that issues the bonds except for payment from the special assessments made for the lake improvement or maintenance activities for which the lake management district bond was issued and from a lake management district guaranty fund that may have been created. The county shall not be liable to the owner of any lake management district bond for any loss to the lake management district guaranty fund occurring in the lawful operation of the fund. The owner of a lake management district bond shall not have any claim against the state arising from the lake management district bond, special assessments, or guaranty fund. Tax revenues shall not be used to secure or guarantee the payment of the principal of or interest on lake management district bonds.

The substance of the limitations included in this subsection shall be plainly printed, written, engraved, or reproduced on: (a) Each lake management district bond that is a physical instrument; (b) the official notice of sale; and (c) each official statement associated with the lake management district bonds.

(3) If the county fails to make any principal or interest payments on any lake management district bond or to promptly collect any special assessment securing the bonds when due, the owner of the lake management district bond may obtain a writ of mandamus from any court of competent jurisdiction requiring the county to collect the special assessments, foreclose on the related lien, and make payments out of the special fund or guaranty fund if one exists. Any number of owners of lake management districts may join as plaintiffs.

(4) A county may create a lake management district bond guaranty fund for each issue of lake management district bonds. The guaranty fund shall only exist for the life of the lake management district bonds with which it is associated. A portion of the bond proceeds may be placed into a guaranty fund. Unused moneys remaining in the guaranty fund during the last two years of the installments shall be used to proportionally reduce the required level of installments and shall be transferred into the special fund into which installment payments are placed.

(5) Lake management district bonds shall be issued and sold in accordance with chapter 39.46 RCW. The authority to create a special fund or funds shall include the authority to create accounts within a fund.

Renumber the sections consecutively and correct any internal references accordingly.

MOTIONS

On motion of Senator Fraser, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, delete everything beginning with "extension" through "36.70A.130" and insert "comprehensive plan review and amendment and affected timelines; and amending RCW 36.61.020, 36.61.260, and 36.70A.130"

On page 1, on line 1 of the title, delete everything beginning with "extension" through '36.70A.130" on line 2, and insert "extending deadlines for review and amendment of comprehensive plans; and amendment RCW 36.70A.130 and 90.58.080".

On motion of Senator Fraser, the rules were suspended, Engrossed Senate Bill No. 6446 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6446.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6446 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

ENGROSSED SENATE BILL NO. 6446, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6642, by Senators Benton, Heavey, Shin and Oke

Preventing a registered sex offender from holding a real estate appraiser license or certificate.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 6642 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6642.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6642 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Hargrove - 1.

Excused: Senator Sellar - 1.

SENATE BILL NO. 6642, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6606, by Senators Honeyford and Stevens

Clarifying the number of landowners needed on petitions to merge minor irrigation districts into other special purpose districts.

The bill was read the second time.

MOTIONS

On motion of Senator Honeyford, the following amendment by Senators Honeyford and Patterson was adopted:

On page 3, line 3, after "special meeting." insert "For the purpose of determining the number of landowners required to initiate merger proceedings under this section, a husband and wife owning property as community property shall be considered a single landowner, two or more persons or entities holding title to property as tenants in common, joint tenants, tenants in partnership, or other form of joint ownership shall be considered a single landowner, and the petition requesting the merger may be signed by either the husband or wife and by any one of the co-owners of jointly owned property. The petition requesting the merger shall be considered by the county legislative authority or authorities."

On motion of Senator Honeyford, the rules were suspended, Engrossed Senate Bill No. 6606 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6606.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6606 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Eide - 1.

Excused: Senator Sellar - 1.

ENGROSSED SENATE BILL NO. 6606, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Deccio was excused.

SECOND READING

SENATE BILL NO. 6622, by Senators Shin, Rasmussen, Kohl-Welles, Sheahan, McAuliffe, Prentice, B. Sheldon, Winsley, Finkbeiner, Benton, Fairley, Eide, Goings, Bauer, Franklin, Haugen, Gardner, Loveland, T. Sheldon, Jacobsen, Hargrove, Kline, Fraser, Heavey, Patterson, Hale and Roach

Designating Asian Pacific American Heritage Month.

MOTION

On motion of Senator Patterson, Senate Bill No. 6622 was not substituted.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6622 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6622.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6622 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Snyder - 1.

Excused: Senators Deccio and Sellar - 2.

SENATE BILL NO. 6622, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6257, by Senators Rasmussen, Morton and Stevens

Repealing the Washington fresh fruit sales limitation act.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 6257 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6257.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6257 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe,

McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Kline - 1.

Excused: Senators Deccio and Sellar - 2.

SENATE BILL NO. 6257, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6666, by Senators Gardner, Swecker, Haugen, Morton and Sellar

Denying telecommunications services to unlicensed household goods carriers.

The bill was read the second time.

MOTION

On motion of Senator Gardner, the rules were suspended, Senate Bill No. 6666 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6666.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6666 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senators Finkbeiner, Hochstatter, Johnson, Morton and Sheldon, T. - 5.

Excused: Senator Sellar - 1.

SENATE BILL NO. 6666, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6690, by Senators McCaslin and Oke

Clarifying authority for counties, cities, and towns to create independent salary commissions.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6690 was substituted for Senate Bill No. 6690 and the substitute bill was placed on second reading and read the second time.

Senator Costa moved that the following amendments by Senators Costa and McCaslin be considered simultaneously and be adopted:

On page 2, line 7, after "salaries of" strike "mayors, county commissioners, city councilmembers" and insert "city or town elected officials, county commissioners"

On page 5, line 1, after "Salaries for" strike "mayors and councilmembers" and insert "elected officials"

On page 5, line 2, after "set by" strike "mayor and council"

On page 5, line 5, after "commissions" insert "shall be appointed in accordance with the provisions of a city charter, or as specified in this subsection"

On page 5, line 23, after "as to" strike "the mayor and all members of the city council" and insert "all city or town elected officials"

On page 5, line 26, after "incumbent" strike "mayors and councilmembers" and insert "city or town elected officials"

On page 5, line 38, after "Constitution," strike "city charter, and" and insert "or city charter, or"

On page 6, beginning on line 1, after "salary" strike "of a city or town mayor or councilmember"

On page 6, line 5, after "salaries" strike "of mayors and councilmembers"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Costa and McCaslin on page 2, line 7; page 5, lines 1, 2, 5, 23, 26, and 38; and page 6, beginning on line 1, and line 5; to Substitute Senate Bill No. 6690.

The motion by Senator Costa carried and the amendments were adopted.

MOTION

Senator Patterson moved that the following amendment by Senators Patterson and McCaslin be adopted:

On page 6, line 17, after "(2)" strike all language through "to" and insert "Commissions established under subsection (1) of this section shall"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Patterson and McCaslin on page 6, line 17, to Substitute Senate Bill No. 6690.

The motion by Senator Patterson carried and the amendment was adopted.

MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 2 of the title, after "town" strike "mayors and councilmembers" and insert "elected officials"

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute Senate Bill No. 6690 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6690.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6690 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Honeyford, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 38.

Voting nay: Senators Benton, Fraser, Heavey, Hochstatter, Johnson, Roach, Rossi, Sheldon, T. and Zarelli - 9.

Absent: Senator Horn - 1.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6690, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5704, by Senators Kohl-Welles and Thibaudeau

Authorizing adoption of rules to implement medical marijuana law.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5704 was substituted for Senate Bill No. 5704 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5704 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5704.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5704 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 37.

Voting nay: Senators Benton, Haugen, Honeyford, Horn, Johnson, McDonald, Oke, Rossi, Sheahan, Stevens and Zarelli - 11.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 5704, having received the constitutional two-thirds majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6713, by Senators Patterson, Horn and Winsley (by request of Secretary of State Munro)

Revising the Washington state quality award program.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6713 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6713.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6713 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SENATE BILL NO. 6713, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6231, by Senators Fairley and Oke (by request of Department of Labor and Industries)

Regulating telecommunications contractors and installations.

MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 6231 was substituted for Senate Bill No. 6231 and the substitute bill was placed on second reading and read the second time.

Senator Finkbeiner moved that the following amendment by Senators Finkbeiner and Tim Sheldon be adopted:

On page 7, line 39, after "closets." insert the following:

"Telecommunications scope of work does not include the installation of computer cabling or wiring systems that do not penetrate fire barriers and do not include the installation of new conduit, pathway, or raceway systems, or that do not require issuance of a county or city building or construction permit."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Finkbeiner and Tim Sheldon on page 7, line 39, to Substitute Senate Bill No. 6231.

The motion by Senator Finkbeiner failed and the amendment was not adopted on a rising vote.

POINT OF ORDER

Senator Snyder: "A point of order, Mr. President. I believe the time is 4:55 p.m. and we have a Special Order of Business on Senate Bill No. 6566 at this time."

PARLIAMENTARY INQUIRY

Senator Snyder: "A parliamentary inquiry, Mr. President. I would like to know the disposition of Substitute Senate Bill No. 6231, the one we were working on when we went to the Special Order of Business."

REPLY BY THE PRESIDENT

President Owen: "The position that it was on? Senator, is that your question?"

Senator Snyder: "Mr. President, my question is, can we can continue working on Substitute Senate Bill No. 6231 after we finish Senate Bill No. 6566?"

RULING BY THE PRESIDENT

President Owen: "Based on previous rulings by the President, when you go to a Special Order of Business, you may return to the bill that you were working on once you have completed the Special Order of Business."

MOTION

On motion of Senator Goings, Senator Hargrove was excused.

SECOND READING

SENATE BILL NO. 6566, by Senators Kohl-Welles, Long, Swecker, Kline, Hale, Costa, Thibaudeau, Prentice, Spanel, Gardner, Bauer, Shin, Jacobsen, B. Sheldon, Patterson, McAuliffe and Winsley

Allowing for the creation of a local parks authority.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6566 was substituted for Senate Bill No. 6566 and the substitute bill was placed on second reading and read the second time.

Senator Horn moved that the following striking amendment by Senators Horn, Kohl-Welles, Patterson and Hale be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) For the purpose of acquisition, construction, remodeling, equipping, repairing, maintaining, and operating a public zoo, aquarium, other parks, and open space, the legislative authority of a city with a population of over one hundred fifty thousand that is not in a metropolitan park district may, subject to section 2 of this act, levy an annual regular property tax not exceeding fifty cents per thousand dollars of assessed valuation in the city.

(2) The levy under this section is in addition to the levy of a city under RCW 84.52.043 and 41.16.060.

(3) The limitation in RCW 84.55.010 does not apply to the first levy imposed under this section.

(4) Proceeds of the taxes levied under this section may not be applied to the payment of principal of or interest on bonds with maturities greater than ten years.

NEW SECTION. **Sec. 2.** (1) A city shall have no authority to levy taxes under section 1 of this act until that power is activated by vote of the city's voters at a regular election or a special election called for that purpose. The ballot proposition whether to activate the city's regular taxing power under this act shall propose an initial regular tax rate or amount and shall also propose a maximum regular tax rate or amount. If the voters approve a regular tax rate or amount, that approval shall serve as the voter approval required by Initiative Measure No. 695 for all increases in general regular taxes under this act up to the maximum approved tax rate or amount.

(2) Any city placing on the ballot a proposition to authorize the levy of taxes under this act shall, in the ballot ordinance, agree to continue, for so long as the city levies general taxes under this act, to appropriate annually for park and recreation purposes, from sources other than general taxes levied under this act, at least the same dollar amount the city appropriated for park and recreation purposes in the last annual budget adopted before the effective date of this act.

NEW SECTION. **Sec. 3.** In the ordinance placing on the ballot the proposition called for by section 2 of this act, the city legislative authority shall specify the minimum or maximum shares, as percentages or dollar amounts or both, of revenue from taxes under section 1 of this act that shall, annually or cumulatively, be devoted during the first ten years those taxes are collected to each of the following: (1) A public zoo, (2) a public aquarium, and (3) other parks and open space.

NEW SECTION. **Sec. 4.** All instances in which voter approval is called for under sections 1 and 2 of this act shall require an affirmative vote of a majority of the voters of the city voting on the proposition at a general election held within the city or at a special election called by the city held in conjunction with a state general or primary election.

NEW SECTION. **Sec. 5.** (1) If the legislative authority of a city whose voters have authorized taxes under section 1 of this act contracts with one or more nonprofit corporations or other public organizations for the overall management and operation of a zoo, an aquarium, or both, that contract shall be subject to this section. No such contract for the overall management and operation of zoo or aquarium facilities by a nonprofit corporation or other public organization shall have an initial term or any renewal term longer than thirty years, but may be renewed by the legislative authority of the city upon the expiration of an initial term or any renewal term.

(2) Before approving each initial and any renewal contract with a nonprofit corporation or other public organization for the overall management and operation of any facilities, the city legislative authority shall hold a public hearing on the proposed management and operation by the nonprofit corporation or other public organization. At least thirty days prior to the hearing, a public notice setting forth the date, time, and place of the hearing must be published at least once in a local newspaper of general circulation. Notice of the hearing shall also be mailed or otherwise delivered to all who would be entitled to notice of a special meeting of the city legislative authority under RCW 42.30.080. The notice shall identify the facilities involved and the nonprofit corporation or other public organization proposed for management and operation under the contract with the city. The terms and conditions under which the city proposes to contract with the nonprofit corporation or other public organization for management and operation shall be available upon request from and after the date of publication of the hearing notice and at the hearing, but after the public hearing the city legislative authority may amend the proposed terms and conditions at open public meetings.

(3) As part of the management and operation contract, the legislative authority of the city may authorize the managing and operating entity to grant to any nonprofit corporation or public or private organization franchises or concessions that further the public use and enjoyment of the zoo or aquarium, as the case may be, and may authorize the managing and operating entity to contract with any public or private organization for any specific services as are routinely so procured by the city.

(4) Notwithstanding any provision in the charter of the city so contracting for the overall management and operation of a zoo or an aquarium, or any other provision of law, the nonprofit corporation or other public organization with responsibility for overall management or operation of any such facilities pursuant to a contract under this section may, in carrying out that responsibility under such contract, manage, supervise, and control those employees of the city employed in connection with the

zoo or aquarium and may hire, fire, and otherwise discipline those employees. Notwithstanding any provision in the charter of the city so contracting for the overall management and operation of a zoo or an aquarium, or any other provision of law, the civil service system of any such city shall provide for the nonprofit corporation or other public organization to manage, supervise, control, hire, fire, and otherwise discipline those employees of the city employed in connection with the zoo or aquarium.

NEW SECTION. **Sec. 6.** Nothing in this chapter shall be construed to affect any terms, conditions, or practices contained in a collective bargaining agreement in effect on the effective date of this act.

Sec. 7. RCW 84.52.010 and 1995 2nd sp.s. c 13 s 4 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 84.52.069, 84.34.230, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, and 84.52.105, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows: (a) The portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; (b) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levy by a city under section 1 of this act shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; (c) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and (((~~c~~))) (d) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by cities levying under section 1 of this act and by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the levy of a city under section 1 of this act shall be reduced or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(((~~(b) Second~~))) (c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(((~~(c) Third~~))) (d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(((~~(d) Fourth~~))) (e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

(((~~(e) Fifth~~))) (f) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, library districts, metropolitan park districts under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

In determining whether the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.050, exceeds the limitations provided in that section, the assessor shall use the hypothetical state levy, as apportioned to the county under RCW 84.48.080, that was computed under RCW 84.48.080 without regard to the reduction under RCW 84.55.012.

NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act constitute a new chapter in Title 35 RCW."

MOTION

Senator Heavey moved that the following amendments to the striking amendment by Senators Horn, Kohl-Welles, Patterson and Hale be considered simultaneously and be adopted:

On page 1, line 7 of the amendment, after "(1)" insert "(a)"

On page 1, after line 14 of the amendment, insert the following:

"(b) For the purposes of this chapter, "other parks" means low-income housing, homeless shelters, transit facilities, public schools, correctional facilities, homes for the ill, including the mentally ill, and open space.

(c) Funds collected from the tax authorized in this section shall be expended for the purposes listed in the following order of priority: (i) Low-income housing; (ii) homeless shelters; (iii) transit facilities; (iv) public schools; (v) correctional facilities; (vi) homes for the ill, including the mentally ill; (vii) zoos; and (viii) aquariums."

Debate ensued

POINT OF INQUIRY

Senator Jacobsen: "Senator Heavey, if this amendment passes and we have, as I understand it, this striking amendment that reduces the tax to ten cents per thousand dollars and then state that the tax can only be used for zoos and/or aquariums, are you also planning on offering that amendment?"

Senator Heavey: "At this time, I cannot answer. If this amendment does pass, I would withdraw that amendment, though."

The President declared the question before the Senate to be the adoption of the amendments by Senator Heavey on page 1, line 7, and page 1, after line 14, to the striking amendment by Senators Horn, Kohl-Welles, Patterson and Hale.

The motion by Senator Heavey failed and the amendments to the striking amendment were not adopted.

MOTION

Senator Heavey moved that the following amendment to the striking amendment by Senators Horn, Kohl-Welles, Patterson and Hale be adopted:

On page 1, after line 21 of the amendment, insert the following:

"(5) The legislative authorities of those cities with a population of more than one hundred fifty thousand and that have aquariums are encouraged to conduct a joint study on the feasibility of having one regional aquarium."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Heavey on page 1, after line 21, to the striking amendment by Senators Horn, Kohl-Welles, Patterson and Hale.

The motion by Senator Heavey failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Heavey moved that the following amendment to the striking amendment by Senators Horn, Kohl-Welles, Patterson and Hale be adopted:

On page 1, beginning on line 26 of the amendment, after "propose" strike all material through "amount." on line 31, and insert "both a tax rate and amount in dollars per year, and a statement as to whether the tax levy is permanent or effective only for a stated number of years. The maximum dollar amount levied each year shall not exceed the amount authorized, unless a different amount is authorized by the voters at a subsequent election."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Heavey on page 1, beginning on line 26, to the striking amendment by Senators Horn, Kohl-Welles, Patterson and Hale.

The motion by Senator Heavey failed and the amendment to the striking amendment was not adopted on a rising vote.

MOTION

Senator Heavey moved that the following amendment to the striking amendment by Senators Horn, Kohl-Welles, Patterson and Hale be adopted:

On page 2, line 2 of the amendment, strike "dollar" and insert "percentage"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Heavey on page 2, line 2, to the striking amendment by Senators Horn, Kohl-Welles, Patterson and Hale.

The motion by Senator Heavey failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Heavey moved that the following amendment to the striking amendment by Senators Horn, Kohl-Welles, Patterson and Hale be adopted:

On page 2, line 14 of the amendment, after "a" insert "sixty percent"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Heavey on page 2, line 14, to the striking amendment by Senators Horn, Kohl-Welles, Patterson and Hale.

The motion by Senator Heavey carried and the amendment to the striking amendment was adopted on a rising vote.

MOTION

Senator Heavey moved that the following amendment to the striking amendment by Senators Horn, Kohl-Welles, Patterson and Hale be adopted:

On page 2, line 26 of the amendment, strike "thirty" and insert "ten"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Heavey on page 2, line 26, to the striking amendment by Senators Horn, Kohl-Welles, Patterson and Hale.

The motion by Senator Heavey failed and the amendment to the striking amendment was not adopted.

MOTION

On motion of Senator Franklin, Senator Loveland was excused.

MOTION

Senator Heavey moved that the following amendment to the striking amendment by Senators Horn, Kohl-Welles, Patterson and Hale be adopted:

On page 2, after line 27 of the amendment, insert the following:

"(2) A nonprofit corporation or other public organization that contracts with the legislative authority of a city for the overall management and operation of a zoo, aquarium, or both under chapter . . ., Laws of 2000 (this act) must comply with chapters 42.23 and 42.30 RCW and RCW 42.17.250 through 42.17.348."

Renumber the remaining subsections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Heavey on page 2, line 27, to the striking amendment by Senators Horn, Kohl-Welles, Patterson and Hale.

The motion by Senator Heavey carried and the amendment to the striking amendment was adopted on a rising vote.

The President declared the question before the Senate to be the adoption of the striking amendment Senators Horn, Kohl-Welles, Patterson and Hale, as amended, to Substitute Senate Bill No. 6566.

Debate ensued.

POINT OF INQUIRY

Senator Goings: "Senator Kohl-Welles, I just want to make a point very clear. Senator, would you reiterate for me again, if this legislation, either the striker or the underlying legislation itself passes, would it affect Tacoma or the Tacoma Metropolitan Park District?"

Senator Kohl-Welles: "It, in no way, affects Tacoma or Pierce County or any place in the entire state of Washington, except Seattle and Spokane."

Senator Goings: "Thank you."

The motion by Senator Horn carried and the striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Horn, the following title amendment was adopted:

On page 1, line 1 of the title, after "recreation;" strike the remainder of the title and insert "amending RCW 84.52.010; and adding a new chapter to Title 35 RCW."

On motion of Senator Horn, the rules were suspended, Engrossed Substitute Senate Bill No. 6566 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6566.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6566 and the bill failed to pass the Senate by the following vote: Yeas, 22; Nays, 24; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Eide, Finkbeiner, Fraser, Goings, Hale, Hochstatter, Horn, Jacobsen, Kline, Kohl-Welles, Long, McCaslin, McDonald, Oke, Patterson, Sheldon, B., Spanel, Swecker and Thibaudeau - 22. Voting nay: Senators Benton, Deccio, Fairley, Franklin, Gardner, Haugen, Heavey, Honeyford, Johnson, McAuliffe, Morton, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Stevens, West, Winsley, Wojahn and Zarelli - 24. Excused: Senators Hargrove, Loveland and Sellar - 3. ENGROSSED SUBSTITUTE SENATE BILL NO. 6566, having failed to receive the constitutional majority, was declared lost.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6231, which was deferred for the Special Order of Business. An amendment by Senators Finkbeiner and Tim Sheldon on page 7, line 39, was not adopted.

MOTION

Senator Finkbeiner moved that the following amendments be considered simultaneously and be adopted:

On page 10, line 11, after "property" insert ", tenants making telecommunications installations or performing telecommunications maintenance with the permission of the property owner,"

On page 10, beginning on line 12, after "employer" strike all material through "lease" on line 13

Debate ensued.

WITHDRAWAL OF AMENDMENTS

There being no objection, Senator Finkbeiner withdrew the amendments on page 10, line 11, and page 10, beginning on line 12, to Engrossed Substitute Senate Bill No. 6231.

MOTION

Senator Finkbeiner moved that the following amendments be considered simultaneously and be adopted:

On page 10, line 11, after "property" insert ", tenants making telecommunications installations or performing telecommunications maintenance with the permission of the property owner,"

On page 10, beginning on line 12, after "employer" strike all material through "lease" on line 13.

On page 15, line 34, after "residences" insert the following:

"and installations by individuals not required to obtain a telecommunications contractor license"

On page 15, line 35, after "inspections" insert ", and the director shall not require permits or charge fees in connection with such installations"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Finkbeiner on page 10, line 11, page 10, beginning on line 12, and page 15, lines 34 and 35, to Substitute Senate Bill No. 6231.

The motion by Senator Finkbeiner carried and the amendments were adopted on a rising vote.

MOTION

Senator Hochstatter moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.28.005 and 1993 c 275 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Administrator" means a person designated by an electrical contractor to supervise electrical work and electricians in accordance with the rules adopted under this chapter.

(2) "Board" means the electrical board under RCW 19.28.065.

(3) "Chapter" means chapter 19.28 RCW.

(4) "Department" means the department of labor and industries.

(5) "Director" means the director of the department or the director's designee.

(6) "Electrical construction trade" includes but is not limited to installing or maintaining electrical wires and equipment that are used for light, heat, or power and installing and maintaining remote control, signaling, power limited, or communication circuits or systems.

(7) "Electrical contractor" means a person, firm, partnership, corporation, or other entity that offers to undertake, undertakes, submits a bid for, or does the work of installing or maintaining wires or equipment that convey electrical current.

(8) "Equipment" means any equipment or apparatus that directly uses, conducts, or is operated by electricity but does not mean plug-in household appliances.

(9) "Industrial control panel" means a factory-wired or user-wired assembly of industrial control equipment such as motor controllers, switches, relays, power supplies, computers, cathode ray tubes, transducers, and auxiliary devices. The panel may include disconnect means and motor branch circuit protective devices.

(10) "Journeyman electrician" means a person who has been issued a journeyman electrician certificate of competency by the department.

(11) "Specialty electrician" means a person who has been issued a specialty electrician certificate of competency by the department.

(12) "Telecommunications backbone cabling systems" means a system that provides interconnections between telecommunications closets, equipment rooms, and entrance facilities in the telecommunications cabling system structure. Backbone cabling consists of the backbone cables, intermediate and main cross-connects, mechanical terminations, and patch cords or jumpers used for backbone to backbone cross-connection. Backbone cabling also includes cabling between buildings.

(13) "Telecommunications closet" means a room for housing telecommunications equipment, cable terminations, and cross-connect wiring that serve that particular floor. The closet is the recognized transition point between the backbone and horizontal cabling systems.

(14) "Telecommunications horizontal cabling systems" means the portions of the telecommunications cabling system that extends from the work area telecommunications outlet or connector to the telecommunications closet. The horizontal cabling includes the horizontal cables, the telecommunications outlet or connector in the work area, the mechanical termination, and horizontal cross-connections located in the telecommunications closet.

(15) "Telecommunications structured cabling system" means the complete collective configuration of cabling and associated hardware at a given site and installed to perform specific telecommunications functions.

(16) "Telecommunications systems" means structured cabling systems that begin at the demarcation point between the local service provider and the customer's premises structured cabling system.

(a) Telecommunications systems encompass all forms of information generation, processing, and transporting of signals conveyed electronically or optically within or between buildings, including voice, data, video, and audio.

(b) Telecommunications systems include structured cabling systems, compatible connecting hardware, telecommunications equipment, premises switching equipment, infrared, fiber optic, radio-frequency, and other limited-energy interconnections associated with telecommunications systems or appliances.

(c) Telecommunications systems do not include horizontal cabling used for fire protection signaling systems, intrusion alarms, access control systems, patient monitoring systems, energy management control systems, industrial and automation control systems, HVAC/refrigeration control systems, lighting control systems, and stand-alone amplified sound or public address systems.

(d) Telecommunications systems may interface with other building signal systems including security, alarms, and energy management at cross-connection junctions within telecommunications closets or at extended points of demarcation. Telecommunications systems do not include the installation or termination of premises line voltage service, feeder, or branch circuit conductors or equipment.

Sec. 2. RCW 19.28.010 and 1993 c 275 s 2 are each amended to read as follows:

(1) All wires and equipment, and installations thereof, that convey electric current and installations of equipment to be operated by electric current, in, on, or about buildings or structures, except for noncomposite fiber optic cables, structured communications cabling, telephone, telegraph, radio, and television wires and equipment, and television antenna installations, signal strength amplifiers, and coaxial installations pertaining thereto shall be in strict conformity with this chapter, the statutes of the state of Washington, and the rules issued by the department, and shall be in conformity with approved methods of construction for safety to life and property. All wires and equipment that fall within section 90.2(b)(5) of the National Electrical Code, 1981 edition, are exempt from the requirements of this chapter. The regulations and articles in the National Electrical Code, the national electrical safety code, and other installation and safety regulations approved by the national fire protection association, as modified or supplemented by rules issued by the department in furtherance of safety to life and property under authority hereby granted, shall be prima facie evidence of the approved methods of construction. All materials, devices, appliances, and equipment used in such installations shall be of a type that conforms to applicable standards or be indicated as acceptable by the established standards of any electrical product testing laboratory which is accredited by the department. Industrial control panels, utilization equipment, and their components do not need to be listed, labeled, or otherwise indicated as acceptable by an accredited electrical product testing laboratory unless specifically required by the National Electrical Code, 1993 edition.

(2) Residential buildings or structures moved into or within a county, city, or town are not required to comply with all of the requirements of this chapter, if the original occupancy classification of the building or structure is not changed as a result of the move. This subsection shall not apply to residential buildings or structures that are substantially remodeled or rehabilitated.

(3) This chapter shall not limit the authority or power of any city or town to enact and enforce under authority given by law, any ordinance, rule, or regulation requiring an equal, higher, or better standard of construction and an equal, higher, or better standard of materials, devices, appliances, and equipment than that required by this chapter. A city or town shall require that its electrical inspectors meet the qualifications provided for state electrical inspectors in accordance with RCW 19.28.070. In a city or town having an equal, higher, or better standard the installations, materials, devices, appliances, and equipment shall be in accordance with the ordinance, rule, or regulation of the city or town. Electrical equipment associated with spas, hot tubs, swimming pools, and hydromassage bathtubs shall not be offered for sale or exchange unless the electrical equipment is certified as being in compliance with the applicable product safety standard by bearing the certification mark of an approved electrical products testing laboratory.

(4) Nothing in this chapter may be construed as permitting the connection of any conductor of any electric circuit with a pipe that is connected with or designed to be connected with a waterworks piping system, without the consent of the person or persons legally responsible for the operation and maintenance of the waterworks piping system.

Sec. 3. RCW 19.28.200 and 1998 c 98 s 1 are each amended to read as follows:

(1) No license under the provision of this chapter shall be required from any utility or any person, firm, partnership, corporation, or other entity employed by a utility because of work in connection with the installation, repair, or maintenance of lines, wires, apparatus, or equipment owned by or under the control of a utility and used for transmission or distribution of electricity from the source of supply to the point of contact at the premises and/or property to be supplied and service connections and meters and other apparatus or appliances used in the measurement of the consumption of electricity by the customer.

(2) No license under the provisions of this chapter shall be required from any utility because of work in connection with the installation, repair, or maintenance of the following:

(a) Lines, wires, apparatus, or equipment used in the lighting of streets, alleys, ways, or public areas or squares;

(b) Lines, wires, apparatus, or equipment owned by a commercial, industrial, or public institution customer that are an integral part of a transmission or distribution system, either overhead or underground, providing service to such customer and located outside the building or structure: PROVIDED, That a utility does not initiate the sale of services to perform such work;

(c) Lines and wires, together with ancillary apparatus, and equipment, owned by a customer that is an independent power producer who has entered into an agreement for the sale of electricity to a utility and that are used in transmitting electricity from an electrical generating unit located on premises used by such customer to the point of interconnection with the utility's system.

(3) Any person, firm, partnership, corporation, or other entity licensed under RCW 19.28.120 may enter into a contract with a utility for the performance of work under subsection (2) of this section.

(4) No license under the provisions of this chapter shall be required from any person, firm, partnership, corporation, or other entity because of the work of installing and repairing ignition or lighting systems for motor vehicles.

(5) No license under the provisions of this chapter shall be required from any person, firm, partnership, corporation, or other entity because of work in connection with the installation, repair, or maintenance of wires and equipment, and installations thereof, exempted in RCW 19.28.010.

(6) The department may by rule exempt from licensing requirements under this chapter work performed on premanufactured electric power generation equipment assemblies and control gear involving the testing, repair, modification, maintenance, or installation of components internal to the power generation equipment, the control gear, or the transfer switch.

(7) No license under the provisions of this chapter shall be required from any person, firm, partnership, corporation, or other entity because of work in connection with the installation, repair, maintenance, or testing of telecommunications systems. "Telecommunications systems" includes equipment and associated hardware, pathway systems, and cable management systems. It also includes installation of open wiring systems of telecommunications cables, surface nonmetallic raceways designated and used exclusively for telecommunications, optical fiber innerduct raceway, underground raceways designated and used exclusively for telecommunications and installed for additions or extensions to existing telecommunications systems not to exceed fifty feet inside the building, and incidental short sections of circular or surface metal raceway, not to exceed ten feet, for access or protection of telecommunications cabling and installation of cable trays and ladder racks in telecommunications service entrance rooms, spaces, or closets.

Sec. 4. RCW 19.28.610 and 1998 c 98 s 2 are each amended to read as follows:

Nothing in RCW 19.28.510 through 19.28.620 shall be construed to require that a person obtain a license or a certified electrician in order to do electrical work at his or her residence or farm or place of business or on other property owned by him or her unless the electrical work is on the construction of a new building intended for rent, sale, or lease. However, if the construction is of a new residential building with up to four units intended for rent, sale, or lease, the owner may receive an exemption from the requirement to obtain a license or use a certified electrician if he or she provides a signed affidavit to the department stating that he or she will be performing the work and will occupy one of the units as his or her principal residence. The owner shall apply to the department for this exemption and may only receive an exemption once every twenty-four months. It is intended that the owner receiving this exemption shall occupy the unit as his or her principal residence for twenty-four months after completion of the units. Nothing in RCW 19.28.510 through 19.28.620 shall be intended to derogate from or dispense with the requirements of any valid electrical code enacted by a city or town pursuant to RCW 19.28.010(3), except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the electrical construction trade. RCW 19.28.510 through 19.28.620 shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees. Nothing in RCW 19.28.510 through 19.28.620 shall be deemed to apply to the installation or maintenance of telephone, telegraph, radio, or television wires and equipment; nor to any electrical utility or its employees in the installation, repair, and maintenance of electrical wiring, circuits, and equipment by or for the utility, or comprising a part of its plants, lines or systems. The licensing provisions of RCW 19.28.510 through 19.28.620 shall not apply to:

(1) Persons making electrical installations on their own property or to regularly employed employees working on the premises of their employer, unless the electrical work is on the construction of a new building intended for rent, sale, or lease;

(2) Employees of an employer while the employer is performing utility type work of the nature described in RCW 19.28.200 so long as such employees have registered in the state of Washington with or graduated from a state-approved outside lineman apprenticeship course that is recognized by the department and that qualifies a person to perform such work; ((~~or~~))

(3) Any work exempted under RCW 19.28.200(6); or

(4) Persons, firms, partnerships, corporations, or other entities engaged in the installation, repair, or maintenance of telecommunications systems.

Nothing in RCW 19.28.510 through 19.28.620 shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative or other person when none of the individuals doing the electrical installation hold themselves out as engaged in the trade or business of electrical installations. Nothing precludes any person who is exempt from the licensing requirements of this chapter under this section from obtaining a journeyman or specialty certificate of competency if they otherwise meet the requirements of this chapter."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hochstatter to Substitute Senate Bill No. 6231.

The motion by Senator Hochstatter failed and the striking amendment was not adopted on a rising vote.

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 6231 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF ORDER

Senator Rossi: "Mr. President, I rise to a point of order; and a point of inquiry. Section 210 of Substitute Senate Bill No. 6231 requires that the Director of the Department of Labor and Industries charge a new fee for the inspection of certain installed telecommunications systems. I submit that this fee would constitute a 'tax' for the purposes of section 2(1) of I-695. For support for this interpretation, I would respectfully direct the President to page 8 of a memorandum from Solicitor General Narda Pierce to all Assistant Attorneys Generals, dated December 22, 1999. Section 2(1) of I-695 requires that 'any tax increase imposed by the state shall require voter approval.'

"Mr. President, on February 11, in response to a point of inquiry concerning the number of votes necessary to pass Senate Bill No. 6515 in light of I-695, you noted as follows: 'The President need not rule at this time whether the absence of a referendum clause on a measure which does impose a tax constitutes an amendment to I-695, requiring a two-thirds vote under Article 2, Section 19 of the State Constitution.' Mr. President, the time has come for such a ruling. Substitute Senate Bill No. 6231 does impose a tax, and does not contain a referendum clause.

"Mr. President, my point of order: Substitute Senate Bill No. 6231 does not contain a referendum clause in violation of section 2(1) of I-695. As such, the measure should be set down.

"Mr. President, my contingent point of order is on the number of votes necessary to pass Engrossed Substitute Senate Bill No. 6231. If you decline to rule that Engrossed Substitute Senate Bill No. 6231 requires a referendum clause, then I submit that because the measure does not contain a referendum clause, it effectively amends I-695. Under Article 2, section 1 of the State Constitution, I respectfully submit that the passage of Engrossed Substitute Senate Bill No. 6231 would therefore require a two-thirds majority vote."

Debate ensued.

REPLY BY THE PRESIDENT

President Owen: "The President is not prepared to rule at this time. He is going to need some time to review the citing."

MOTION

At 6:20 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 7:18 p.m. by President Owen.

MOTION

On motion of Senator Honeyford, Senators Benton, Deccio, Finkbeiner, Hale, Horn, Johnson, Long, McCaslin, McDonald, Oke, Stevens, Swecker, Winsley and Zarelli were excused.

MOTION

On motion of Senator Franklin, Senators Bauer, Eide, Gardner, Jacobsen, Patterson, Prentice and Tim Sheldon were excused.

There being not objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 6231.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order by Senator Rossi concerning Engrossed Substitute Senate No. 6231, the President finds in accordance with prior rulings, first, that the question of whether or not a referendum is required is not in order, and, second, that the measure is not an amendment to Initiative 695, because it does not change any provision of the initiative. Therefore, a simple majority vote is required to pass the measure."

DEMAND FOR THE PREVIOUS QUESTION

Senators Snyder, Spanel and Betti Sheldon demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6231.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6231 and the bill failed to pass the Senate by the following vote: Yeas, 19; Nays, 6; Absent, 0; Excused, 24.

Voting yea: Senators Brown, Costa, Fairley, Franklin, Fraser, Goings, Haugen, Heavey, Honeyford, Kline, Kohl-Welles, McAuliffe, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 19.

Voting nay: Senators Hochstatter, Morton, Roach, Rossi, Sheahan and West - 6.

Excused: Senators Bauer, Benton, Deccio, Eide, Finkbeiner, Gardner, Hale, Hargrove, Horn, Jacobsen, Johnson, Long, Loveland, McCaslin, McDonald, Oke, Patterson, Prentice, Sellar, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 24.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6231, having failed to receive the constitutional majority, was declared lost.

MOTION

At 7:22 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, February 16, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

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THIRTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 16, 2000

The Senate was called to order at 10:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Benton, Brown, Finkbeiner, Franklin, Hargrove, Heavey, Horn, Jacobsen, Kline, Long, McDonald, Oke, Roach, Sellar, Tim Sheldon, Shin, Snyder, Spanel, Thibaudeau, Winsley and Zarelli. On motion of Senator Deccio, Senators Finkbeiner, Long and Sellar were excused. On motion of Senator Honeyford, Senators Benton, Horn, McDonald, Oke, Roach, Winsley and Zarelli were excused. On motion of Senator Eide, Senators Brown, Franklin, Hargrove, Heavey, Jacobsen, Kline, Tim Sheldon, Shin, Snyder, Spanel and Thibaudeau were excused.

The Sergeant at Arms Color Guard consisting, of Pages Paul Clifford and Danielle Torstenbo, presented the Colors. Reverend Paul Lundborg, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

February 14, 2000

MR. PRESIDENT:

The House has passed:
ENGROSSED HOUSE BILL NO. 1085,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1210,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1987,
HOUSE BILL NO. 2365,
SUBSTITUTE HOUSE BILL NO. 2406,
SUBSTITUTE HOUSE BILL NO. 2461,
SUBSTITUTE HOUSE BILL NO. 2481,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2588,
ENGROSSED HOUSE BILL NO. 2609,
SUBSTITUTE HOUSE BILL NO. 2671,
SUBSTITUTE HOUSE BILL NO. 2673,
SECOND SUBSTITUTE HOUSE BILL NO. 2738,
HOUSE BILL NO. 2848,
SUBSTITUTE HOUSE BILL NO. 2858,
ENGROSSED HOUSE BILL NO. 2881,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2884,
SUBSTITUTE HOUSE BILL NO. 2886,
HOUSE BILL NO. 2920,
ENGROSSED HOUSE BILL NO. 2946,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2994,
ENGROSSED HOUSE BILL NO. 2995,
SUBSTITUTE HOUSE BILL NO. 3076,
SUBSTITUTE HOUSE BILL NO. 3124, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

February 14, 2000

MR. PRESIDENT:

The House has passed:
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2331,
HOUSE BILL NO. 2403,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2420,
ENGROSSED HOUSE BILL NO. 2648, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 6852 by Senators Hale, T. Sheldon, McDonald, Haugen and Johnson

AN ACT Relating to gubernatorial approval of nonemergency rules; amending RCW 34.05.360 and 34.05.380; and adding a new section to chapter 34.05 RCW.

Referred to Committee on State and Local Government.

SB 6853 by Senators Long and Hargrove

AN ACT Relating to a pilot program for supervision of juvenile offenders with mental disorders and chemical abuse disorders; adding new sections to chapter 13.40 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1085 by Representatives Dunn, Conway, Lambert and Esser

Penalizing possession of stolen checks.

Referred to Committee on Judiciary.

ESHB 1210 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Campbell, O'Brien, DeBolt, Bush, Sullivan, Kastama, Conway, Delvin, Lovick, Esser, Carrell and Hurst)

Enhancing penalties for manufacturing methamphetamines inside a conveyance.

Referred to Committee on Judiciary.

E2SHB 1987 by House Committee on Finance (originally sponsored by Representatives Schoesler, Grant and G. Chandler)

Providing tax exemptions and credits to encourage a reduction in agricultural burning of cereal grains and field and turf grass grown for seed.

Referred to Committee on Ways and Means.

E2SHB 2331 by House Committee on Appropriations (originally sponsored by Representatives Campbell, Schual-Berke, H. Sommers, Linville, Doumit, Cody, Wolfe, Conway, Quall, Eickmeyer, Morris, Gombosky, Ruderman, Edmonds, Poulsen, Dunshee, Fisher, Scott, Regala, McIntire, Kastama, Kessler, Wood, Lantz, Ogden, Santos, Edwards, O'Brien, Romero, Stensen, Cooper, Reardon, Tokuda, Veloria, Rockefeller, Lovick, Kenney, Kagi, Haigh, Miloscia, Anderson, Constantine, Dickerson, Keiser, Hurst, Murray, McDonald and D. Sommers)

Adopting a patient bill of rights.

Referred to Committee on Health and Long-Term Care.

HB 2365 by Representatives Haigh, Pennington, Eickmeyer, Dunshee and Hurst

Exempting certain leasehold interests from leasehold excise tax.

Referred to Committee on Ways and Means.

HB 2403 by Representatives Kastama, Parlette, Conway, Koster, Lantz, Doumit, Poulsen, Cox, Ruderman, Wood, Linville, Dickerson, Sullivan, Hatfield, O'Brien, Lovick, Constantine, Delvin, Wensman, Pennington, Mitchell, Keiser, Cody, Talcott, Dunn, Haigh, McDonald, Van Luven, Edmonds, Ogden and Esser

Creating the national World War II memorial account.

Referred to Committee on State and Local Government.

SHB 2406 by House Committee on Natural Resources (originally sponsored by Representatives Regala and Buck)

Changing salmon recovery provisions.

Referred to Committee on Natural Resources, Parks and Recreation.

E2SHB 2420 by House Committee on Appropriations (originally sponsored by Representatives Linville, G. Chandler, Morris, Ericksen, Quall, Kastama, Santos, Grant, Stensen, Keiser, Poulsen, Wensman, Scott, Rockefeller, Reardon, Kenney, Cody, Lovick, Cooper, Koster, Haigh, McDonald, Van Luven, Lantz, Wood, Regala, Edmonds, Hurst, Dunshee, Constantine, Dickerson, Wolfe, Ogden, Ruderman and McIntire)

Providing for oil and gas pipeline safety.

Referred to Committee on Environmental Quality and Water Resources.

SHB 2461 by House Committee on Judiciary (originally sponsored by Representatives Reardon, Santos, Ruderman and Grant)

Acknowledging the satisfaction of a judgment.

Referred to Committee on Judiciary.

SHB 2481 by House Committee on Capital Budget (originally sponsored by Representatives Koster, Edmonds, Esser, O'Brien, Schoesler, Barlean, Alexander, Dunn, Thomas and Ruderman)

Requiring development of a predesign for all major capital projects.

Referred to Committee on State and Local Government.

E2SHB 2588 by House Committee on Appropriations (originally sponsored by Representatives Tokuda, D. Sommers, Kagi, Boldt, Kenney, Dickerson, Ogden, Veloria, Haigh, Santos, Romero, O'Brien, Edwards, Constantine, Rockefeller, Miloscia and McIntire)

Creating domestic violence fatality review panels.

Referred to Committee on Judiciary.

EHB 2609 by Representatives Carrell, Constantine, Mulliken and G. Chandler

Allowing agents to give notice of dishonored checks.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

EHB 2648 by Representatives Miloscia, Romero and D. Schmidt (by request of Secretary of State Munro)

Revising the Washington state quality award program.

Referred to Committee on State and Local Government.

SHB 2671 by House Committee on Finance (originally sponsored by Representatives Thomas, Dunshee and Fortunato)

Establishing procedures for handling tax billing errors.

Referred to Committee on Energy, Technology and Telecommunications.

SHB 2673 by House Committee on State Government (originally sponsored by Representatives Lambert, Ruderman, Cox, McIntire, Carrell, Edwards, Sump, Miloscia, Woods, Romero, Bush, Stensen, Esser, Keiser, Rockefeller, Morris, Koster, Edmonds, Ericksen, Lantz, Mulliken, Campbell and O'Brien)

Regulating mail to constituents.

Referred to Committee on State and Local Government.

2SHB 2738 by House Committee on Appropriations (originally sponsored by Representatives Dickerson, Clements, Romero and Miloscia)

Giving the office of financial management oversight over state agency personal service contracting practices.

Referred to Committee on State and Local Government.

HB 2848 by Representatives Hatfield, Benson and Keiser (by request of Insurance Commissioner Senn)

Safeguarding securities.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SHB 2858 by House Committee on State Government (originally sponsored by Representatives D. Schmidt, Dunshee, Ruderman and Edwards) (by request of Governor Locke)

Eliminating certain reports to the legislature.

Referred to Committee on State and Local Government.

EHB 2881 by Representatives Crouse, Poulsen and Eickmeyer (by request of Governor Locke)

Allowing new forms of regulation of telecommunications companies.

Referred to Committee on Energy, Technology and Telecommunications.

ESHB 2884 by House Committee on Judiciary (originally sponsored by Representatives Constantine, Carlson, Grant, Radcliff, Kastama, Mastin, Keiser, Ruderman, Kessler, Dickerson, Tokuda, D. Sommers and Stensen)

Providing notice requirements for parents subject to court orders and standards regarding residential time or visitation.

Referred to Committee on Judiciary.

SHB 2886 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Barlean, Keiser, Benson and Hatfield)

Making regulation of service contracts applicable to service contracts on consumer purchases only.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

HB 2920 by Representatives Dunshee, Radcliff, Thomas, Eickmeyer, Skinner and Santos

Exempting community radio stations from property taxation.

Referred to Committee on Ways and Means.

EHB 2946 by Representatives Conway, Clements, Wood, Regala and Hurst

Allowing local planning and zoning of gambling activities.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

ESHB 2994 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Parlette, G. Chandler, B. Chandler and Linville)

Regarding instream flows and trust water rights.

Referred to Committee on Environmental Quality and Water Resources.

EHB 2995 by Representatives G. Chandler and Linville

Modifying provisions concerning apiaries.

Referred to Committee on Agriculture and Rural Economic Development.

SHB 3076 by House Committee on Transportation (originally sponsored by Representatives G. Chandler, Fisher, Mitchell, Cooper, Hankins, Skinner, Ericksen, McDonald, Radcliff, Mulliken and Pflug)

Convening a work group on streamlining project permit processes.

Referred to Committee on Transportation.

SHB 3124 by House Committee on Appropriations (originally sponsored by Representatives H. Sommers, Huff, Kessler, Ballasiotes, O'Brien and Alexander)

Revising sentencing for sexually violent predators.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Rossi, the following resolution was adopted:

SENATE RESOLUTION 2000-8720

By Senators Rossi, Johnson, Rasmussen, Patterson, Kohl-Welles

WHEREAS, The students of Tahoma High School in Maple Valley, Washington, enrolled in the program known as "We the People, The Citizen and the Constitution" have exhibited that they have learned very well the lessons of our forefathers who wrote the Constitution of the United States and will be representing all of Washington in national championship competition to be held May 6th though May 8th in Washington, D.C.; and

WHEREAS, This knowledge will enhance their lives and direct their paths as they walk through life, proud in the knowledge that Americans have long stood for justice and liberty for all Americans; and

WHEREAS, Being armed with this knowledge is to the benefit of all citizens of this great country and state and will encourage them to participate in the democracy men and women have fought so gallantly to preserve; and

WHEREAS, Knowing that these energetic, knowledgeable young people will one day lead this state and country, and that there may very well be in their midst a Governor, Senator or a member of Congress or perhaps even a future President; and

WHEREAS, Teachers of the "We The People" program such as Mark Oglesby and Stephanie Galloway, who have lead students to win the state championship the past six years, can take great pride knowing that the students enrolled in this program have the knowledge to outperform university students in every topic; and

WHEREAS, Studies have shown that 80 percent of senior students participating in this program have registered to vote as compared to an average of 37 percent thereby proving that this program has increased the interest in politics and in participating in government;

NOW, THEREFORE, BE IT RESOLVED, That we the members of the Washington State Senate wish to acknowledge the participation in this program by Sean Aas, Lindsay Allyn, Max Aquino, Grifan Cayce, Rebecca Currie, Medora Ekblad, Hannah Garrison, Nathan Holstein, Leah Ingram, Douglas Jacobson, Hillary Johnson, Kristin Jolk, Kelly Keegan, Rachel Kennedy, Katie Kenworthy, Mikael Mortensen, Benjamin Myers, Tracy Pettitt, Amanda Smith, Tricia Smithson, Whitney Thompson, Jered Vincent, Spencer Waldron, Trevor Williams, and Todd Wilson, students each and every one making their families and fellow citizens proud; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate forward a copy of this resolution to the Principal of Tahoma High School to further show the respect of this body for a job well done by each student and teacher.

Senators Rossi, Johnson, Patterson, Hochstatter and Deccio spoke to Senate Resolution 2000-8720.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced the Tahoma High School students in the "We the People, The Citizens and the Constitution" program, who were seated in the gallery.

MOTION

On motion of Senator Hale, the following resolution was adopted:

SENATE RESOLUTION 2000-8726

By Senators Hale, Sheahan, Honeyford, Rossi, Kohl-Welles, McCaslin, Rasmussen, Long, Winsley, McDonald, Hochstatter, Stevens, Sheldon, B., Johnson, Zarelli, Heavey, Brown, Sheldon T., Costa, Kline, Goings, Snyder, Franklin, McAuliffe, Loveland, Fraser, Bauer, Wojahn, Prentice, Haugen, Spanel, Hargrove, Shin, Thibaudeau, Gardner, and Morton

WHEREAS, Sam and Pat Smith moved to Washington State in 1985 and have represented Washington State University for the past fifteen years; and

WHEREAS, Dr. Samuel H. Smith will resign his presidency at Washington State University at the end of the 1999-2000 academic year, July 1, 2000; and

WHEREAS, Dr. Smith has served Washington State University and the state with honor and distinction; and

WHEREAS, Dr. Smith, through his hard work and leadership, has transformed Washington State University from a single campus in Pullman to a nationally recognized, statewide university; and

WHEREAS, Dr. Smith increased student access to Washington State University by establishing WSU Learning Centers in eleven counties and expanding WSU's presence in underserved areas with four branch campuses in the Tri-Cities, Spokane and Vancouver; and

WHEREAS, Dr. Smith presided over the most successful fundraising campaign in the history of Washington State University. Campaign WSU, the university's first comprehensive fund-raising effort, raised more than $275.4 million and had the highest alumni-giving rate of all public universities in the country, a remarkable spirit of giving to the institution that continues today; and

WHEREAS, Dr. Smith led academic programs and research efforts that resulted in Washington State University's recognition in national rankings as one of the best public universities in America, including a 1999 #1 ranking as the most wired public university in the nation; and

WHEREAS, Dr. Smith is recognized as a proponent of distance education, overseeing Washington State University's membership as a founding institution in the Western Governors' University and will participate in the National Governors' Association 2000 Winter Meeting addressing "New Visions of Post-Secondary Education"; and

WHEREAS, Dr. Smith presented the Justin Smith Morrill Memorial lecture at the 1998 National Association of State Universities and Land-Grant Colleges annual meeting, an honor given for significant contributions as an educator in promoting the land-grant tradition of the "liberal and practical education of all people"; and

WHEREAS, Dr. Smith is the current chair of the Kellogg Commission on the Future of State and Land-Grant Universities, formed to help define the future direction of public state and land-grant universities and to recommend an action agenda to speed up the process of change; and

WHEREAS, Dr. Smith chaired the Executive Committee of the National Collegiate Athletic Association, one of a series of leadership positions he held during a major reorganization of NCAA governance; and

WHEREAS, Dr. Smith has helped improve the climate for women at Washington State University to such a degree that the Association for Faculty Women of WSU has named an award in his honor. The award will be presented to those who have "a strong and continuous record of leadership in advancing the role of women on campus, or in leadership at the community, state or national level in private, government or professional organizations"; and

WHEREAS, Dr. Smith, in keeping with the institution's mission and his own personal avocation, has proven his stalwart and enthusiastic support for Washington State's agricultural community by strengthening WSU's Cooperative Extension offices in all thirty-nine of the state's counties and creating the President's Agriculture 101 Group to protect and promote Washington's agricultural interests for the good of the citizens of the state and its trading partners throughout the world; and

WHEREAS, Dr. Smith was president in 1998 when the Washington State Cougar football team were Pac-10 champions and competed in the Rose Bowl for the first time in sixty-seven years bringing pride and joy to the hearts of countless long-suffering Cougar fans; and

WHEREAS, Dr. Smith and Pat have chosen this time to finally focus on their family and themselves while their health and energy still afford them the opportunity;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honors Dr. Samuel H. Smith for the dedicated service and commitment shown in his work and the innumerable contributions to Washington State University, to its students, faculty and staff and to the greater community of the state of Washington;

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Dr. Samuel H. Smith, the Board of Regents of Washington State University, the Higher Education Coordinating Board and Governor Gary Locke.

Senators Hale, Deccio, Sheahan, Rasmussen, McCaslin, Kohl-Welles, Bauer, Morton and Betti Sheldon spoke to Senate Resolution 2000-8726.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Dr. Samuel H. Smith, the retiring President of Washington State University, who was seated in the gallery.

MOTION

On motion of Senator Goings, the following resolution was adopted:

SENATE RESOLUTION 2000-8711

By Senators Goings, Rasmussen, Kohl-Welles, McAuliffe, and Loveland

WHEREAS, Profound and rapid economic and technological changes in our society are being reflected in the structure and nature of work, thereby placing new and additional responsibilities on educational systems; and

WHEREAS, Automotive Youth Educational Systems provide Americans with a school-to-career connection, and helps prepare a strong, well-educated workforce, which meets both academic and skills standards, fosters productivity in business and industry, and contributes to Washington's leadership in the global marketplace; and

WHEREAS, Automotive Youth Educational Systems give high school students experience in practical, meaningful applications of basic skills such as reading, writing, and mathematics, thus improving the quality of their education, and preparing automotive students for leadership opportunities in the automotive industry and in their communities; and

WHEREAS, Automotive Youth Educational Systems provides a model partnership between education and business and industry; and

WHEREAS, Automotive Youth Educational Systems provides a model of progression between the secondary system and the post-secondary system that allows high school students to move forward based on what they know and can do; and

WHEREAS, The ever-increasing cooperative efforts of Automotive Youth Educational Systems and business stimulate the growth and vitality of our economy by preparing students for a career in an industry that is forecast to experience the fast growth in the coming decade;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate do hereby recognize the efforts of the Puget Sound Automobile Dealers Association and the Automobile Service Association, and the value of Automotive Youth Educational Systems Day; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate do hereby immediately transmit copies of this resolution to Automotive Youth Educational Systems.

Senators Goings, McAuliffe and Eide spoke to Senate Resolution 2000-8711.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced the students in the Automotive Youth Educational System, who were seated in the gallery.

MOTION

On motion of Senator Rasmussen, the following resolution was adopted:

SENATE RESOLUTION 2000-8710

By Senators Rasmussen, Spanel, Haugen, Bauer, and Gardner

WHEREAS, Dairy farming in Washington has a proud one hundred-sixty year history; and

WHEREAS, Washington is home to seven hundred fifty dairy farms and 248,000 dairy cows; and

WHEREAS, Washington's dairy cows rank first in the United States in per-cow production; and

WHEREAS, Washington's dairy industry is ninth in total volume of production in the United States, with total annual milk production of 5.3 billion pounds in 1998; and

WHEREAS, Our state's dairy farmers contributed approximately $730 million to the state's economy in 1998 with milk production ranked second in dollar value among all of Washington's bountiful agricultural commodities; and

WHEREAS, Citizens throughout the state today celebrate Dairy Day at the State Capitol under the proud sponsorship of The Washington State Dairy Federation; and

WHEREAS, Jana Visser of Lynden is representing the dairy industry with distinction as the reigning Washington State Dairy Ambassador, as well as serving a ten month internship with the Washington Dairy Products Commission; and

WHEREAS, Her alternates are Caroline Deck, formerly of Eatonville, who represented King and Pierce County Dairy Farmers as a resident of Enumclaw, and Mari Annis of Burlington, who represented Skagit and Island Counties;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate acknowledge and honor the women and men whose work on dairy farms throughout Washington has contributed so much to the strength and vitality of our state and its economy, the character of our communities, and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Washington State Dairy Ambassador Jana Visser, alternates Caroline Deck and Mari Annis.

Senators Rasmussen, Gardner, Honeyford, Haugen, Deccio, Stevens and Morton spoke to Senate Resolution 2000-8710.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced the Washington State Dairy Ambassador Jana Visser from Lynden, and Alternate Ambassadors Caroline Deck from Enumclaw and Mari Annis from Burlington, who were seated on the rostrum. The President Pro Tempore also introduced the visiting Dairy Princesses, who were seated in the gallery.

With permission of the Senate, business was suspended to permit Ambassador Jana to address the Senate.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of the Washington State Dairy Federation, including the board and dairy producers, who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Rasmussen: "A point of personal privilege, Madam President, because I didn't get a chance to mention that one of the young ladies at the rostrum, I held her when she was a brand new baby. Her parents are my dearest, dearest friends. They have seven daughters, while I only have six. We have had quite a race. One of the young ladies is one of the sweetest girls I have ever met. My daughters all showed cows with the young lady at the dias. I heard a Senator mention that these cows kick. I have to tell you that these are wonderful, gentle and loving animals--at the hands of those that take care of them--especially in showing a cow.

"We honored 4-H yesterday. The dairy youngsters that show in 4-H and FFA do a marvelous job with these cows. I hope that isn't another dying art. We need to remember to support those fairs that support the 4-Hers and those that work so hard in our industry. Thank you very much."

MOTION

At 11:20 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, February 17, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-EIGHTH DAY, FEBRUARY 16, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

THIRTY-NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 17, 2000

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORT OF STANDING COMMITTEE

February 17, 2000

SHB 2367 Prime Sponsor, House Committee on Children and Family Services: Including higher education programs in the work activity definition. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That the bill be referred to the Committee on Higher Education. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Referred to Committee on Higher Education.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 17, 2000

GA 9214 GERALD L. MORGEN, appointed May 10, 1999, for a term ending July 26, 2001, as a member of the Personnel Appeals Board.

Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to the Committee on Rules.

February 17, 2000

GA 9220 RICK S. BENDER, appointed August 11, 1999, for a term ending June 30, 2003, as a member of the Work Force Training and Education Coordinating Board.

Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

Passed to the Committee on Rules.

February 17, 2000

GA 9222 DONALD C. BRUNELL, appointed August 13, 1999, for a term ending June 30, 2001, as a member of the Workforce Training and Education Coordinating Board.

Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to the Committee on Rules.

February 17, 2000

GA 9232 SUSAN WILDER CRANE, appointed August 5, 1999, for a term ending February 21, 2001, as a member of the State Apprenticeship and Training Council.

Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to the Committee on Rules.

February 17, 2000

GA 9235 JOSEPH W. DUFFY, appointed September 15, 1999, for a term ending September 8, 2004, as a member of the Public Employment Relations Commission.

Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to the Committee on Rules.

February 17, 2000

GA 9290 JUDY SCHURKE, reappointed September 16, 1999, for a term ending June 17, 2005, as a member of the Board of Industrial Insurance Appeals.

Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to the Committee on Rules.

February 17, 2000

GA 9306 LEANA D. LAMB, appointed January 24, 2000, for a term ending July 26, 2005, as a member of the Personnel Appeals Board.

Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to the Committee on Rules.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

August 6, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Kay Harlan, appointed August 6, 1999, for a term ending September 30, 2003, as a member of Board of Trustees for Clover Park Technical College District No. 29.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Higher Education.

February 2, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

William J. McDowell, appointed February 2, 2000, for a term ending September 30, 2003, as a member of Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Higher Education.

February 3, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Arlista Del Holman, appointed February 3, 2000, for a term ending September 30, 2004, as a member of Board of Trustees for Green River Community College District No. 10.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Higher Education.

MESSAGE FROM THE HOUSE

February 15, 2000

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1218,
ENGROSSED HOUSE BILL NO. 2120,
SUBSTITUTE HOUSE BILL NO. 2326,
SUBSTITUTE HOUSE BILL NO. 2418,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2647,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675,
ENGROSSED HOUSE BILL NO. 2713,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2735,
HOUSE BILL NO. 2750,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2847,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2867,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2872, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 6854 by Senator Fraser

AN ACT Relating to addressing the impacts of climate change; and creating new sections.

Referred to Committee on Environmental Quality and Water Resources.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1218 by House Committee on Health Care (originally sponsored by Representatives Cody and Parlette) (by request of Department of Health)

Modifying provisions related to nurse delegation of tasks.

Referred to Committee on Health and Long-Term Care.

EHB 2120 by Representatives Radcliff, Constantine, Carrell and Kessler

Limiting stepparent liability for child support.

Referred to Committee on Labor and Workforce Development.

SHB 2326 by House Committee on Capital Budget (originally sponsored by Representatives Murray and Mitchell) (by request of Public Works Board)

Managing capital facility projects by the public works board.

Referred to Committee on Ways and Means.

SHB 2418 by House Committee on Education (originally sponsored by Representatives Woods, Conway, Talcott, D. Schmidt, Koster, Bush, Wensman, Carlson, Rockefeller, Kenney, Cody, Barlean, Schoesler, Sump, Cairnes, Thomas, Huff, Haigh, Mastin, McDonald, Lantz, Santos, Skinner, Ogden and McIntire)

Establishing a World War II oral history project.

Referred to Committee on Education.

ESHB 2647 by House Committee on Commerce and Labor (originally sponsored by Representatives Reardon, Scott, Cooper, Conway, Linville, Cairnes, Dunshee, Kagi, Campbell, Sullivan, Keiser, Kenney, Santos, Haigh and Hurst)

Requiring safety devices for flaggers.

Referred to Committee on Labor and Workforce Development.

ESHB 2675 by House Committee on Transportation (originally sponsored by Representatives Skinner, Schual-Berke, Mitchell, Fisher, McDonald, Ruderman, O'Brien and Hurst)

Updating requirements for child passenger restraint systems.

Referred to Committee on Transportation.

EHB 2713 by Representatives Constantine, Hurst, Haigh and Conway

Regarding mandatory arbitration fees.

Referred to Committee on Judiciary.

ESHB 2735 by House Committee on Agriculture and Ecology (originally sponsored by Representatives B. Chandler, G. Chandler, Linville, Clements, Lisk and Sump)

Clarifying "voluntarily fails" for water rights relinquishment purposes.

Referred to Committee on Environmental Quality and Water Resources.

HB 2750 by Representatives D. Schmidt, Haigh and Romero (by request of Department of Community, Trade, and Economic Development)

Including prevention for potential victims of sexual assault as a core treatment service for victims of sexual assault.

Referred to Committee on Human Services and Corrections.

ESHB 2847 by House Committee on Local Government (originally sponsored by Representatives Mulliken, Edwards, Cairnes and Mielke)

Providing sanctions when a local government fails to issue a final decision on a project permit application within the applicable time period.

Referred to Committee on State and Local Government.

E2SHB 2867 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Linville, G. Chandler, Miloscia, Mitchell, Koster and Cooper)

Providing for the issuance of reservoir permits to store and recover water in an underground geological formation.

Referred to Committee on Environmental Quality and Water Resources.

ESHB 2872 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives DeBolt, Alexander, Benson and Hatfield)

Protecting purchasers of manufactured homes.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

MOTION

At 12:03 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, February 18, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

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FORTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 18, 2000

The Senate was called to order at 10:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bauer, Benton, Brown, Finkbeiner, Fraser, Sellar and West. On motion of Senator Deccio, Senators Finkbeiner and Sellar were excused. On motion of Senator Franklin, Senators Bauer and Fraser were excused. On motion of Senator Eide, Senator Brown was excused.

The Sergeant at Arms Color Guard, consisting of Pages Joshua Duke and Sterling Peterson, presented the Colors. Reverend Paul Lundborg, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

February 17, 2000

SHB 2338 Prime Sponsor, House Committee on Natural Resources: Allowing the parks and recreation commission to dispose of certain real property without an auction. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 17, 2000

HB 2341 Prime Sponsor, Representative O'Brien: Specifying community custody ranges. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan and Stevens.

Passed to Committee on Rules for second reading.

February 17, 2000

SHB 2423 Prime Sponsor, House Committee on Natural Resources: Allowing for the disposal of Mt. St. Helen's dredge spoils from public or private lands. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 17, 2000

HB 2459 Prime Sponsor, Representative Regala: Extending the tenure of the winter recreation advisory committee. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 17, 2000

HB 2498 Prime Sponsor, Representative O'Brien: Revising sanctions for violating conditions of the juvenile offender basic training camp program. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan and Stevens.

Referred to Committee on Ways and Means.

February 17, 2000

HB 2660 Prime Sponsor, Representative Huff: Changing record checks for the state investment board. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Betti Sheldon, House Bill No. 2498 was referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 16, 2000

GA 9246 GARY HAUG, appointed July 1, 1999, for a term ending at the Governor's pleasure as Director of the Department of Services for the Blind.
Reported by Committee on State and Local Government

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to the Committee on Rules.

February 16, 2000

GA 9264 MAJOR GENERAL TIMOTHY J. LOWENBERG, appointed September 13, 1999, for a term ending at the Governor's pleasure as Adjutant General of the Military Department.

Reported by Committee on State and Local Government

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Kline and McCaslin.

Passed to the Committee on Rules.

February 17, 2000

GA 9274 KAREN MILLER, appointed September 24, 1999, for a term ending at the Governor's pleasure as Chair of the Housing Finance Commission.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Prentice, Chair; Gardner; Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to the Committee on Rules.

INTRODUCTION AND FIRST READING

SB 6855 by Senators Thibaudeau and Costa

AN ACT Relating to insurance coverage for the treatment of social anxiety disorder; adding a new section to Title 48 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

MOTION

On motion of Senator Kohl-Welles, the following resolution was adopted:

SENATE RESOLUTION 2000-8722

By Senators Kohl-Welles, Hale, McCaslin, Spanel, Sheldon B., Morton, Heavey, Johnson, Franklin, Haugen, Eide, Stevens, Rasmussen, McAuliffe, Snyder and Swecker

WHEREAS, On January 31, 2000, Alaska Airlines Flight 261 enroute to Seattle Tacoma International Airport went down off the coast of Southern California claiming the lives of eighty-eight people; and

WHEREAS, Forty-five of the passengers and two members of the crew lived in Washington State; and

WHEREAS, The invaluable crew of Alaska Airlines Flight 261, including Captain Ted Thompson, First Officer William Tansky, and Flight Attendants Kristin Mills, Craig Pulanco of Seattle, and Allison Shanks of Seattle, exemplified bravery and dedication in their attempts to avert disaster; and

WHEREAS, The Washington State Legislature has suffered the loss of Donald Shaw, a valued supervisor with the State Capitol Visitor Services Office, respected retired school principal of the Edmonds and Snohomish School Districts, father, grandfather, friend, and loving husband of Earlene Shaw, employee of the Senate Dining Room; and

WHEREAS, The Legislature has also been touched by this tragedy through the loss of Ryan and Abigail Busche, son and daughter-in-law of Jim Busche, a Senate Security Officer; and

WHEREAS, Communities throughout Washington State have been affected by the loss of the following individuals: Michael Bernard, Sheri Christiansen, David and Carolyn Clemetson and their children Coriander, Blake,

Miles and Spencer, Avines Deo, Monte Donaldson, Meghann Hall, Rachel Janosik, Pastors Joe and Linda Knight, Rodney and Sarah Pearson and their children Rachel and Grace, Deborah Penna, Stanford Poll, Anjesh Prasad, Avini Prasad, Paul "Clarke" Pulanco, Barbara Ryan, Bradford Ryan, Terry Ryan, Stacy Schuyler, Charlene Sipe, Ryan Sparks, Harry Stasinos, Thomas Stockley, Margaret Stockley, Robert Thorgrimson, Lorna Thorgrimson, Colleen Whorley, Bob Williams, and Patty Williams; and

WHEREAS, All passengers aboard Flight 261 will be remembered including: Lawrence Baldridge, Renato Bermudez, Malcolm Branson, William Bryant, Gabriela Chavez, Jacquelyn Choate, Toni Choate, John Cuthbertson, Dean Forshee, Jerri Fosmire, Allen Friedmann, Jean Gandesbery, Robert Gandesbery, Aloysius Han, Barbara Hatleberg, Glenn Hatleberg, Robert Hovey, Russell Ing, Karl Karlsson, Carol Karlsson, William Knudson, Rodrigo Laigo, Naomi Laigo, Ronald Lake, Joyce Lake, Bradley Long, James Luque, Juan Marquez, Ileana Ost, Bob Ost, Emily Ost, Cynthia Oti, Jean Permison, Charles Russell, James Ryan, Ellen Salyer, Joan Smith, Janice Stokes, Morris Thompson, Thelma Thompson, Cheryl Thompson, Nina Voronoff, and Steve Wilkie; and

WHEREAS, These individuals will be missed by their family, friends, and communities, but through our memory of them, they will not be forgotten;

NOW, THEREFORE, BE IT RESOLVED, That it is with deepest sympathy, the Senate of the state of Washington does hereby recognize and honor the lives and accomplishments of those lost in the fateful accident, and the strength of their families and friends in coping with this tragedy; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Earlene Shaw, Jim Busche, and John F. Kelly, President of Alaska Airlines.

Senators Kohl-Welles, Swecker, Thibaudeau, Costa, Stevens, Snyder, Heavey, and Betti Sheldon spoke to Senate Resolution 2000-8722.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced and offered condolences to the Donald Shaw family, to Jim and Marianne Busche and their family and to Linda Hull, Alaskan Airlines Representative, who were seated in the gallery.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8418, by Senators Hargrove, Heavey, Kohl-Welles, Long, Franklin and Kline

Reviewing state sentencing policy.

MOTIONS

On motion of Senator Heavey, Substitute Senate Concurrent Resolution No. 8418 was substituted for Senate Concurrent Resolution No. 8418 and the substitute concurrent resolution was placed on second reading and read the second time.

Senator Roach moved that the following amendment be adopted:

On page 2, line 17, after "sentences" strike "and existing sentence enhancements" and insert ", existing sentence enhancements, and special sentencing alternatives"

Debate ensued.

Senator Johnson demanded a roll call and the demand was sustained.

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Roach on page 2, line 17, to Substitute Senate Concurrent Resolution No. 8418.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Costa, Deccio, Eide, Fairley, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 42.

Absent: Senators Benton and West - 2.

Excused: Senators Bauer, Brown, Finkbeiner, Fraser and Sellar - 5.

MOTION

On motion of Senator Honeyford, Senators Benton and West were excused.

MOTION

On motion of Senator Heavey, the rules were suspended, Engrossed Substitute Senate Concurrent Resolution No. 8418 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8418.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8418 and the concurrent resolution passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Costa, Deccio, Eide, Fairley, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 42.

Excused: Senators Bauer, Benton, Brown, Finkbeiner, Fraser, Sellar and West - 7.

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8418, having received the constitutional majority, was declared passed.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8426, by Senators Rasmussen, Swecker, Snyder, Bauer, Goings, McCaslin, Winsley, Oke, West, Shin, Benton, Thibaudeau, Roach, Johnson, B. Sheldon, Haugen, Heavey, Fairley, Spanel, Prentice, Loveland, Fraser, Kohl-Welles and McAuliffe

Creating a joint select committee on veterans and military affairs.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Concurrent Resolution No. 8426 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution No. 8426.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8426 and the concurrent resolution passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Costa, Deccio, Eide, Fairley, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 41.

Absent: Senator Loveland - 1.

Excused: Senators Bauer, Benton, Brown, Finkbeiner, Fraser, Sellar and West - 7.

SENATE CONCURRENT RESOLUTION NO. 8426, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Honeyford, Senator Johnson was excused.

MOTION

On motion of Senator Betti Sheldon, Senator Loveland was excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Heavey, Gubernatorial Appointment No. 9200, Marilyn Showalter, as Chair of the Utilities and Transportation Commission, was confirmed.

APPOINTMENT OF MARILYN SHOWALTER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Costa, Eide, Fairley, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 39.

Absent: Senator Deccio - 1.

Excused: Senators Bauer, Benton, Brown, Finkbeiner, Fraser, Johnson, Loveland, Sellar and West - 9.

MOTION

On motion of Senator Goings, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Snyder, the following resolution was adopted:

SENATE RESOLUTION 2000-8729

By Senator Snyder, Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli

WHEREAS, Former Washington State Representative Bob Basich, who served six terms in unselfish, distinguished work for citizens of Grays Harbor, Cowlitz, Pacific, and Wahkiakum counties, and for all people of Washington, passed away; and

WHEREAS, Affectionately and very appropriately known as "Coach," Representative Basich went peacefully to the next world; and

WHEREAS, Coach Basich and his wonderful wife, Anita, raised three exemplary children in Aberdeen, the city of his birth made all the better for his years of teaching, coaching, and mentoring; and

WHEREAS, The students and staff in classrooms all across Washington were always uppermost in the mind of Representative Basich through his unwavering commitment to improve and strengthen our schools; and

WHEREAS, During a legislative career that will be forever modeled by men and women here and in other state governments, Representative Basich placed maximum importance on protecting and preserving the natural resources that help make our great land so truly magnificent; and

WHEREAS, A United States Navy veteran of World War II, Representative Basich was a champion for the rights and recognition of servicemen and servicewomen who stood ready to make the ultimate sacrifice, and for those American heroes and heroines who did lose their lives in service to our country; and

WHEREAS, Coach Basich, our true friend and colleague, was tireless and scrupulous in his work to highlight the importance of self-esteem, personal accountability, and a positive mental attitude on the part of our young people; and

WHEREAS, The civic-mindedness of Representative Basich was reflected in his Associated Student Body presidencies at Aberdeen High School and Grays Harbor College, and later in his service on the Aberdeen City Council; and

WHEREAS, The steadfast and honorable perspective of Bob Basich was an honest-to-goodness touchstone for peers and contemporaries in classrooms of learning, in gymnasiums and fields of athletic endeavor, and in legislative halls; and

WHEREAS, Coach Basich earned All-American honors as a football player at St. Martin's College and is a member of the school's Sports Hall of Fame; and

WHEREAS, In his years of teaching and coaching at the high school and college level, Representative Basich was a source of inspiration and motivation for thousands of young men and women; and

WHEREAS, For more than four decades, Coach Basich worked with young athletes of the Grays Harbor communities as an umpire, and as a baseball coach at the Little League, Babe Ruth, American Legion, semiprofessional, and minor league levels; and

WHEREAS, A remarkable ballroom dancer, Representative Basich, even as we speak, is surely dancing with the angels; and

WHEREAS, Although the Legislature hasn't been the same without him and now the world won't be the same without him, Representative Basich would be the first to admonish that we not mourn his passing, but that instead we celebrate his life and the time that he laughed, played, and worked among us;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate the distinguished legislative, professional, athletic, and, most of all, the personal life of Washington State Representative Bob Basich; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of the family of Washington State Representative Bob Basich.

Senators Snyder, Hargrove, Heavey, Tim Sheldon, Oke, Rasmussen, Hochstatter, Jacobsen and Kohl-Welles spoke to Senate Resolution 2000-8729.

MOTION

On motion of Senator Jacobsen, all Senator’s names will be included on Senate Resolution 2000-8729.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced and offered condolences to Representative Basich's wife, Anita; his son, John; his daughters, Kathy and Kris; and his grandchildren, Tiffany, Dominic, Brandon, Maloree and other family members, who were seated in the gallery.

MOTION

At 11:46 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Monday, February 21, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FORTIETH DAY, FEBRUARY 18, 2000

NOTICE: **Formatting and page numbering in this document may be different from that in the original published version.**

FORTY-THIRD DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 21, 2000

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

February 17, 2000

SB 5857 Prime Sponsor, Senator Goings: Providing alternative financing mechanisms for regional transit authorities. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5857 be substituted therefore and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Heavey, Horn, Jacobsen, Johnson, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 18, 2000

SHB 2022 Prime Sponsor, House Committee on Higher Education: Expanding the national guard scholarship program. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 18, 2000

EHB 2322 Prime Sponsor, Representative Esser: Amending the partnership and limited liability company acts. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

February 18, 2000

HB 2328 Prime Sponsor, Representative Lantz: Decreasing filing fees for petition for unlawful harassment. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

February 18, 2000

HB 2329 Prime Sponsor, Representative McDonald: Changing descriptions in judgments involving real property. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Johnson, Long and McCaslin.

Passed to Committee on Rules for second reading.

February 18, 2000

HB 2339 Prime Sponsor, Representative O'Brien: Ranking the penalty for foreign protection order violations. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

February 18, 2000

EHB 2340 Prime Sponsor, Representative O'Brien: Providing for removal of offenders from the drug offender sentencing alternative who are subject to a deportation order. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

February 17, 2000

HB 2440 Prime Sponsor, Representative Mitchell: Making driver licensing laws more understandable. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 17, 2000

HB 2496 Prime Sponsor, Representative Delvin: Creating an exemption for out-of-state certificate of approval holders that furnish wine or beer to nonprofit charitable organizations. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 17, 2000

HB 2532 Prime Sponsor, Representative Fisher: Allowing the department of transportation to recognize volunteer pilots. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Heavey, Horn, Johnson, Morton, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 18, 2000

EHB 2559 Prime Sponsor, Representative Carlson: Changing advanced college tuition payment program provisions. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 17, 2000

SHB 2590 Prime Sponsor, House Committee on Financial Institutions and Insurance: Extending the expiration date on certain pollution liability insurance programs. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 17, 2000

ESHB 2617 Prime Sponsor, House Committee on Transportation: Extending regulation of excursion cruise services. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Heavey, Horn, Johnson, Morton, Patterson, Prentice, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 17, 2000

HB 2848 Prime Sponsor, Representative Hatfield: Safeguarding securities. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 17, 2000

SHB 2863 Prime Sponsor, House Committee on Transportation: Establishing insurance coverage provisions for regional transit authorities. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Costa, Eide, Heavey, Horn, Jacobsen, Johnson, Morton, Patterson, Prentice, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 16, 2000

GA 9054 JOE BOWEN, appointed January 28, 1997, for a term ending June 17, 2000, as a member of the Human Rights Commission.
Reported by Committee on Judiciary

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Haugen, Johnson, Long, McCaslin and Thibaudeau.

Passed to the Committee on Rules.

February 16, 2000

GA 9184 JUDGE ROBERT W. WINSOR, reappointed October 20, 1998, for a term ending September 25, 2002, as a member of the Clemency and Pardons Board.
Reported by Committee on Judiciary

MAJORITY Recommendation: That said reappointment be confirmed Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Haugen, Johnson, Long, McCaslin and Thibaudeau.
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Passed to the Committee on Rules.

February 16, 2000

GA 9243 JULIA L. GARRATT, appointed July 23, 1999, for a term ending April 15, 2004, as a member of the Indeterminate Sentence Review Board.

Reported by Committee on Judiciary

MAJORITY Recommendation: That said appointment be confirmed Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Haugen, Johnson, Long, McCaslin and Thibaudeau.

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Passed to the Committee on Rules.

February 16, 2000

GA 9247 RUSSELL D. HAUGE, reappointed August 12, 1999, for a term ending August 2, 2002, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Judiciary

MAJORITY Recommendation: That said reappointment be confirmed Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Haugen, Johnson, Long, McCaslin and Thibaudeau.

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Passed to the Committee on Rules.

February 17, 2000

GA 9267 A. MICHELE MAHER, reappointed May 24, 1999, for a term ending June 30, 2005, as a member of the Transportation Commission.

Reported by Committee on Transportation

MAJORITY Recommendation: That said reappointment be confirmed Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sheahan, Swecker, T. Sheldon, Shin and Swecker.

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Passed to the Committee on Rules.

February 16, 2000

GA 9297 CYRUS R. VANCE, reappointed August 23, 1999, for a term ending August 2, 2002, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Judiciary

MAJORITY Recommendation: That said reappointment be confirmed Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Haugen, Johnson, Long, McCaslin and Thibaudeau.

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Passed to the Committee on Rules.

February 18, 2000

GA 9298 MARILYN WALTON, appointed August 6, 1999, for a term ending September 30, 2000, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Jacobsen, McAuliffe, Sheahan and B. Sheldon.

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Passed to the Committee on Rules.

February 16, 2000

GA 9301 JENNY WIELAND, reappointed August 12, 1999, for a term ending August 2, 2002, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Judiciary

MAJORITY Recommendation: That said reappointment be confirmed Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Haugen, Johnson, Long, McCaslin and Thibaudeau.

Passed to the Committee on Rules.

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Tuesday, February 22, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-THIRD DAY, FEBRUARY 21, 2000

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FORTY-FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 22, 2000

The Senate was called to order at 12:00 noon by President Pro Tempore Wojahn. No roll call was taken.

MOTION

On motion of Senator Spanel, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

February 21, 2000

ESHB 2078 Prime Sponsor, House Committee on Natural Resources: Merging Titles 75 and 77 RCW. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Oke, Rossi, Snyder and Spanel.

Passed to Committee on Rules for second reading.

February 21, 2000

SHB 2399 Prime Sponsor, House Committee on Judiciary: Making technical corrections to Titles 76, 78, 79, and 79A RCW. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Oke, Rossi, Snyder and Spanel.

Passed to Committee on Rules for second reading.

February 21, 2000

HB 2722 Prime Sponsor, Representative Kenney: Excluding exempt positions from bargaining units of employees of institutions of higher education governed by chapter 41.56 RCW. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 21, 2000

GA 9199 CECILIA VOGT, appointed February 9, 1999, for a term ending December 31, 2004, as a member of the Parks and Recreation Commission.
Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Oke, Rossi, Snyder and Spanel.

Passed to the Committee on Rules.

February 21, 2000

GA 9211 GREGORY COSTELLO, reappointed March 2, 1999, for a term ending January 1, 2005, as a member of the Forest Practices Appeals Board.
Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Oke, Rossi, Snyder and Spanel.

Passed to the Committee on Rules.

February 21, 2000

GA 9259 EGIL KROGH, appointed September 13, 1999, for a term ending December 31, 2001, as a member of the Interagency Committee for Outdoor Recreation.
Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Oke, Rossi, Snyder and Spanel.

Passed to the Committee on Rules.

February 21, 2000

GA 9265 JAMES O. LUCE, appointed June 13, 1999, for a term ending June 12, 2003, as a member of the Columbia River Gorge Bi-State Commission.

Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Oke, Rossi, Snyder and Spanel.

Passed to the Committee on Rules.

February 21, 2000

GA 9266 RUTH M. MAHAN, reappointed September 13, 1999, for a term ending December 31, 2001, as a member of the Interagency Committee for Outdoor Recreation.

Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Oke, Rossi, Snyder and Spanel.

Passed to the Committee on Rules.

February 21, 2000

GA 9278 ROBERT L. PARLETTE, reappointed September 13, 1999, for a term ending December 31, 2001, as a member of the Interagency Committee for Outdoor Recreation.

Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Oke, Rossi, Snyder and Spanel.

Passed to the Committee on Rules.

February 21, 2000

GA 9285 KEVIN M. RAYMOND, appointed August 23, 1999, for a term ending September 30, 2003, as a member of the Board of Trustees for Western Washington University.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 21, 2000

GA 9307 DAWN M. REYNOLDS, appointed November 24, 1999, for a term ending December 30, 2000, as a member of the Fish and Wildlife Commission.

Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Oke, Rossi, Snyder and Spanel.

Passed to the Committee on Rules.

February 21, 2000

GA 9301 NANCY TRUITT PIERCE, reappointed October 1, 1999, for a term ending September 30, 2000, as a member of the Board of Trustees for Everett Community College District No. 5.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 21, 2000

GA 9318 MARK MAYS, reappointed October 28, 1999, for a term ending September 30, 2003, as a member of the Board of Trustees for Eastern Washington University.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 21, 2000

GA 9324 DONNA DeJARNATT, reappointed January 21, 2000, for a term ending September 30, 2002, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

February 2, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Bertha M. Goehner, appointed February 2, 2000, for a term ending September 30, 2004, as a member of Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Higher Education.

MOTION

At 12:02 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Wednesday, February 23, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-FOURTH DAY, FEBRUARY 22, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FORTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 23, 2000

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Brown, Finkbeiner, Sellar, Shin and Swecker. On motion of Senator Honeyford, Senator Sellar was excused. On motion of Senator Eide, Senators Bauer, Brown and Shin were excused.

The Sergeant at Arms Color Guard, consisting of Pages Shana Heavey and Ryan Green presented the Colors. Reverend Tammy Stampfli, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

February 22, 2000

SB 6216 Prime Sponsor, Senator Haugen: Defining rural counties for purposes of sales and use tax for public facilities in rural counties. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Long, Rasmussen, Rossi, B. Sheldon, Spanel, Thibaudeau, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 22, 2000

SB 6399 Prime Sponsor, Senator Eide: Modifying the commute trip reduction tax credit. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6399 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Kline, Kohl-Welles, Long, McDonald, Rasmussen, B. Sheldon, Spanel, Thibaudeau and Wojahn.

Passed to Committee on Rules for second reading.

February 21, 2000

HB 1070 Prime Sponsor, Representative Romero: Authorizing the general contractor/construction manager contracting procedure for school district capital projects. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 21, 2000

HB 2397 Prime Sponsor, Representative Scott: Revising provisions relating to local government fiscal notes. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 21, 2000

SHB 2528 Prime Sponsor, House Committee on Local Government: Regulating capacity charges for sewage facilities by metropolitan municipal corporations. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 21, 2000

HB 2536 Prime Sponsor, Representative Miloscia: Concerning the general contractor/construction manager procedure of public works contracting. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 22, 2000

HB 2579 Prime Sponsor, Representative Lambert: Making technical corrections to the implementation of the federal personal responsibility and work opportunity reconciliation act of 1996. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

February 22, 2000

EHB 2609 Prime Sponsor, Representative Carrell: Allowing agents to give notice of dishonored checks. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That the bill be referred to Committee on Judiciary. Signed by Senators Prentice, Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Referred to Committee on Judiciary.

February 21, 2000

HB 2650 Prime Sponsor, Representative Romero: Simplifying agency to agency transfer of small amounts of personal property. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 22, 2000

HB 2686 Prime Sponsor, Representative Tokuda: Updating definitions of income and resources. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

February 21, 2000

HB 2765 Prime Sponsor, Representative McIntire: Authorizing delegation of authority regarding revenue bonds for port districts. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 22, 2000

HB 2926 Prime Sponsor, Representative DeBolt: Repealing certain coal tax exemptions. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser, Hochstatter and Roach.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENT

February 22, 2000

GA 9281 JOSEPH J. PINZONE, reappointed September 22, 1999, for a term ending June 30, 2003, as a member of the Work Force Training and Education Coordinating Board.

Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to the Committee on Rules.

MESSAGE FROM SENTENCING GUIDELINES COMMISSION

STATE OF WASHINGTON
SENTENCING GUIDELINES COMMISSION
925 Plum Street SE, Building 4, Second Floor
Post Office Box 40927
Olympia, Washington 98504-0927

February 14, 2000

Dear Senator:

Enclosed you should find a copy of the latest report from the Sentencing Guidelines Commission, entitled "The Sentencing Reform Act at Century's End." On behalf of the Commission, I have transmitted the report to the Governor and to the Legislature pursuant to RCW 9.94A.040(2)(a)(ii). The report assesses the current status of sentencing policy and practice in Washington under the Sentencing Reform Act, and identifies current key issues related to the state's structured sentencing system.

This report is the result of a year-long series of discussions held by the full Commission during 1999, addressing each of the stated purposes of the Sentencing Reform Act. In consideration of the historical context of the Act, the Commission has evaluated the extent to which the Act's stated purposes are being achieved and whether they remain relevant to current sentencing practice in Washington.

The Commission hopes this report will help foster a better understanding of Washington's felony sentencing system and of ways in which that system can be improved. I hope you find the report informative and useful as you continue to work with your colleagues on issues related to pubic safety and criminal justice.

If you have any questions concerning the enclosed report, or if you should need further information regarding any other Commission publications or activities, please feel free to call the Commission office at 360/956-2130.

Sincerely,

David Boerner, Chair

Sentencing Guidelines Commission

The Sentencing Guidelines Commission report "The Sentencing Reform Act at Century's End" is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 6856 by Senators Goings, Gardner, Haugen, Prentice and Jacobsen

AN ACT Relating to transportation funding; amending RCW 82.08.020, 43.89.010, 46.12.040, 46.68.035, 82.36.380, 82.38.270, 43.43.115, 43.84.092, 46.01.140, 46.16.010, 46.32.090, 46.32.100, 46.68.030, 47.68.255, 63.35.040, 63.35.050, 82.48.020, 82.49.010, 88.02.118, 46.61.440, 46.63.110, 46.68.041, 43.88.020, 43.88.030, 43.88.120, 43.88.122, 44.40.070, 82.14.045, 82.45.010, and 35.21.755; reenacting and amending RCW

43.84.092, 43.84.092, 43.84.092, 46.61.5054, 43.59.150, 82.04.050, and 82.36.025; adding a new section to chapter 43.59 RCW; adding a new section to chapter 46.64 RCW; adding new sections to chapter 81.112 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.29A RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 82.36 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 46.68.260 and 82.44.180; providing effective dates; providing retroactive effective dates; providing an expiration date; and declaring an emergency.
Referred to Committee on Transportation.

MOTION

On motion of Senator Betti Sheldon, the following bills which were left on the Second and Third Reading Calendars were returned to the Committee on Rules:

SECOND READING

SB 5172 f HIV testing of offenders
SB 5351 f Indecent exposure
SB 5388 f Dental hygienists/sealants
SB 5405 f Ballot names rotation
SB 5469 Bid amounts/inflation
2ESSB 5470 f Chemically related illnesses
SB 5481 Manufactured housing siting
SB 5493 Vessel DUI
ESB 5631 f Vocational rehabilitation
SB 6116 f Judges pro tempore
SB 6143 f Lottery for baseball stadium
SB 6146 f Cheating at gambling
SB 6148 f Mining in flood plains
SB 6159 Air pollution control authorities
SB 6176 f Warehouse receipts
SB 6192 f Dog/cat fur sale labeling
SB 6253 Custom meat slaughter
SB 6281 f Ferries as no smoking areas
SB 6338 f Liquor agencies advisory com
SB 6352 The Rev. M.L. King, Jr.
SB 6356 f Contractors/consumer protection
SB 6379 Attorneys' fees
SB 6388 f Traffic control/roadway illumination
SB 6398 f Boarding homes
SB 6428 f Pollution liability ins
SB 6430 f Oil tanker spill prevention
SB 6435 f Electrical energy sales tax
SB 6437 f Trade name registrations
SB 6443 Surplus personal property
SB 6445 Ballot title laws
SB 6498 DNA testing/death sentence
SB 6500 Nonprofit organizations/ information services
SB 6505 Nuclear power sites
SB 6509 f Child support documents
SB 6510 f Federal personal/responsibility act
SB 6511 f Patients in state hospitals
SB 6519 Growth management
SB 6527 $f School employee housing assistance

SB 6565 f Motorcycles
SB 6588 f Bingo games
SB 6596 Initiatives and referendums
SB 6608 Human services agency
SB 6742 Victims/juvenile offenses
SB 6747 High technology/higher education
SB 6778 Water-sewer district
SJM 8011 Unilateral trade sanctions
SJM 8016 Douglas fir bark beetles
SCR 8424 Environmental protection

THIRD READING

ESSB 5000 f Salmon species license plates
SSB 5050 Intractable pain treatment
ESSB 5205 Cruelty to animals
SSB 5285 Nuisances
SSB 5325 Unincorporated area councils
SSB 5482 f Medical research records
SB 5519 Growth management/project review
SSB 5522 f TANF work activity
SSB 5900 Political campaign advertising expenditures
SCR 8409 Veterans and military affairs

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6067 and Senate Bill No. 6304 were held on the second reading calendar.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the eighth order of business.

MOTION

On motion of Senator Betti Sheldon, the following resolution was adopted:

SENATE RESOLUTION 2000-8730

By Senators Sheldon, B., Roach, Spanel, Kohl-Welles, Fairley, Prentice, and Rasmussen

WHEREAS, For over fifty years, the staff and volunteers of Washington State's YMCA Youth and Government have been helping young people experience democracy in action through two successful programs, the YMCA Youth Legislature and the YMCA Mock Trial Competition; and

WHEREAS, The YMCA Youth Legislature will meet for its fifty-third session from May 3, 2000, through May 6, 2000, and expects over four hundred-forty participants; and

WHEREAS, The YMCA Mock Trial Competition began twelve years ago, and continues this year from March 26, 2000, through March 27, 2000, and expects over five hundred participants; and

WHEREAS, The goals of the YMCA Youth and Government programs are to foster the development of citizen responsibility and communication skills; to inspire young people to develop integrity and social responsibility; to foster social competence; problem-solving ability; autonomy; and sense of purpose in young adults; to provide training; experience; and active participation in the legislative and judicial processes; to provide opportunities to hear and respect varying viewpoints; and to apply ethical values in making public policy; and

WHEREAS, Through participation in the YMCA Youth and Government programs, young people in Washington State develop a strong sense of self-reliance and self-esteem; and

WHEREAS, In the YMCA Youth Legislature, young adults take on a variety of roles in government, including elected positions, and exercise their responsibilities during a four day session held at the State Capitol; and

WHEREAS, Through the YMCA Youth Legislature, young adults learn how to write legislation, use parliamentary procedure, speak publicly and persuasively, and compromise to achieve a goal; and

WHEREAS, The motto of the YMCA Youth Legislature is Democracy Must Be Learned by Every Generation; and

WHEREAS, In the YMCA Mock Trial Competition, young adults prepare and try a case before a real judge in an actual courtroom; and

WHEREAS, Through the YMCA Mock Trial Competition, young adults develop critical thinking and analytical skills, learn the art of oral advocacy, and appreciate the importance of teamwork and cooperation under the pressure of preparing and arguing their cases; and

WHEREAS, The Legislature of the state of Washington encourages the interests of our youth in legislative matters and in the proceedings of the Legislature;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor YMCA Youth and Government programs.

MOTION

On motion of Senator Wojahn, the following resolution was adopted:

SENATE RESOLUTION 2000-8732

By Senators Wojahn, Deccio, Thibaudeau, Fraser, Spanel, Roach, Fairley, Prentice, and Rasmussen

WHEREAS, The Arts enhance the lives of the people of the state of Washington; and

WHEREAS, The Arts have long been a part of community development with thousands of Artists commissioned through the Works Progress Administration (WPA) during the 1930's; and

WHEREAS, Washington continues to benefit from the contributions of the state's many Arts agencies, facilities, organizations and individual artists, including photographers, playwrights, actors, directors, writers, musicians, painters, carvers, sculptors, weavers, and craftspeople; and

WHEREAS, The Arts stimulate creative thinking, and full brain development, assist with the teaching of other subjects, encourage self-expression, promote common understanding, and transmit cultural values to future generations; and

WHEREAS, The Arts enable lifelong learning, are essential to a basic education, and foster logical analysis, self-discipline, and cooperation; and

WHEREAS, The Arts contribute to the economic development in our state's communities by generating millions of dollars in revenue each year through performances, projects, exhibitions, festivals, art walks, craft fairs, and concerts; and

WHEREAS, The Arts of Washington State have received international acclaim for the quality of our Artists, Arts Educators, and Arts Institutions, drawing audiences from across the nation and the world to the Northwest, and making cultural tourism a vital part of our
economy;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the Arts, Artists, Arts Educators, and Arts Institutions of this state, and encourage all the citizens of Washington State to join the conversation in planning on the Arts as we address the issues and opportunities for Arts and culture for our state and our communities.

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Secretary of the Senate to the Washington State Arts Commission and the Office of the Superintendent of Public Instruction on behalf of all the Artists, Arts Educators, and Arts Institutions of this state.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Jacobsen, Gubernatorial Appointment No. 9227, Frank L. Cassidy, Jr., as a member of the Salmon Recovery Funding Board, was confirmed.

APPOINTMENT OF FRANK L. CASSIDY, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Benton, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senators Finkbeiner and Swecker - 2.

Excused: Senators Bauer, Brown, Sellar and Shin - 4.

MOTION

On motion of Senator Eide, Senator Patterson was excused.

MOTION

On motion of Senator Honeyford, Senator Finkbeiner was excused.

MOTION

On motion of Senator Jacobsen, Gubernatorial Appointment No. 9271, Brenda P. McMurray, as a member of the Salmon Recovery Funding Board, was confirmed.

APPOINTMENT OF BRENDA P. McMURRAY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Bauer, Finkbeiner, Patterson, Sellar and Shin - 5.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Apple Blossom Festival Queen Chelsea Waliser, and Princesses Mary Beth Brewer and Alison Brigleb, who were seated on the rostrum.

With permission of the Senate, business was suspended to permit Queen Chelsea to address the Senate.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS
MOTION

On motion of Senator Jacobsen, Gubernatorial Appointment No. 9280, James L. Peters, as a member of the Salmon Recovery Funding Board, was confirmed.

APPOINTMENT OF JAMES L. PETERS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Bauer, Finkbeiner, Patterson, Sellar and Shin - 5.

MOTION

On motion of Senator Franklin, Senator Loveland was excused.

MOTION

On motion of Senator McCaslin, Gubernatorial Appointment No. 9125, Richard Hemstad, as a member of the Utilities and Transportation Commission, was confirmed.

APPOINTMENT OF RICHARD HEMSTAD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Absent: Senator Heavey - 1.

Excused: Senators Bauer, Finkbeiner, Loveland, Patterson, Sellar and Shin - 6.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Heavey, the following resolution was adopted:

SENATE RESOLUTION 2000-8731

By Senators Heavey, Johnson, Long, Franklin, Spanel, Roach, Fraser, McCaslin, Sheldon, B., Goings, Fairley, Prentice, Rasmussen, McAuliffe, and Kohl-Welles

WHEREAS, Many men and women from Washington State have served and continue to serve their communities as dedicated law enforcement officers; and

WHEREAS, The brave men and women of law enforcement frequently place their own safety at risk to help us all live in safer, healthier communities; and

WHEREAS, Under difficult circumstances, the honorable men and women of law enforcement valiantly put themselves on the line to protect both persons and property during the recent events surrounding the World Trade Organization conference in Seattle; and

WHEREAS, The men and women of law enforcement steadfastly protected rights of the guests, visitors, and residents of Seattle including many thousands of peaceful and law-abiding demonstrators from unions, churches and other organizations; and

WHEREAS, The outstanding men and women of law enforcement should be recognized for their courage in respecting the rule of law, maintaining the safety of the public, and proving their character and fortitude in taking a leadership role in keeping the peace;

NOW, THEREFORE, BE IT RESOLVED, That the Senate express its heartfelt appreciation to men and women of law enforcement for their dedicated service and their recent performance in ensuring the well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to each law enforcement agency that participated in Seattle during the World Trade Organization conference, including the Auburn Police Department, Bainbridge Island Police Department, Bonney Lake Police Department, Bothell Police Department, Brier Police Department, Buckley Police Department, Covington Police Department, Des Moines Police Department, Edmonds Police Department, Enumclaw Police Department, Everett Police Department, Federal Way Department of Public Safety, Gig Harbor Police Department, Issaquah Police Department, Kent Police Department, King County Department of Adult and Juvenile Detention, King County Sheriffs Office, Kirkland Police Department, Kitsap County Sheriffs Office, Lake Forest Park Police Department, Lake Stevens Police Department, Lynnwood Police Department, Marysville Police Department, Mercer Island Police Department, Mill Creek Police Department, Milton Police Department, Monroe Police Department, Mountlake Terrace Police Department, Mukilteo Police Department, Orting Police Department, Pacific Police Department, Pierce County Sheriffs Department, Port of Seattle Police Department, Redmond Police Department, Renton Police Department, Seattle Police Department, Snohomish County Sheriffs Office, Snohomish Police Department, Sultan Police Department, Sumner Police Department, Tacoma Police Department, Tukwila Police Department, University of Washington Police Department, Washington State Department of Corrections, and the Washington State Patrol.

Senators Heavey, Johnson, Franklin, Oke, Kline, Roach, Rasmussen, Prentice and McAuliffe spoke to Senate Resolution 2000-8731.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced and thanked the Law Enforcement Officers, who were seated in the gallery.

MOTION

At 10:59 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, February 24, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

NOON SESSION

Senate Chamber, Olympia, Thursday, February 24, 2000

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Goings, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

February 23, 2000

SB 6062 Prime Sponsor, Senator Gardner: Providing a sales and use tax deferral for natural gas-fired energy generating facilities sited in rural areas. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6062 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Fairley, Honeyford, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 23, 2000

SB 6853 Prime Sponsor, Senator Long: Creating a pilot program for supervision of juvenile offenders with mental disorders and chemical abuse disorders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6853 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

February 23, 2000

SHB 1218 Prime Sponsor, House Committee on Health Care: Modifying provisions related to nurse delegation of tasks. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 23, 2000

HB 2031 Prime Sponsor, Representative Ruderman: Including midwives in women's health care services. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 23, 2000

E2SHB 2109 Prime Sponsor, House Committee on Finance: Authorizing tax exemptions for properties of Indian housing authorities designated for low-income housing program uses. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Kohl-Welles, Long, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 23, 2000

HB 2330 Prime Sponsor, Representative McMorris: Allowing liquor revolving fund disbursements to the death investigations account. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 22, 2000

HB 2333 Prime Sponsor, Representative Schual-Berke: Clarifying rights and responsibilities of bicyclists. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Jacobsen, Morton, Oke, Patterson, Prentice, Sheahan and Swecker.

Passed to Committee on Rules for second reading.

February 22, 2000

SHB 2343 Prime Sponsor, House Committee on Financial Institutions and Insurance: Allowing the redemption of vehicles by payments from financial institutions. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Morton, Oke, Patterson, Prentice, Sheahan and Swecker.

Passed to Committee on Rules for second reading.

February 23, 2000

HB 2344 Prime Sponsor, Representative Huff: Authorizing the caseload forecast council to forecast community corrections caseloads. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 23, 2000

SHB 2348 Prime Sponsor, House Committee on Agriculture and Ecology: Authorizing treasurer services for conservation districts. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 23, 2000

2SHB 2359 Prime Sponsor, House Committee on Appropriations: Concerning the nursing facility payment rate. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Referred to Committee on Ways and Means.

February 23, 2000

2SHB 2364 Prime Sponsor, House Committee on Appropriations: Eliminating employment barriers for individuals with disabilities. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Referred to Committee on Ways and Means.

February 23, 2000

SHB 2377 Prime Sponsor, House Committee on Agriculture and Ecology: Regulating custom meat slaughter and preparation. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 23, 2000

SHB 2378 Prime Sponsor, House Committee on Agriculture and Ecology: Regulating structural pest inspections. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 23, 2000

SHB 2383 Prime Sponsor, House Committee on Natural Resources: Creating the aquatic nuisance species committee. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 23, 2000

SHB 2398 Prime Sponsor, House Committee on Judiciary: Making technical corrections to tax statutes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 23, 2000

SHB 2406 Prime Sponsor, House Committee on Natural Resources: Changing salmon recovery provisions. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 23, 2000

SHB 2441 Prime Sponsor, House Committee on State Government: Increasing government accountability through the state sunset review process. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 23, 2000

SHB 2454 Prime Sponsor, House Committee on Health Care: Providing a program to support family and other unpaid long-term caregivers. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Johnson and Winsley.

Referred to Committee on Ways and Means.

February 23, 2000

SHB 2466 Prime Sponsor, House Committee on Natural Resources: Creating a ballast water monitoring program. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 23, 2000

SHB 2493 Prime Sponsor, House Committee on Finance: Simplifying implementation of sales and use tax rate changes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 23, 2000

HB 2495 Prime Sponsor, Representative Pennington: Allowing holders of big and small game hunting licenses to hunt unclassified wildlife. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 23, 2000

SHB 2513 Prime Sponsor, House Committee on Criminal Justice and Corrections: Providing for the release of mental health information under certain circumstances. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 23, 2000

HB 2515 Prime Sponsor, Representative Stensen: Simplifying estate tax penalties. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kohl-Welles, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 23, 2000

HB 2516 Prime Sponsor, Representative Stensen: Regarding disclosure of information to persons against whom successor tax liability is asserted. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 23, 2000

HB 2519 Prime Sponsor, Representative Lovick: Simplifying the excise tax code. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fraser, Honeyford, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 23, 2000

HB 2520 Prime Sponsor, Representative Schual-Berke: Changing terminology in the release from commitment of persons in mental treatment facilities. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 23, 2000

HB 2535 Prime Sponsor, Representative Miloscia: Facilitating payments to subcontractors on design-build projects. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 23, 2000

EHB 2561 Prime Sponsor, Representative Rockefeller: Authorizing the preservation and development of national historic towns outside of urban growth areas. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 23, 2000

ESHB 2589 Prime Sponsor, House Committee on Natural Resources: Clarifying what projects are eligible for funding by the salmon recovery funding board. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 22, 2000

HB 2600 Prime Sponsor, Representative Santos: Controlling domestic insurance companies. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 23, 2000

SHB 2604 Prime Sponsor, House Committee on Appropriations: Creating additional options for payment of retirement allowances.
Reported by Committee on Ways and Means.

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 23, 2000

HB 2607 Prime Sponsor, Representative Delvin: Decreasing the employee contribution rate for the Washington state patrol retirement system. Reported by Committee on Ways and Means.

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 23, 2000

SHB 2628 Prime Sponsor, House Committee on Agriculture and Ecology: Modifying prohibitions on colostrum milk. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 23, 2000

HB 2630 Prime Sponsor, Representative Schoesler: Changing warehouse receipts. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 22, 2000

SHB 2633 Prime Sponsor, House Committee on Commerce and Labor: Registering structural engineers. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 23, 2000

HB 2750 Prime Sponsor, Representative D. Schmidt: Including prevention for potential victims of sexual assault as a core treatment service for victims of sexual assault. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 22, 2000

SHB 2792 Prime Sponsor, House Committee on State Government: Protecting personal financial information. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 23, 2000

ESHB 2798 Prime Sponsor, House Committee on Health Care: Requiring legible prescriptions. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio and Winsley.

Passed to Committee on Rules for second reading.

February 22, 2000

SHB 2846 Prime Sponsor, House Committee on Financial Institutions and Insurance: Providing certain notices to agents or brokers. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Benton, Gardner, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 23, 2000

HB 2851 Prime Sponsor, Representative Reardon: Changing the state's funding limit for flood control maintenance projects. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 24, 2000

HB 2853 Prime Sponsor, Representative Wolfe: Conforming the advisory council for the blind with the federal rehabilitation act. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 22, 2000

HB 2868 Prime Sponsor, Representative Ericksen: Allowing electronic warehouse receipts. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 23, 2000

SHB 2899 Prime Sponsor, House Committee on Commerce and Labor: Developing a workplace safety plan for state hospitals. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 23, 2000

ESHB 2934 Prime Sponsor, House Committee on Local Government: Making changes to flood plain construction limitations. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 23, 2000

HB 2993 Prime Sponsor, Representative G. Chandler: Setting fires for fire fighter instruction. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 23, 2000

EHB 2995 Prime Sponsor, Representative G. Chandler: Modifying provisions concerning apiaries. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Gardner, Honeyford, Morton, Prentice, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 23, 2000

HB 3028 Prime Sponsor, Representative Mastin: Establishing a program for the recovery of fish runs listed under the federal endangered species act. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 23, 2000

SHB 3099 Prime Sponsor, House Committee on Capital Budget: Allowing state and local governments to continue to lower their exposure to interest rate fluctuations with respect to financial obligations. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 23, 2000

HJM 4023 Prime Sponsor, Representative Buck: Requesting federal support for Washington's efforts toward salmon recovery. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 23, 2000

HJM 4026 Prime Sponsor, Representative Doumit: Requesting a review of migratory bird predation on salmonid stocks. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass as amended. Signed by Senators T. Sheldon, Vice Chair; Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Goings, Substitute House Bill No. 1218 was referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 23, 2000

GA 9208 ELIOT SCULL, appointed February 9, 1999, for a term ending December 31, 2004, as a member of the Parks and Recreation Commission.

Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to the Committee on Rules.

February 22, 2000

GA 9231 MARTHA CHOE, appointed October 18, 1999, for a term ending at the Governor's pleasure as Director of the Department of Community, Trade and Economic Development.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Prentice, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to the Committee on Rules.

February 23, 2000

GA 9250 DAVID K. HAMRY, appointed January 13, 2000, for a term ending September 30, 2004, as a member of the Board of Trustees for Pierce Community College District No. 11.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Horn, Jacobsen, McAuliffe, Sheahan, and B. Sheldon.

Passed to the Committee on Rules.

February 22, 2000

GA 9272 ROBERT D. McVICARS, appointed August 11, 1999, for a term ending June 30, 2003, as a member of the Housing Finance Commission

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Prentice, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to the Committee on Rules.

February 22, 2000

GA 9275 JEFFREY W. NITTA, appointed August 11, 1999, for a term ending June 30, 2003, as a member of the Housing Finance Commission.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Prentice, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to the Committee on Rules.

February 22, 2000

GA 9308 VERA CHAN-ING, appointed December 13, 1999, for a term ending January 15, 2001, as a member of the Liquor Control Board.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Prentice, Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to the Committee on Rules.

February 23, 2000

GA 9312 SINNAMON TEIRNEY, appointed June 1, 1999, for a term ending May 31, 2000, as a member of the Board of Trustees for The Evergreen State College.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Horn, Jacobsen, McAuliffe, Sheahan, and B. Sheldon.

Passed to the Committee on Rules.

February 23, 2000

GA 9315 DEAN SUTHERLAND, appointed January 20, 2000, for a term ending December 31, 2000, as a member of the Public Disclosure Commission.

Reported by Committee on State and Local Government.

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Horn, Kline and McCaslin.

Passed to the Committee on Rules.

February 23, 2000

GA 9316 JANE NISHITA, appointed May 24, 1999, for a term ending April 3, 2003, as a member of the State Board for Community and Technical Colleges.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Horn, Jacobsen, McAuliffe, Sheahan, and B. Sheldon.

Passed to the Committee on Rules.

February 23, 2000

GA 9319 GERALD A. MARSH, appointed January 21, 2000, for a term ending December 31, 2004, as a member of the Public Disclosure Commission.

Reported by Committee on State and Local Government.

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Horn, Kline and McCaslin.

Passed to the Committee on Rules.

MOTION

At 12:01 p.m., on motion of Senator Goings, the Senate adjourned until 10:00 a.m., Friday, February 25, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

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FORTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 25, 2000

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Brown, Finkbeiner, Hargrove and Sellar. On motion of Senator Franklin, Senators Bauer, Brown and Hargrove were excused. On motion of Senator Honeyford, Senators Finkbeiner and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages Erica Jewell and Andrew Smith presented the Colors. Reverend Tammy Stampfli, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

February 24, 2000

E2SHB 1071 Prime Sponsor, House Committee on State Government: Creating a limited public works process. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Hale, Haugen and Horn.

Passed to Committee on Rules for second reading.

February 24, 2000

HB 2060 Prime Sponsor, Representative DeBolt: Concerning the use of rights-of-way in cities and counties. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: Do pass as amended. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser, Hochstatter and Roach.

Passed to Committee on Rules for second reading.

February 24, 2000

EHB 2334 Prime Sponsor, Representative Gombosky: Modifying electric utility net-metering systems. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fraser, Hochstatter and Roach.

Passed to Committee on Rules for second reading.

February 24, 2000

SHB 2345 Prime Sponsor, House Committee on Criminal Justice and Corrections: Requiring the secretary of social and health services to adopt rules for oversight and operation of the sexually violent predator program. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 22, 2000

HB 2353 Prime Sponsor, Representative Wood: Allowing criminal history records to be sent to the Washington state gambling commission. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

MINORITY Recommendation: Do not pass: Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 22, 2000

SHB 2358 Prime Sponsor, House Committee on Commerce and Labor: Allowing charitable organizations to hire vendors to conduct fund raising events. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Benton, Gardner, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

February 23, 2000

SHB 2372 Prime Sponsor, House Committee on Child and Family Service: Regulating detention of children within secure facilities. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 24, 2000

SHB 2392 Prime Sponsor, House Committee on Local Government: Creating the joint task force on local governments. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 24, 2000

EHB 2396 Prime Sponsor, Representative Mulliken: Modifying provisions that exempt certain municipal officers from the prohibitions on beneficial interests in contracts. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Hale, Horn, Kline and McCaslin.

MINORITY Recommendation: Do not pass. Signed by Senator Gardner, Vice Chair.

Passed to Committee on Rules for second reading.

February 22, 2000

HB 2400 Prime Sponsor, Representative Constantine: Making technical corrections to Titles 18 and 19 RCW. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 24, 2000

EHB 2424 Prime Sponsor, Representative Ballasiotes: Changing provisions to comply with federal standards for monitoring sex offenders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 24, 2000

HB 2449 Prime Sponsor, Representative Pennington: Revising provisions relating to ethics board staff review of ethics complaints. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 22, 2000

SHB 2453 Prime Sponsor, House Committee on Appropriations: Revising the penalties for cheating at gambling. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Benton, Gardner, Heavey, Rasmussen, T. Sheldon and Winsley.

Referred to Committee on Ways and Means.

February 24, 2000

SHB 2491 Prime Sponsor, House Committee on Appropriations: Providing a procedure to conduct DNA testing of evidence for persons sentenced to death or life imprisonment. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

February 24, 2000

EHB 2565 Prime Sponsor, Representative Poulsen: Providing for disclosure to consumers regarding the characteristics associated with their electric energy product. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser and Hochstatter.

Passed to Committee on Rules for second reading.

February 22, 2000

SHB 2599 Prime Sponsor, House Committee on Local Government: Creating a training program for port district officials. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

February 24, 2000

2SHB 2637 Prime Sponsor, House Committee on Appropriations: Requiring background checks on persons who will be in contact with vulnerable adults. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 24, 2000

SHB 2644 Prime Sponsor, House Committee on Agriculture and Ecology: Restoring unfinished nuclear power sites. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: Do pass as amended. Signed by Senators Brown, Chair; Goings, Vice Chair; Fraser, Hochstatter and Roach.

Passed to Committee on Rules for second reading.

February 24, 2000

ESHB 2647 Prime Sponsor, House Committee on Commerce and Labor: Requiring safety devices for flaggers. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

February 24, 2000

SHB 2649 Prime Sponsor, House Committee on Technology, Telecommunications and Energy: Granting the department of information services the authority to provide services to nonprofit organizations. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley and Fraser.

Passed to Committee on Rules for second reading.

February 22, 2000

HB 2657 Prime Sponsor, Representative B. Chandler: Allowing a licensed distiller to hold a spirits, beer, and wine license. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Benton, Gardner, Hale, Rasmussen, T. Sheldon and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

February 24, 2000

2SHB 2663 Prime Sponsor, House Committee on Appropriations: Creating a pilot program to provide atypical antipsychotic medications to underserved populations. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Long, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

February 24, 2000

SHB 2671 Prime Sponsor, House Committee on Finance: Establishing procedures for handling tax billing errors. Reported by Committee on Energy, Technology and Telecommunications

Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley and Fraser.

Passed to Committee on Rules for second reading.

February 24, 2000

SHB 2673 Prime Sponsor, House Committee on State Government: Regulating mail to constituents. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 23, 2000

HB 2684 Prime Sponsor, Representative D. Sommers: Clarifying what records are available to the department of social and health services. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 24, 2000

EHB 2755 Prime Sponsor, Representative Gombosky: Clarifying the taxation of electrical energy sales. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser, Hochstatter and Roach.

Referred to Committee on Ways and Means.

February 23, 2000

HB 2807 Prime Sponsor, Representative Kagi: Authorizing blended funding projects for youth. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

February 24, 2000

HB 2861 Prime Sponsor, Representative O'Brien: Modifying the definition of health care information. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 24, 2000

EHB 2873 Prime Sponsor, Representative Parlette: Increasing local government debt limits to finance capital facilities. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 24, 2000

EHB 2881 Prime Sponsor, Representative Crouse: Allowing new forms of regulation of telecommunications companies. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fraser, Hochstatter and Roach.

Passed to Committee on Rules for second reading.

February 23, 2000

SHB 2912 Prime Sponsor, House Committee on Child and Family Service: Requiring the department of social and health services to maintain records on children in state custody who are using psychiatric medications. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 24, 2000

EHB 2985 Prime Sponsor, Representative Edwards: Authorizing hearing examiners to issue final decisions regarding final plats of subdivisions. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Kline and McCaslin.

MINORITY Recommendation: Do not pass. Signed by Senators Hale and Horn.

Passed to Committee on Rules for second reading.

February 24, 2000

SHB 3032 Prime Sponsor, House Committee on Local Government: Extending annexation authority to certain port districts along the Interstate 90 corridor. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale and Kline.

MINORITY Recommendation: Do not pass. Signed by Senator Horn.

Passed to Committee on Rules for second reading.

February 24, 2000

SHJM 4018 Prime Sponsor, House Committee on Local Government: Petitioning the Governor to direct state agencies adopting rules to examine and minimize impacts that would create new costs for local governments. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Hale, Horn and McCaslin.

MINORITY Recommendation: Do not pass. Signed by Senator Gardner, Vice Chair.

Passed to Committee on Rules for second reading.

February 24, 2000

HJM 4022 Prime Sponsor, Representative Delvin: Requesting full funding for a vitrification treatment plant at the Hanford site. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser, Hochstatter and Roach.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Betti Sheldon, House Bill No. 2491 and House Bill No. 2807 were referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 24, 2000

GA 9012 MARSHALL FORREST, appointed April 2, 1997, for a term ending June 30, 2002, as a member of the Gambling Commission.
Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to the Committee on Rules.

February 24, 2000

GA 9317 SUE BATALI, appointed September 2, 1999, for a term ending July 1, 2004, as a member of the Board of Trustees for the State School for the Deaf.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Goings, Hochstatter, Kohl-Welles and Rasmussen.

Passed to the Committee on Rules.

February 24, 2000

GA 9321 LAWRENCE KENNEY, appointed February 7, 2000, for a term ending June 30, 2002, as a member of the Washington Public Power Supply System Board of Directors.

Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser, Hochstatter and Roach.

Passed to the Committee on Rules.

February 24, 2000

GA 9322 GEORGE ORR, appointed January 15, 2000, for a term ending June 30, 2005, as a member of the Gambling Commission.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to the Committee on Rules.

February 24, 2000

GA 9323 MARGARET ALLEN, appointed January 27, 2000, for a term ending June 30, 2000, as a member of the Washington Public Power Supply System Board of Directors.

Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser, Hochstatter and Roach.

Passed to the Committee on Rules.

INTRODUCTION AND FIRST READING

SB 6857 by Senators Winsley and Franklin

AN ACT Relating to nursing facility certificate of need requirements; and amending RCW 70.38.111 and 70.38.115.

Referred to Committee on Health and Long-Term Care.

MOTION

On motion of Senator Spanel, the following resolution was adopted:

SENATE RESOLUTION 2000-8734

By Senators Spanel, Haugen, Oke

WHEREAS, Anacortes resident Commander Darlene M. Iskra has had a distinguished 21-year naval career, commissioned as an Ensign in July, 1979; and

WHEREAS, It is the policy of the Washington State Legislature to honor meritorious service and to recognize excellence in all fields of endeavor on the part of Washingtonians; and

WHEREAS, Commander Darlene M. Iskra was one of the first female line officers to graduate from the Naval School of Diving and Salvage in Washington, D.C.; and

WHEREAS, During her 22-month tour as diving officer and R5/R7 division officer, she earned her surface warfare qualification, conducting many underwater repairs; and

WHEREAS, In December, 1990, she became the first female commanding officer of a commissioned naval vessel, assuming command of USS Opportune; and

WHEREAS, She has received the Humanitarian Service Medal, Defense Meritorious Service Medal, Meritorious Service Medal, Navy Commendation Medal, and Navy Achievement Medal; and

WHEREAS, Commander Darlene M. Iskra will retire from the Navy on April 1, 2000;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and acknowledge the outstanding leadership and commitment to the Navy and to the defense of our country demonstrated by Commander Darlene M. Iskra; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Commander Darlene M. Iskra.

MOTION

On motion of Senator Costa, the following resolution was adopted:

SENATE RESOLUTION 2000-8721

By Senator Costa

WHEREAS, It is the practice of the Washington State Senate to recognize and address problems that profoundly and adversely disrupt citizens' lives; and

WHEREAS, More than seven million Americans of all ages suffer from Reflex Sympathetic Dystrophy Syndrome (RSDS), also known as Complex Regional Pain Syndrome (CRPS), a progressive disease of the autonomic nervous system that can follow almost any sort of medical trauma; and

WHEREAS, The symptoms of RSDS/CRPS at various stages include, but are not limited to chronic pain, increased sensitivity to touch, muscular atrophy, depression, anger and memory loss; and

WHEREAS, Victims of this debilitating disease may face years of intense pain that can spread throughout one's body, often defying painkilling agents; and

WHEREAS, RSDS/CRPS has been documented since the mid-19th century, and despite diligent efforts, no cure has been found as of yet; and

WHEREAS, There are support groups, both medical and social in nature, whose tireless efforts to combat RSDS/CRPS and to increase public awareness of this disease should not go unnoticed; and

WHEREAS, Those afflicted with this disease, as well as their loved ones, have shown and continue to show tremendous courage and compassion in the face of adversity;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes all those whose lives have been affected adversely by RSDS/CRPS and honors all those who, through their voluntary and professional efforts, have helped in this noble fight.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Jacobsen, Gubernatorial Appointment No. 9287, John Roskelley, as a member of the Salmon Recovery Funding Board, was confirmed.

Senators West and McCaslin spoke against the confirmation of John Roskelley as a member of the Salmon Recovery Funding Board.

APPOINTMENT OF JOHN ROSKELLEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 26; Nays, 18; Absent, 0; Excused, 5.

Voting yea: Senators Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 26.

Voting nay: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Roach, Rossi, Stevens, Swecker, West, Winsley and Zarelli - 18.

Excused: Senators Bauer, Brown, Finkbeiner, Hargrove and Sellar - 5.

MOTION

On motion of Senator Jacobsen, Gubernatorial Appointment No. 9288, Bill Ruckelshaus, as Chair of the Salmon Recovery Funding Board, was confirmed.

APPOINTMENT OF BILL RUCKELSHAUS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Bauer, Brown, Finkbeiner, Hargrove and Sellar - 5.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Swecker, the following resolution was adopted:

SENATE RESOLUTION 2000-8733

By Senator Swecker

WHEREAS, Centralia College is the state's oldest community college, having been in continuous operation since 1925; and

WHEREAS, Centralia College survived economic struggles during the Great Depression and a low enrollment crisis during World War II; and

WHEREAS, More than 130,000 students have taken advantage of Centralia College through its long history with roughly 4,000 students enrolled each year; and

WHEREAS, Centralia College maintains one of the highest ratios of student-to-service district population among two-year colleges in Washington State and offers educational centers in outlying areas to serve students who might otherwise be denied access to higher education and training opportunities; and

WHEREAS, Centralia College has an outstanding faculty with twenty Exceptional Faculty Award winners; a Washington State Professor of the Year; and numerous other state and nationally-recognized staff; and

WHEREAS, Centralia College provides an excellent educational environment with academics, intramural activities, intercollegiate athletics, stimulating student speakers and entertainment packages, and other activities to enhance student life on campus;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulates the administration, faculty, and students of Centralia College as they celebrate the college's seventy-fifth year of continuous operation; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Centralia College President Dr. Hank Kirk and to the Centralia College Board of Trustees.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Dr. Hank Kirk, President of Centralia College, and Jobe Wagner, the Student Body President, who were seated in the gallery.

MOTION

At 10:36 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 6:10 p.m. by President Owen.

MOTION

On motion of Senator Spanel, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

February 24, 2000

SCR 8428 Prime Sponsor, Senator Shin: Establishing protocols for agency trade missions. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

February 25, 2000

EHB 1085 Prime Sponsor, Representative Dunn: Penalizing possession of stolen checks. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin and Roach.

Passed to Committee on Rules for second reading.

February 24, 2000

E2SHB 1572 Prime Sponsor, House Committee on Education: Creating the Washington civil liberties public education program. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Brown, Goings, Hochstatter, Kohl-Welles and Rasmussen.

Passed to Committee on Rules for second reading.

February 23, 2000

EHB 1711 Prime Sponsor, Representative Campbell: Concerning the public disclosure of department of health information received through the hospital licensing process. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 25, 2000

SHB 2320 Prime Sponsor, House Committee on Judiciary: Authorizing and applying electronic notice and proxies. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 25, 2000

SHB 2321 Prime Sponsor, House Committee on Judiciary: Authorizing the transmission of electronic proxy appointments. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 24, 2000

SHB 2332 Prime Sponsor, House Committee on Education: Authorizing student groups to conduct charitable fund-raising. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Brown, Goings, Hochstatter, Kohl-Welles and Rasmussen.

Passed to Committee on Rules for second reading.

February 25, 2000

SHB 2367 Prime Sponsor, House Committee on Child and Family Service: Including higher education programs in the work activity definition. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 25, 2000

HB 2375 Prime Sponsor, Representative Lantz: Addressing information technology literacy at baccalaureate institutions of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Jacobsen, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules for second reading.

February 24, 2000

ESHB 2380 Prime Sponsor, House Committee on Health Care: Clarifying the authority of the department of social and health services concerning boarding homes. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 24, 2000

HB 2403 Prime Sponsor, Representative Kastama: Creating the national World War II memorial account. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 25, 2000

HB 2407 Prime Sponsor, Representative Lantz: Authorizing judges pro tempore whenever a judge serves on a commission, board, or committee. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

February 24, 2000

E2SHB 2409 Prime Sponsor, House Committee on Appropriations: Establishing the character education partnership program. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Brown, Finkbeiner, Goings, Kohl-Welles, Rasmussen and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 24, 2000

SHB 2410 Prime Sponsor, House Committee on Financial Institutions and Insurance: Protecting credit card users. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

February 24, 2000

SHB 2418 Prime Sponsor, House Committee on Education: Establishing a World War II oral history project. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Brown, Goings, Hochstatter, Kohl-Welles and Rasmussen.

Passed to Committee on Rules for second reading.

February 25, 2000

E2SHB 2420 Prime Sponsor, House Committee on Appropriations: Providing for oil and gas pipeline safety. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen, McAuliffe, Morton and Swecker.

Passed to Committee on Rules for second reading.

February 24, 2000

HB 2452 Prime Sponsor, Representative Cody: Making technical changes and corrections to department of health statutes. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 25, 2000

HB 2456 Prime Sponsor, Representative Cairnes: Increasing seriousness of identity crimes. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Johnson, Long, McCaslin, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 24, 2000

SHB 2460 Prime Sponsor, House Committee on Appropriations: Addressing economic revitalization. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West and Winsley.

Referred to Committee on Ways and Means.

February 25, 2000

SHB 2461 Prime Sponsor, House Committee on Judiciary: Acknowledging the satisfaction of a judgment. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Heavey, Chair; Kline, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 25, 2000

SHB 2462 Prime Sponsor, House Committee on Agriculture and Ecology: Requiring notification when microbial contamination in untreated water segments exceeds allowable standards and poses a public health risk. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen and McAuliffe.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford, Morton and Swecker.

Referred to Committee on Ways and Means.

February 24, 2000

HB 2510 Prime Sponsor, Representative Edmonds: Modifying home health, home care, hospice, and in-home services. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 25, 2000

HB 2522 Prime Sponsor, Representative Lantz: Modifying court jurisdiction. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 24, 2000

HB 2531 Prime Sponsor, Representative Doumit: Providing statutory support for career and technical student organizations. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Brown, Goings, Hochstatter, Kohl-Welles and Rasmussen.

Passed to Committee on Rules for second reading.

February 25, 2000

HB 2576 Prime Sponsor, Representative D. Sommers: Modifying provisions concerning the registration of business trade names. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 24, 2000

SHB 2587 Prime Sponsor, House Committee on State Government: Modifying ballot title laws. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen and Kline.

Passed to Committee on Rules for second reading.

February 25, 2000

E2SHB 2588 Prime Sponsor, House Committee on Appropriations: Creating domestic violence fatality review panels. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Long and McCaslin.

Passed to Committee on Rules for second reading.

February 25, 2000

HB 2595 Prime Sponsor, Representative Ogden: Authorizing entry of protection order information in the judicial information system. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Long, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 25, 2000

EHB 2609 Prime Sponsor, Representative Carrell: Allowing agents to give notice of dishonored checks. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Costa, Goings, Hargrove, Johnson, Long, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 25, 2000

HB 2612 Prime Sponsor, Representative McDonald: Clarifying when a defendant must appear. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 24, 2000

EHB 2648 Prime Sponsor, Representative Miloscia: Revising the Washington state quality award program. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Hale, Horn, Kline and McCaslin.

MINORITY Recommendation: Do not pass. Signed by Senator Gardner, Vice Chair.

Passed to Committee on Rules for second reading.

February 24, 2000

HB 2662 Prime Sponsor, Representative Haigh: Studying the feasibility of a central repository of teacher education and experience information. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Brown, Goings, Kohl-Welles, Rasmussen and Swecker.

Referred to Committee on Ways and Means.

February 24, 2000

SHB 2667 Prime Sponsor, House Committee on State Government: Establishing standards for the prompt payment of bills incurred by state government. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Hale, Horn and McCaslin.

MINORITY Recommendation: Do not pass. Signed by Senator Gardner, Vice Chair.

Referred to Committee on Ways and Means.

February 25, 2000

SHB 2670 Prime Sponsor, House Committee on Agriculture and Ecology: Authorizing the department of ecology to waive the requirement for a reserve account for landfills. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, Morton and Swecker.

Passed to Committee on Rules for second reading.

February 24, 2000

ESHB 2675 Prime Sponsor, House Committee on Transportation: Updating requirements for child passenger restraint systems. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Jacobsen, Oke, Patterson, Prentice, Sheahan, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 25, 2000

ESHB 2712 Prime Sponsor, House Committee on Criminal Justice and Corrections: Changing sexual misconduct laws with regard to school employees. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Costa, Goings, Hargrove, Johnson, Long, McCaslin, Roach and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey, Chair.

Passed to Committee on Rules for second reading.

February 25, 2000

EHB 2713 Prime Sponsor, Representative Constantine: Regarding mandatory arbitration fees. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

February 25, 2000

SHB 2721 Prime Sponsor, House Committee on Judiciary: Changing provisions relating to venue of actions by or against counties. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Johnson, Long, McCaslin, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 24, 2000

2SHB 2738 Prime Sponsor, House Committee on Appropriations: Giving the office of financial management oversight over state agency personal service contracting practices. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Referred to Committee on Ways and Means.

February 25, 2000

SHB 2772 Prime Sponsor, House Committee on Judiciary: Requiring new courts to report their establishment to the supreme court. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 25, 2000

HB 2774 Prime Sponsor, Representative Carrell: Revising provisions for appointment of judges pro tempore. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Long and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senators Hargrove and McCaslin.

Passed to Committee on Rules for second reading.

February 25, 2000

HB 2775 Prime Sponsor, Representative Lambert: Clarifying requirements for the transfer of cases from commissioners to judges. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 25, 2000

SHB 2776 Prime Sponsor, House Committee on Judiciary: Providing for deferred findings and collection of an administrative fee in an infraction case. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

February 25, 2000

SHB 2799 Prime Sponsor, House Committee on Judiciary: Granting state-wide warrant jurisdiction to courts of limited jurisdiction. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

February 24, 2000

HB 2803 Prime Sponsor, Representative Lambert: Allowing private school students and students receiving home-based education to take the Washington assessments of student learning at district expense.

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Brown, Goings, Kohl-Welles, Rasmussen and Swecker.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 25, 2000

E2SHB 2867 Prime Sponsor, House Committee on Agriculture and Ecology: Providing for the issuance of reservoir permits to store and recover water in an underground geological formation. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Passed to Committee on Rules for second reading.

February 25, 2000

ESHB 2884 Prime Sponsor, House Committee on Judiciary: Providing notice requirements for parents subject to court orders and standards regarding residential time or visitation. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 24, 2000

SHB 2886 Prime Sponsor, House Committee on Financial Institutions and Insurance: Making regulation of service contracts applicable to service contracts on consumer purchases only. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

February 25, 2000

SHB 2903 Prime Sponsor, House Committee on Judiciary: Authorizing sound recordings without prior consent that correspond to video recordings from cameras mounted in law enforcement vehicles. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Johnson, Long and McCaslin.

Passed to Committee on Rules for second reading.

February 25, 2000

HB 2904 Prime Sponsor, Representative Carlson: Expanding geographic eligibility for the border county higher education opportunity pilot project. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Jacobsen, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules for second reading.

February 25, 2000

E2SHB 2929 Prime Sponsor, House Committee on Appropriations: Modifying requirements concerning on-site sewage disposal systems. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen, McAuliffe, Morton and Swecker.

Referred to Committee on Ways and Means.

February 25, 2000

SHB 2939 Prime Sponsor, House Committee on Agriculture and Ecology: Providing guidelines for recycling and waste reduction. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen, McAuliffe, Morton and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 25, 2000

EHB 2952 Prime Sponsor, Representative Edmonds: Requiring a study of distance education. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Jacobsen, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules for second reading.

February 25, 2000

ESHB 2994 Prime Sponsor, House Committee on Agriculture and Ecology: Regarding instream flows and trust water rights. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen and McAuliffe.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 24, 2000

HB 3005 Prime Sponsor, Representative Grant: Allowing for greater coronary health care in certain rural areas. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Costa, Franklin and Johnson.

Passed to Committee on Rules for second reading.

February 24, 2000

ESHB 3045 Prime Sponsor, House Committee on Commerce and Labor: Clarifying the requirements for a class 1 racing license. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

February 24, 2000

SHJM 4020 Prime Sponsor, House Committee on Education: Requesting a review of special education paperwork. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Brown, Goings, Hochstatter, Kohl-Welles and Rasmussen.

Passed to Committee on Rules for second reading.

February 25, 2000

HCR 4407 Prime Sponsor, Representative Murray: Establishing a joint select committee on the future facility needs of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Spanel, Substitute House Bill No. 2460, House Bill No. 2662, Substitute House Bill No. 2667 and Second Substitute House Bill No. 2738 were referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 25, 2000

GA 9229 NOBIE CHAN, appointed December 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No. 6.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Jacobsen, McAuliffe, Sheahan, B. Sheldon and West.

Passed to the Committee on Rules.

February 25, 2000

GA 9261 ALICIA P. LALAS, appointed September 15, 1999, for a term ending September 30, 2003, as a member of the Board of Trustees for Everett Community College District No. 5.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Jacobsen, McAuliffe, Sheahan, B. Sheldon and West.

Passed to the Committee on Rules.

February 25, 2000

GA 9283 CAROLYN J. PURNELL, appointed June 18, 1999, for a term ending April 3, 2003, as a member of the State Board for Community and Technical Colleges.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Jacobsen, McAuliffe, Sheahan, B. Sheldon and West.

Passed to the Committee on Rules.

February 25, 2000

GA 9311 LEE KRAFT CRESSMAN, appointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Jacobsen, McAuliffe, Sheahan, B. Sheldon and West.

Passed to the Committee on Rules.

February 25, 2000

GA 9314 FRANKLIN DAY DeVAUL, Jr., appointed January 18, 2000, for a term ending September 30, 2004, as a member of the Board of Trustees for Centralia Community College District No. 12.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Jacobsen, McAuliffe, Sheahan, B. Sheldon and West.

Passed to the Committee on Rules.

February 25, 2000

GA 9320 LYLE LOVINGFOSS, appointed January 18, 2000, for a term ending December 1, 2004, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Jacobsen, McAuliffe, Sheahan, B. Sheldon and West.

Passed to the Committee on Rules.

MOTION

At 6:11 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Monday, February 28, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIFTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 28, 2000

The Senate was called to order at 10:00 a.m. by Vice President Pro Tempore Bauer. The Secretary called the roll and announced to the Vice President Pro Tempore that all Senators were present except Senators Fairley, Finkbeiner, Oke, Sellar and Wojahn On motion of Senator Eide, Senators Fairley and Wojahn were excused. On motion of Senator Honeyford, Senators Finkbeiner, Oke and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages Dylan Hughes and Krystal Rasmussen, presented the Colors. Reverend David Robin, pastor of the First Presbyterian Church in Tenino, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

February 24, 2000

Mr. Tony Cook
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the Department's Report to the Legislature entitled "Investigative Interview Pilot Sites." It is mandated under Chapter 389, Laws of 1999, Section 6.

Please call Art Cantrall at (360) 902-7956 if you have questions regarding the report.

Sincerely,

LYLE QUASIM, Secretary

The Department of Social and Health Services report on Investigative Interview Pilot Sites is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 6858 by Senators Kohl-Welles, Heavey, Horn, Goings, Rasmussen, Eide and Winsley

AN ACT Relating to parks, recreation, transportation, housing, shelters, hospitals, public hospitals, food banks, schools, and apportioning a sales and use tax for a metropolitan park district authorized under RCW 82.14.400; amending RCW 82.14.400; and creating a new section.

Referred to Committee on Ways and Means.

SB 6859 by Senators T. Sheldon, Hargrove, Snyder, Hochstatter, Hale, Loveland, Johnson, Goings, Horn, Swecker and Winsley

AN ACT Relating to safety and health standards; and adding a new section to chapter 49.17 RCW.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6859 was referred to the Committee on Ways and Means.

MOTION

On motion of Senator Swecker, the following resolution was adopted:

SENATE RESOLUTION 2000-8737

By Senators Swecker and Zarelli

WHEREAS, The Washington State Senate supports excellence in all fields of human endeavor; and

WHEREAS, The members of the Centralia High School girls' basketball team have exhibited outstanding academic and athletic skill by winning both the Class 3A state academic championship and winning three out of four games at the Class 3A District tournament, qualifying them for the Class 3A State tournament; and

WHEREAS, To win the Class 3A state academic championship, the Tigers achieved the top grade point average of all Class 3A girls' basketball teams in the state with a team average of 3.752;

WHEREAS, The Centralia girls' basketball team, consisting of Andrea Gabler, Lisa Stezaker, Maleah Givens, Ashley Agnew, Callie Sande, Nicole McKinney, Stephanie McKinney, Melanie Hardesty, Leah Hoffman, Molly Parker, Dani McKinney, and Sara Wilcox, achieved this academic excellence, finished 13-2 in Pac-9 play, and are now working their way up the 3A tournament brackets; and

WHEREAS, The Tiger girls' basketball team benefitted from the leadership and support of Principal Jerry Bender, Athletic Director Mary Erickson, Coach Lisa Rakoz, and assistant coaches Henri Weeks and Mark Westley in their bid for academic and athletic championships; and

WHEREAS, The team and its leadership have brought distinction and pride to Centralia High School, its students, its supporters, and the entire community;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and congratulate the 1999-2000 Centralia High School girls' basketball team for its hard work, dedication to academic and athletic excellence, and maturity in achieving this recognition; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the principal of Centralia High School and to the members and coaching staff of the 1999-2000 Centralia High School girls' basketball team.

INTRODUCTION OF SPECIAL GUESTS

The Vice President Pro Tempore welcomed and introduced members of the Centralia High School Girl's Basketball Team and their coaches, who were seated in the gallery.

MOTION

At 10:19 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 10:48 a.m. by Vice President Pro Tempore Bauer.

SECOND READING

HOUSE BILL NO. 2848, by Representatives Hatfield, Benson and Keiser (by request of Insurance Commissioner Senn)

Safeguarding securities.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2848 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2848.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2848 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Excused: Senators Fairley, Finkbeiner, Oke, Sellar and Wojahn - 5.

HOUSE BILL NO. 2848, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2466, by House Committee on Natural Resources (originally sponsored by Representatives Regala, Ericksen, Buck, Linville, Anderson, Barlean and Mitchell)

Creating a ballast water monitoring program.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the following Committee on Natural Resources, Parks and Recreation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that some nonindigenous species have the potential to cause economic and environmental damage to the state and that current efforts to stop the introduction of nonindigenous species from shipping vessels do not adequately reduce the risk of new introductions into Washington waters.

The legislature recognizes the international ramifications and the rapidly changing dimensions of this issue, and the difficulty that any one state has in either legally or practically managing this issue. Recognizing the possible limits of state jurisdiction over international issues, the state declares its support for the international maritime organization and United States coast guard efforts, and the state intends to complement, to the extent its powers allow it, the United States coast guard's ballast water management program.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Ballast tank" means any tank or hold on a vessel used for carrying ballast water, whether or not the tank or hold was designed for that purpose.

(2) "Ballast water" means any water and matter taken on board a vessel to control or maintain trim, draft, stability, or stresses of the vessel, without regard to the manner in which it is carried.

(3) "Empty/refill exchange" means to pump out, until the tank is empty or as close to empty as the master or operator determines is safe, the ballast water taken on in ports, estuarine, or territorial waters, and then refilling the tank with open sea waters.

(4) "Exchange" means to replace the water in a ballast tank using either flow through exchange, empty/refill exchange, or other exchange methodology recommended or required by the United States coast guard.

(5) "Flow through exchange" means to flush out ballast water by pumping in midocean water at the bottom of the tank and continuously overflowing the tank from the top until three full volumes of water have been changed to minimize the number of original organisms remaining in the tank.

(6) "Nonindigenous species" means any species or other viable biological material that enters an ecosystem beyond its natural range.

(7) "Open sea exchange" means an exchange that occurs fifty or more nautical miles offshore. If the United States coast guard requires a vessel to conduct an exchange further offshore, then that distance is the required distance for purposes of compliance with this chapter.

(8) "Recognized marine trade association" means those trade associations in Washington state that promote improved ballast water management practices by educating their members on the provisions of this chapter, participating in regional ballast water coordination through the Pacific ballast water group, assisting the department in the collection of ballast water exchange forms, and the monitoring of ballast water. This includes members of the Puget Sound marine committee for Puget Sound and the Columbia river steamship operators association for the Columbia river.

(9) "Sediments" means any matter settled out of ballast water within a vessel.

(10) "Untreated ballast water" includes exchanged or unexchanged ballast water that has not undergone treatment.

(11) "Vessel" means a self-propelled ship in commerce of three hundred gross tons or more.

(12) "Voyage" means any transit by a vessel destined for any Washington port.

(13) "Waters of the state" means any surface waters, including internal waters contiguous to state shorelines within the boundaries of the state.

NEW SECTION. **Sec. 3.** (1) This chapter applies to all vessels carrying ballast water into the waters of the state from a voyage, except:

(a) A vessel of the United States department of defense or United States coast guard subject to the requirements of section 1103 of the national invasive species act of 1996, or any vessel of the armed forces, as defined in 33 U.S.C. Sec. 1322(a)(14), that is subject to the uniform national discharge standards for vessels of the armed forces under 33 U.S.C. Sec. 1322(n);

(b) A vessel (i) that discharges ballast water or sediments only at the location where the ballast water or sediments originated, if the ballast water or sediments do not mix with ballast water or sediments from areas other than open sea waters; or (ii) that does not discharge ballast water in Washington waters;

(c) A vessel traversing the internal waters of Washington in the Strait of Juan de Fuca, bound for a port in Canada, and not entering or departing a United States port, or a vessel in innocent passage, which is a vessel merely traversing the territorial sea of the United States and not entering or departing a United States port, or not navigating the internal waters of the United States; and

(d) A crude oil tanker that does not exchange or discharge ballast water into the waters of the state.

(2) This chapter does not authorize the discharge of oil or noxious liquid substances in a manner prohibited by state, federal, or international laws or regulations. Ballast water containing oil, noxious liquid substances, or any other pollutant shall be discharged in accordance with the applicable requirements.

(3) The master or operator in charge of a vessel is responsible for the safety of the vessel, its crew, and its passengers. Nothing in this chapter relieves the master or operator in charge of a vessel of the responsibility for ensuring the safety and stability of the vessel or the safety of the crew and passengers.

NEW SECTION. **Sec. 4.** The owner or operator in charge of any vessel covered by this chapter is required to ensure that the vessel under their ownership or control does not discharge ballast water into the waters of the state except as authorized by this section.

(1) Discharge into waters of the state is authorized if the vessel has conducted an open sea exchange of ballast water. A vessel is exempt from this requirement if the vessel's master reasonably determines that such a ballast water exchange operation will threaten the safety of the vessel or the vessel's crew, or is not feasible due to vessel design limitations or equipment failure. If a vessel relies on this exemption, then it may discharge ballast water into waters of the state, subject to any requirements of treatment under subsection (2) of this section and subject to section 5 of this act.

(2) After July 1, 2002, discharge of ballast water into waters of the state is authorized only if there has been an open sea exchange or if the vessel has treated its ballast water to meet standards set by the department. When weather or extraordinary circumstances make access to treatment unsafe to the vessel or crew, the master of a vessel may delay compliance with any treatment required under this subsection until it is safe to complete the treatment.

(3) The requirements of this section do not apply to a vessel discharging ballast water or sediments that originated solely within the waters of Washington state, the Columbia river system, or the internal waters of British Columbia south of latitude fifty degrees north, including the waters of the Straits of Georgia and Juan de Fuca.

(4) Open sea exchange is an exchange that occurs fifty or more nautical miles offshore. If the United States coast guard requires a vessel to conduct an exchange further offshore, then that distance is the required distance for purposes of compliance with this chapter.

NEW SECTION. **Sec. 5.** The owner or operator in charge of any vessel covered by this chapter is required to ensure that the vessel under their ownership or control complies with the reporting and sampling requirements of this section.

(1) Vessels covered by this chapter must report ballast water management information to the department using ballast water management forms that are acceptable to the United States coast guard. The frequency, manner, and form of such reporting shall be established by the department by rule. Any vessel may rely on a recognized marine trade association to collect and forward this information to the department.

(2) In order to monitor the effectiveness of national and international efforts to prevent the introduction of nonindigenous species, all vessels covered by this chapter must submit nonindigenous species ballast water monitoring data. The monitoring, sampling, testing protocols, and methods of identifying nonindigenous species in ballast water shall be determined by the department by rule. A vessel covered by this chapter may contract with a recognized marine trade association to randomly sample vessels within that association's membership, and provide data to the department.

(3) Vessels that do not belong to a recognized marine trade association must submit individual ballast tank sample data to the department for each voyage.

(4) All data submitted to the department under subsection (2) of this section shall be consistent with sampling and testing protocols as adopted by the department by rule.

(5) The department shall adopt rules to implement this section. The rules and recommendations shall be developed in consultation with advisors from regulated industries and the potentially affected parties, including but not limited to shipping interests, ports, shellfish growers, fisheries, environmental interests, interested citizens who have knowledge of the issues, and appropriate governmental representatives including the United States coast guard.

(a) The department shall set standards for the discharge of treated ballast water into the waters of the state. The rules are intended to ensure that the discharge of treated ballast water poses minimal risk of introducing nonindigenous species. In developing this standard, the department shall consider the extent to which the requirement is technologically and practically feasible. Where practical and appropriate, the standards shall be compatible with standards set by the United States coast guard and shall be developed in consultation with federal and state agencies to ensure consistency with the federal clean water act, 33 U.S.C. Sec. 1251-1387.

(b) The department shall adopt ballast water sampling and testing protocols for monitoring the biological components of ballast water that may be discharged into the waters of the state under this chapter. Monitoring data is intended to assist the department in evaluating the risk of new, nonindigenous species introductions from the discharge of ballast water, and to evaluate the accuracy of ballast water exchange practices. The sampling and testing protocols must consist of cost-effective, scientifically verifiable methods that, to the extent practical and without compromising the purposes of this chapter, utilize easily measured indices, such as salinity, or check for species that indicate the potential presence of nonindigenous species or pathogenic species. The department shall specify appropriate quality assurance and quality control for the sampling and testing protocols.

NEW SECTION. **Sec. 6.** The shipping vessel industry, the public ports, and the department shall promote the creation of a pilot project to establish a private sector ballast water treatment operation that is capable of servicing vessels at all Washington ports. Federal and state agencies and private industries shall be invited to participate. The project will develop equipment or methods to treat ballast water and establish operational methods that do not increase the cost of ballast water treatment at smaller ports. The legislature intends that the cost of treatment required by this chapter is substantially equivalent among large and small ports in Washington.

NEW SECTION. **Sec. 7.** The legislature recognizes that international and national laws relating to this chapter are changing and that state law must adapt accordingly. The department shall submit to the legislature, and make available to the public, a report that summarizes the results of this chapter and makes recommendations for improvement to this chapter on or before December 1, 2001, and a second report on or before December 1, 2004. The 2001 report shall describe how the costs of treatment required as of July 1, 2002, will be substantially equivalent among ports where treatment is required. The department shall strive to fund the provisions of this chapter through existing resources, cooperative agreements with the maritime industry, and federal funding sources.

NEW SECTION. **Sec. 8.** (1) Except as limited by subsection (2) or (3) of this section, the director or the director's designee may impose a civil penalty or warning for a violation of the requirements of this chapter on the owner or operator in charge of a vessel who fails to comply with the requirements imposed under sections 4 and 5 of this act. The penalty shall not exceed five thousand dollars for each violation. In determining the amount of a civil penalty, the department shall consider if the violation was intentional, negligent, or without any fault, and shall consider the quality and nature of risks created by the violation. The owner or operator subject to such a penalty may contest the determination by requesting an adjudicative proceeding within twenty days. Any determination not timely contested is final and may be reduced to a judgment enforceable in any court with jurisdiction. If the department prevails using any judicial process to collect a penalty under this section, the department shall also be awarded its costs and reasonable attorneys' fees.

(2) The civil penalty for a violation of reporting requirements of section 5 of this act shall not exceed five hundred dollars per violation.

(3) Any owner or operator who knowingly, and with intent to deceive, falsifies a ballast water management report form is liable for a civil penalty in an amount not to exceed five thousand dollars per violation, in addition to any criminal liability that may attach to the filing of false documents.

(4) The department, in cooperation with the United States coast guard, may enforce the requirements of this chapter.

NEW SECTION. **Sec. 9.** By December 31, 2005, the natural resources committees of the legislature must review this chapter and its implementation and make recommendations if needed to the 2006 regular session of the legislature.

NEW SECTION. **Sec. 10.** The departments of fish and wildlife and ecology shall invite representatives from the United States department of defense to discuss ways of improving ballast water management in Washington state. The departments, in cooperation with the United States coast guard shall seek input from other coastal states and the Providence of British Columbia in conducting the study and in formulating recommendations. The departments shall provide the most appropriate forum to stimulate dialogue which can result in specific policies and action protocols. The departments shall make recommendations concerning proposals for laws and rules that will guarantee the same level of public and private compliance to protect the marine environment. The legislature wishes to ensure that vessels exempted from this act by section 3(1)(a) of this act are taking adequate precautions to prevent the introduction of nonindigenous species into the waters of the state. The departments of fish and wildlife and ecology shall submit a report to the legislature by December 31, 2001, summarizing the results of these discussions.

NEW SECTION. **Sec. 11.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 12.** Sections 1 through 9 and 11 of this act constitute a new chapter in Title 75 RCW."

MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "adding a new chapter to Title 75 RCW; creating a new section; and prescribing penalties."

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 2466, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2466, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2466, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe,

McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Excused: Senators Fairley, Oke, Sellar and Wojahn - 4.

SUBSTITUTE HOUSE BILL NO. 2466, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Johnson was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2617, by House Committee on Transportation (originally sponsored by Representatives Radcliff and Morris)

Extending regulation of excursion cruise services.

The bill was read the second time.

MOTION

On motion of Senator Goings, the rules were suspended, Engrossed Substitute House Bill No. 2617 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2617.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2617 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Absent: Senator Brown - 1.

Excused: Senators Fairley, Johnson, Oke, Sellar and Wojahn - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2617, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2397, by Representatives Scott, Mulliken, Doumit, Mielke, Fisher, Reardon, Edwards, Fortunato, Haigh, Wolfe and Ogden

Revising provisions relating to local government fiscal notes.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 2397 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2397.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2397 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Excused: Senators Fairley, Oke, Sellar and Wojahn - 4.

HOUSE BILL NO. 2397, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Goings was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2647, by House Committee on Commerce and Labor (originally sponsored by Representatives Reardon, Scott, Cooper, Conway, Linville, Cairnes, Dunshee, Kagi, Campbell, Sullivan, Keiser, Kenney, Santos, Haigh and Hurst)

Requiring safety devices for flaggers.

The bill was read the second time.

MOTION

Senator Kline moved that the following Committee on Labor and Workforce Development striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** EMERGENCY RULES. (1) The director of the department of labor and industries shall adopt emergency rules that take effect no later than June 1, 2000, revising any safety standards governing flaggers.

(2) The transportation commission shall adopt emergency rules that take effect no later than June 1, 2000, revising any safety standards governing flaggers.

(3) The utilities and transportation commission shall adopt emergency rules that take effect no later than June 1, 2000, revising any safety standards governing flaggers.

(4) Notwithstanding RCW 34.05.350, the emergency rules adopted pursuant to this section shall remain in effect or be adopted in sequence until March 1, 2001, or the effective date of the permanent rules adopted pursuant to section 2 of this act, whichever is earlier.

(5) The emergency rules adopted pursuant to this section shall be designed to improve options available to ensure the safety of flaggers, and ensure that flaggers have adequate visual warning of objects approaching from behind them.

(6) In developing emergency rules adopted pursuant to this section, state agencies and commissions shall consult with other persons with an interest in improving safety standards for flaggers. State agencies and commissions shall report, by September 15, 2000, to the senate labor and workforce development committee and the house of representatives commerce and labor committee on the emergency rules adopted pursuant to this section.

NEW SECTION. **Sec. 2.** PERMANENT RULES. (1) The director of the department of labor and industries shall adopt permanent rules that take effect no later than March 1, 2001, revising any safety standards governing flaggers.

(2) The transportation commission shall adopt permanent rules that take effect no later than March 1, 2001, revising any safety standards and employment qualifications governing flaggers.

(3) The utilities and transportation commission shall adopt permanent rules that take effect no later than March 1, 2001, revising any safety standards and employment qualifications governing flaggers.

(4) The permanent rules adopted pursuant to this section shall be designed to improve options available to ensure the safety of flaggers, ensure that flaggers have adequate visual warning of objects approaching from behind them, and update employment qualifications for flaggers.

(5) In developing permanent rules adopted pursuant to this section, state agencies and commissions shall consult with other persons with an interest in improving safety standards and updating employment qualifications for flaggers. State agencies and commissions shall coordinate and make consistent, to the extent possible, permanent rules. State agencies and commissions shall report, by April 22, 2001, to the senate labor and workforce development committee and the house of representatives commerce and labor committee on the permanent rules adopted pursuant to this section.

Sec. 3. RCW 9.91.020 and 1915 c 165 s 2 are each amended to read as follows:

Every person who, being employed upon any railway, as engineer, motorman, gripman, conductor, switch tender, fireman, bridge tender, ((~~flagman~~)) flagger, or signalman, or having charge of stations, starting, regulating or running trains upon a railway, or being employed as captain, engineer or other officer of a vessel propelled by steam, or being the driver of any animal or vehicle upon any public highway, street, or other public place, ((~~shall be~~)) is intoxicated while engaged in the discharge of any such duties, shall be guilty of a gross misdemeanor.

Sec. 4. RCW 46.61.015 and 1995 c 50 s 1 are each amended to read as follows:

No person shall willfully fail or refuse to comply with any lawful order or direction of any duly authorized ((~~flagman~~)) flagger or any police officer or fire fighter invested by law with authority to direct, control, or regulate traffic.

A violation of this section is a misdemeanor.

Sec. 5. RCW 46.61.190 and 1975 c 62 s 27 are each amended to read as follows:

(1) Preferential right of way may be indicated by stop signs or yield signs as authorized in RCW 47.36.110.

(2) Except when directed to proceed by a duly authorized ((~~flagman~~)) flagger, or a police officer, or a fire fighter vested by law with authority to direct, control, or regulate traffic, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and after having stopped shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

(3) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and then after slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways: PROVIDED, That if such a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of ((~~his~~)) the driver's failure to yield right of way.

Sec. 6. RCW 46.61.340 and 1965 ex.s. c 155 s 46 are each amended to read as follows:

(1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until ((~~he can do so~~)) the crossing can be made safely. The foregoing requirements shall apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(b) A crossing gate is lowered or when a human ((~~flagman~~)) flagger gives or continues to give a signal of the approach or passage of a railroad train;

(c) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(2) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Sec. 7. RCW 46.61.355 and 1975 c 62 s 32 are each amended to read as follows:

(1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(2) Notice of any such intended crossing shall be given to the station agent of such railroad located nearest the intended crossing sufficiently in advance to allow such railroad a reasonable time to prescribe proper protection for such crossing.

(3) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(4) No such crossing shall be made when warning is given by automatic signal or crossing gates or a ((~~flagman~~)) flagger or otherwise of the immediate approach of a railroad train or car. If a ((~~flagman~~)) flagger is provided by the railroad, movement over the crossing shall be under ((~~his~~)) the flagger's direction.

Sec. 8. RCW 47.36.220 and 1961 c 13 s 47.36.220 are each amended to read as follows:

Each driver of a motor vehicle used in connection with such construction, repair, or maintenance work shall obey traffic signs posted for, and ((~~flagman~~)) flaggers stationed at such location in the same manner and under the same restrictions as is required for the driver of any other vehicle.

NEW SECTION. **Sec. 9.** Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. **Sec. 10.** Sections 1 and 2 of this act may be known and cited as the "Kim Vendl Worker Safety Act."

NEW SECTION. **Sec. 11.** Captions used in this act are not any part of the law."

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Labor and Workforce Development striking amendment to Engrossed Substitute House Bill No. 2647.

The motion by Senator Kline carried and the committee striking amendment was adopted.

MOTIONS

On motion of Senator Kline, the following title amendment was adopted:

On page 1, line 1 of the title, after "flaggers;" strike the remainder of the title and insert "amending RCW 9.91.020, 46.61.015, 46.61.190, 46.61.340, 46.61.355, and 47.36.220; adding a new section to chapter 49.17 RCW; creating new sections; and declaring an emergency."

On motion of Senator Kline, the rules were suspended, Engrossed Substitute House Bill No. 2647, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2647, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2647, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 6; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 39.

Voting nay: Senators Benton, Finkbeiner, Hale, Hochstatter, Johnson and Morton - 6.

Excused: Senators Fairley, Oke, Sellar and Wojahn - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2647, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 10:22 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 5:58 p.m. by Vice President Pro Tempore Bauer.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

February 28, 2000

SB 6296 Prime Sponsor, Senator Kohl-Welles: Creating the independence through college for achievers in need program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6296 as recommended by Committee on Higher Education be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford, McDonald, Rossi and Zarelli.

Passed to Committee on Rules for second reading.

February 28, 2000

SB 6858 Prime Sponsor, Senator Kohl-Welles: Providing financing mechanisms to fund local government services. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Vice Chair; Brown, Vice Chair; Fraser, Kline, Kohl-Welles, Long, McDonald, B. Sheldon, Snyder, Spanel and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 28, 2000

E2SHB 1987 Prime Sponsor, House Committee on Finance: Providing tax exemptions and credits to encourage a reduction in agricultural burning of cereal grains and field and turf grass grown for seed. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 28, 2000

SHB 2454 Prime Sponsor, House Committee on Health Care: Providing a program to support family and other unpaid long-term caregivers. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 28, 2000

SHB 2491 Prime Sponsor, House Committee on Appropriations: Providing a procedure to conduct DNA testing of evidence for persons sentenced to death or life imprisonment. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 28, 2000

SHB 2572 Prime Sponsor, House Committee on Transportation: Defining "motorcycle helmet." Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Benton, Costa, Finkbeiner, Heavey, Horn, Johnson, Morton, Prentice, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 28, 2000

2SHB 2663 Prime Sponsor, House Committee on Appropriations: Creating a pilot program to provide atypical antipsychotic medications to underserved populations. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Human Services and Corrections. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Long, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 28, 2000

EHB 2755 Prime Sponsor, Representative Gombosky: Clarifying the taxation of electrical energy sales. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 28, 2000

SHB 2766 Prime Sponsor, House Committee on Transportation: Adjusting RV size limits. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Goings, Vice Chair; Benton, Eide, Finkbeiner, Heavey, Horn, Johnson, Morton, Patterson, Prentice, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 28, 2000

HB 2807 Prime Sponsor, Representative Kagi: Authorizing blended funding projects for youth. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kohl-Welles, Long, McDonald, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 28, 2000

SHB 3076 Prime Sponsor, House Committee on Transportation: Convening a work group on streamlining project permit processes. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Heavey, Horn, Jacobsen, Johnson, Morton, Patterson, Prentice, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

MOTION

At 6:00 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Tuesday, February 29, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTIETH DAY, FEBRUARY 28, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIFTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 29, 2000

The Senate was called to order at 9:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Eide, Fraser, Horn, Sellar and West. On motion of Senator Franklin, Senators Eide and Fraser were excused. On motion of Senator Honeyford, Senators Horn and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages Lindsey Tomlinson and Joel Pratt, presented the Colors. Reverend David Robin, pastor of the First Presbyterian Church in Tenino, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Goings, the following resolution was adopted:

SENATE RESOLUTION 2000-8708

By Senator Franklin, Goings, Wojahn, Winsley, Rasmussen, Eide, Kohl-Welles, and Oke

WHEREAS, The Pacific Lutheran University "Lutes" football team is the 1999 NCAA Division III National Champion, having defeated New Jersey's Rowan University in a decisive fashion, 42-13 on December 18, 1999; and

WHEREAS, The Lutes entered the championship as the underdogs, but immediately proceeded to defy the oddsmakers and thoroughly dominate the game from start to finish; and

WHEREAS, The guiding force for PLU football is Head Coach Frosty Westering, who has well served a full generation of young men since joining the university in 1972; and

WHEREAS, Coach Westering has been honored as the 1999 Division III National Coach of the Year by the American Football Coaches Association.

WHEREAS, The 1999 NCAA Division III national title is Coach Westering's fourth championship, having won the NAIA Division II National Championship three times--in 1980, 1987, and 1993; and

WHEREAS, The Lutes also finished as national runner-up in 1983, 1985, 1991, and 1994; and

WHEREAS, Frosty Westering is truly one of football's greatest coaches, holding a 36-year collegiate coaching record of two-hundred seventy-seven wins, eighty-four losses, and seven ties, a .762 winning percentage; and

WHEREAS, He is one of a select group of coaches ever to win two hundred and fifty or more games, a group that includes such names as Paul "Bear" Bryant, Charles "Pop" Warner, Amos Alonzo Stagg, Joe Paterno, Bobby Bowden, and Tom Osborne; and

WHEREAS, Under his leadership, no PLU team has ever finished a season with a losing record; and

WHEREAS, The most important and astounding thing about the continuing success of the PLU football year after year remains the noticeable lack of a win-at-all-costs attitude, and the overriding sense of caring and support demonstrated by coaches and players toward each other as well as toward their opponents;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and honor the Pacific Lutheran University football team's outstanding 1999 season capped by the well-deserved NCAA Division III National Championship, under the leadership and guidance of Head Coach Frosty Westering and his staff; and, even more important, that we recognize and honor the team's unwavering example of true sportsmanship, humility in victory, graciousness in loss, and a caring for each other and opponents that extends well beyond the field of play; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate do hereby immediately transmit copies of this resolution to Pacific Lutheran University in care of President Loren Anderson, and to Head Coach Frosty Westering, his staff, and his team, the National Champion Lutes.

Senators Goings and Franklin spoke to Senate Resolution 2000-8708.

MOTION

On motion of Senator Kohl-Welles, the following resolution was adopted:

SENATE RESOLUTION 2000-8735

By Senators Kohl-Welles, Sheahan, McAuliffe, Spanel, Hochstatter, Prentice, Rasmussen and Fairley

WHEREAS, The students selected for special recognition as Washington Scholars in 2000 have distinguished themselves as exceptional students, student leaders, and as talented and enthusiastic participants in

many diverse activities including art, debate, drama, honor societies, interscholastic sports, Junior Achievement, knowledge competitions, music, and student government; and

WHEREAS, These exemplary students have also contributed to the welfare of those less fortunate in their neighborhoods through volunteer efforts with community service organizations such as the United Way, Special Olympics, March of Dimes, Big Brothers, Big Sisters, community food drives, senior centers, scouting, and church groups; and

WHEREAS, The state of Washington benefits greatly from the accomplishments of these caring and gifted individuals, not only in their roles as students, but also as citizens, role models for other young people, and future leaders of our communities and our state; and

WHEREAS, Through the Washington Scholars Program, the Governor, the Legislature, and the state's citizens have an opportunity to recognize and honor three outstanding seniors from each of the state's forty-nine legislative districts for the students' exceptional academic achievements, leadership abilities, and contributions to their communities;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor and congratulate the Washington Scholars for their hard work, dedication, contributions, and maturity in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the families of these students be commended for the encouragement and support they have provided to the scholars; and

BE IT FURTHER RESOLVED, That the principals, teachers, and classmates of these highly esteemed students be recognized for the important part they played in helping the scholars to learn, contribute, lead, and excel; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to each of the Washington Scholars selected in 2000.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

Vice President Pro Tempore Bauer assumed the Chair.

SECOND READING

ENGROSSED HOUSE BILL NO. 2995, by Representatives G. Chandler and Linville

Modifying provisions concerning apiaries.

The bill was read the second time.

MOTION

Senator Rasmussen moved that the following Committee on Agriculture and Rural Economic Development striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 15.60.005 and 1994 c 178 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the state department of agriculture or the director's authorized representative.

(3) "Apiary" means a site where hives of bees or hives are kept or found.

(4) ((~~"Abandoned hive" means any hive, with or without bees, that evidences a lack of being properly managed in that it has not been supered in the spring, except nucs, or unsupered in the fall, or is otherwise unmanaged and left without authorization and unattended on the property of another person or on public land.~~

~~(5)~~)) "Apiarist" means any person who owns bees or is a keeper of bees in Washington.

(((~~(6) "Beekeeping equipment" means any implements or devices used in the manipulation of bees, their brood, or hives in an apiary.~~

~~(7)~~)) (5) "Bees" means adult insects, eggs, larvae, pupae, or other immature stages of the species Apis mellifera.

(((8) "Certificate" or "certificate of inspection" means an official document certifying compliance with the requirements of this chapter and accompanying the movement of inspected bees, bee hives, or beekeeping equipment.

(9))) (6) "Colony" refers to a natural group of bees having a queen or queens.

(((10) "Compliance agreement" means a written agreement between the department and a person engaged in apiculture, or handling, selling, or moving of hives or beekeeping equipment in which the person agrees to comply with stipulated requirements.

(11) "Feral colony" means a colony of bees in a natural cavity or a manufactured structure not intended for the keeping of bees on movable frames and comb.

(12) "Swarm" means a natural group of bees having a queen or queens, which is the progeny of a parent colony, without a hive, and not a feral colony.

(13) "Disease" means American foulbrood, European foulbrood, chalkbrood, nosema, sacbrood, or any other viral, fungal, bacterial or insect-related disease affecting bees or their brood.

(14) "Regulated bee pests" means a disease of bees for which maximum allowable limits of infection, or mites, or other parasites are set in rule.

(15))) (7) "Hive" means a manufactured receptacle or container prepared for the use of bees, that includes movable frames, combs, and substances deposited into the hive by bees.

(((16))) (8) "Person" means a natural person, individual, firm, partnership, company, society, association, corporation or every officer, agent, or employee of one of these entities.

(((17) "Bee pests" means a disease, mite, or other parasite that causes injury to bees.

(18) "Nets" means a device that is made of fabricated material and that is designed and utilized to prevent the escape of bees from bee hives during transit.

(19) "Apparently free" means no specified bee pest was found during inspection of survey activities.

(20) "Substantially free" means levels of specified bee pests found during inspection or survey activities were within established tolerances.

(21) "Africanized honey bee" means any bee of the subspecies Apis mellifera scutellata.

(22) "Super" means the portion of a hive in which honey is stored by bees.

(23))) (9) "Broker" means a person((,)) who is engaged in pollinating agricultural crops((,)) for a fee using hives that are owned by another person.

(((24) "Grower" means a person engaged in producing agricultural crops, and a user of honey bees for pollination of the crops.))

Sec. 2. RCW 15.60.010 and 1994 c 178 s 3 are each amended to read as follows:

((An apiary advisory committee is established to advise the director on the administration of this chapter. The apiary advisory committee may consist of up to eleven members.

(1) The committee shall include six apiarists, appointed by the director, and representing the major geographical divisions of the beekeeping industry in the state as established in rule. In making an appointment, the director shall seek nominations from the beekeepers' organizations within the geographic area and from nonaffiliated apiarists. Apiarists may nominate themselves.

(2) The committee shall include the director and a representative from the Washington State University apiary program or cooperative extension.

(3) The committee may include up to three representatives of receivers of pollination services.

(4) The terms of the apiarist members of the committee shall be staggered and the members shall serve a term of three years and until their successors have been appointed and qualified.

In the event a committee member resigns, is disqualified, or vacates a position on the committee for any reason, the vacancy shall be filled by the director under the provisions of this section.

(5))) The director may establish an apiary advisory committee including members representing the major segments of the apiary industry including commercial and noncommercial beekeepers, representatives from the Washington State University apiary program or cooperative extension, and receivers of pollination services as deemed appropriate.

The committee shall advise the director on administration of this chapter and issues affecting the apiary industry. The committee may also advise the director on the funding of research projects of benefit to the apiary industry.

The committee shall meet ((at least once yearly. It may also meet)) at the call of the director ((or the request of any three members of the committee)). Members of the committee shall serve without compensation but ((shall)) may be reimbursed for travel expenses incurred in attending meetings of the committee and any other official duty authorized ((by the committee and approved)) by the director, pursuant to RCW 43.03.050 and 43.03.060((, if apiarists are charged a registration fee, under RCW 15.60.050, to cover the expenses of the committee)).

Sec. 3. RCW 15.60.050 and 1994 c 178 s 6 are each amended to read as follows:

(1) Each person owning one or more hives with bees, brokers ((~~of~~)) renting hives, and ((~~beekeepers~~)) apiarists resident in other states who operate hives in Washington((~~,~~)) shall register with the director ((~~on or before~~)) by April 1st each year.

(((~~(1)~~))) (2) The registration application shall include:

(a) The name, address, and phone number of the ((~~owner~~)) apiarist or broker((~~,~~));

(b) The number of colonies of bees to be owned, brokered, or operated in Washington((~~, and such~~)) that year;

(c) A registration fee as ((~~may be~~)) prescribed in rule ((~~under subsection (2) of this section.~~)) by the director, with the advice of the apiary advisory committee; and

(d) Any other information required by the department by rule.

(3) The director shall issue to each ((~~resident~~)) apiarist or broker registered with the department an apiarist identification number. ((~~The apiarist identification number shall be displayed on hives of an apiary in a manner prescribed by the director in rule.~~

~~(2) A registration fee may be set in rule by the director, with the advice of the apiary advisory committee. The fee shall be used for covering the expenses of the apiary advisory committee and may be used for supporting the industry apiary program of the department or funding research projects of benefit to the apiary industry that the director may select upon the advice of the apiary advisory committee.~~))

Sec. 4. RCW 15.60.043 and 1994 c 178 s 5 are each amended to read as follows:

((~~The inspection fees, registration fees, pollination service fees, and other charges provided in this chapter shall become due and payable upon billing by the department.~~)) A late ((~~charge~~)) fee of one and one-half percent per month shall be assessed on ((~~the unpaid balance against persons more than thirty days in arrears. In addition to any other penalties, the director may refuse to perform an inspection or certification service for a person in arrears unless the person makes payment in full prior to such inspection or certification service~~)) registration fees received after April 1st.

Sec. 5. RCW 15.60.040 and 1994 c 178 s 4 are each amended to read as follows:

(((~~(1) There is hereby established a fee on the use, by growers of agricultural crops, of bee pollination services provided by others. This pollination service fee is in the amount of fifty cents for each setting of each hive containing a colony that is used by the grower. The fee shall be paid by the grower using the service, shall be collected by the beekeeper providing the service, and shall be remitted by the beekeeper to the department as provided by rules adopted by the director. All such fees shall be deposited in the industry apiary program account. Revenues from these fees shall be directed to use in providing services to the apiary industry that assist in ensuring the vitality and availability of bees for commercial pollination services for the agricultural industry.~~

~~(2) There is established an industry apiary program account within the agricultural local fund.~~)) All money collected under this chapter ((~~including fees for requested services, required inspections, or treatments, registration fees, and apiary assessments~~)) shall be placed in ((~~the industry apiary program~~)) an account in the agricultural local fund. Money in the account ((~~may only~~)) shall be used to carry out the purposes of this chapter and may be used for apiary-related activities of the department or funding research projects of benefit to the apiary industry that the director may select upon the advice of the apiary advisory committee. No appropriation is required for disbursement from the ((~~industry apiary program~~)) account.

Sec. 6. RCW 17.24.007 and 1991 c 257 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the state department of agriculture.

(2) "Director" means the director of the state department of agriculture or the director's designee.

(3) "Quarantine" means a rule issued by the department that prohibits or regulates the movement of articles, bees, plants, or plant products from designated quarantine areas within or outside the state to prevent the spread of disease, plant pathogens, or pests to nonquarantine areas.

(4) "Plant pest" means a living stage of an insect, mite, nematode, slug, snail, or protozoa, or other invertebrate animal, bacteria, fungus, or parasitic plant, or their reproductive parts, or viruses, or an organism similar to or allied with any of the foregoing plant pests, including a genetically engineered organism, or an infectious substance that can directly or indirectly injure or cause disease or damage in plants or parts of plants or in processed, manufactured, or other products of plants.

(5) "Plants and plant products" means trees, shrubs, vines, forage, and cereal plants, and all other plants and plant parts, including cuttings, grafts, scions, buds, fruit, vegetables, roots, bulbs, seeds, wood, lumber, and all products made from the plants and plant products.

(6) "Certificate" or "certificate of inspection" means an official document certifying compliance with the requirements of this chapter. The term "certificate" includes labels, rubber stamp imprints, tags, permits, written statements, or a form of inspection and certification document that accompanies the movement of inspected and certified plant material and plant products, or bees, bee hives, or beekeeping equipment.

(7) "Compliance agreement" means a written agreement between the department and a person engaged in growing, handling, or moving articles, plants, plant products, or bees, bee hives, or beekeeping equipment regulated under this chapter, in which the person agrees to comply with stipulated requirements.

(8) "Distribution" means the movement of a regulated article from the property where it is grown or kept, to property that is not contiguous to the property, regardless of the ownership of the properties.

(9) "Genetically engineered organism" means an organism altered or produced through genetic modification from a donor, vector, or recipient organism using recombinant DNA techniques, excluding those organisms covered by the food, drug and cosmetic act (21 U.S.C. Secs. 301-392).

(10) "Person" means a natural person, individual, firm, partnership, corporation, company, society, or association, and every officer, agent, or employee of any of these entities.

(11) "Sell" means to sell, to hold for sale, offer for sale, handle, or to use as inducement for the sale of another article or product.

(12) "Noxious weed" means a living stage, including, but not limited to, seeds and reproductive parts, of a parasitic or other plant of a kind that presents a threat to Washington agriculture or environment.

(13) "Regulated article" means a plant or plant product, bees or beekeeping equipment, noxious weed or other articles or equipment capable of harboring or transporting plant or bee pests or noxious weeds that is specifically addressed in rules or quarantines adopted under this chapter.

(14) "Owner" means the person having legal ownership, possession, or control over a regulated article covered by this chapter including, but not limited to, the owner, shipper, consignee, or their agent.

(15) "Nuisance" means a plant, or plant part, apiary, or property found in a commercial area on which is found a pest, pathogen, or disease that is a source of infestation to other properties.

(16) "Bees" means ((~~honey producing insects of the species apis mellifera and includes the adults, eggs, larvae, pupae, and other immature stages of~~)) adult insects, eggs, larvae, pupae, or other immature stages of the species Apis mellifera.

(17) "Bee pests" means a mite, other parasite, or disease that causes injury to bees and those honey bees generally recognized to have undesirable behavioral characteristics such as or as found in Africanized honey bees.

(18) "Biological control" means the use by humans of living organisms to control or suppress undesirable animals and plants; the action of parasites, predators, or pathogens on a host or prey population to produce a lower general equilibrium than would prevail in the absence of these agents.

(19) "Biological control agent" means a parasite, predator, or pathogen intentionally released, by humans, into a target host or prey population with the intent of causing population reduction of that host or prey.

(20) "Emergency" means a situation where there is an imminent danger of an infestation of plant pests or disease that seriously threatens the state's agricultural or horticultural industries or environment and that cannot be adequately addressed with normal procedures or existing resources.

NEW SECTION. **Sec. 7.** The following sections are recodified within chapter 15.60 RCW in the following order:

RCW 15.60.005
RCW 15.60.010
RCW 15.60.050
RCW 15.60.043
RCW 15.60.040
RCW 15.60.170
RCW 15.60.180
RCW 15.60.190
RCW 15.60.210
RCW 15.60.220
RCW 15.60.900

NEW SECTION. **Sec. 8.** The following acts or parts of acts are each repealed:

(1) RCW 15.60.007 (Industry apiary program) and 1994 c 178 s 2, 1993 c 89 s 2, & 1988 c 4 s 14;

(2) RCW 15.60.015 (Bee pests--Control--Quarantine) and 1993 c 89 s 4, 1988 c 4 s 2, 1977 ex.s. c 362 s 2, & 1961 c 11 s 15.60.015;

(3) RCW 15.60.020 (Abandoned hives--Impoundment) and 1993 c 89 s 5, 1988 c 4 s 3, 1975-'76 2nd ex.s. c 34 s 17, & 1961 c 11 s 15.60.020;

(4) RCW 15.60.025 (Specific rule-making authority) and 1993 c 89 s 6, 1988 c 4 s 4, & 1977 ex.s. c 362 s 8;

(5) RCW 15.60.030 (Bringing bees or equipment into state--Requirements) and 1993 c 89 s 7, 1988 c 4 s 5, 1981 c 296 s 7, 1977 ex.s. c 362 s 3, 1965 c 44 s 1, & 1961 c 11 s 15.60.030;

(6) RCW 15.60.042 (Request of department services) and 1993 c 89 s 9 & 1988 c 4 s 7;

(7) RCW 15.60.100 (Director's powers) and 1993 c 89 s 12, 1988 c 4 s 10, 1981 c 296 s 10, 1977 ex.s. c 362 s 7, & 1961 c 11 s 15.60.100;

(8) RCW 15.60.110 (Access and entry by director) and 1993 c 89 s 13, 1988 c 4 s 11, 1977 ex.s. c 362 s 6, & 1961 c 11 s 15.60.110;

(9) RCW 15.60.120 (Queen bee rearing apiaries) and 1993 c 89 s 14, 1988 c 4 s 12, 1981 c 296 s 11, & 1961 c 11 s 15.60.120;

(10) RCW 15.60.140 (Africanized honey bees) and 1993 c 89 s 15, 1988 c 4 s 13, 1981 c 296 s 12, & 1961 c 11 s 15.60.140;

(11) RCW 15.60.150 (Unlawful acts enumerated) and 1993 c 89 s 16, 1981 c 296 s 13, & 1961 c 11 s 15.60.150; and

(12) RCW 15.60.230 (Injunction) and 1993 c 89 s 19.

NEW SECTION. **Sec. 9.** This act takes effect June 30, 2001."

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Agriculture and Rural Economic Development striking amendment to Engrossed House Bill No. 2995.

The motion by Senator Rasmussen carried and the committee striking amendment was adopted.

MOTIONS

On motion of Senator Rasmussen, the following title amendment was adopted:

On page 1, line 1 of the title, after "apiaries;" strike the remainder of the title and insert "amending RCW 15.60.005, 15.60.010, 15.60.050, 15.60.043, 15.60.040, and 17.24.007; adding new sections to chapter 15.60 RCW; recodifying RCW 15.60.005, 15.60.010, 15.60.050, 15.60.043, 15.60.040, 15.60.170, 15.60.180, 15.60.190, 15.60.210, 15.60.220, and 15.60.900; repealing RCW 15.60.007, 15.60.015, 15.60.020, 15.60.025, 15.60.030, 15.60.042, 15.60.100, 15.60.110, 15.60.120, 15.60.140, 15.60.150, and 15.60.230; and providing an effective date."

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 2995, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2995, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2995, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senator Sheldon, T. - 1.

Absent: Senator West - 1.

Excused: Senators Eide, Fraser, Horn and Sellar - 4.

ENGROSSED HOUSE BILL NO. 2995, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

MOTION

On motion of Senator McCaslin, Senator West was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 2873, by Representatives Parlette, Scott, Mulliken and Kessler

Increasing local government debt limits to finance capital facilities.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the following Committee on State and Local Government striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 39.36.020 and 1994 c 277 s 1 are each amended to read as follows:

(1) Except as otherwise expressly provided by law or in subsections (2), (3) and (4) of this section, no taxing district shall for any purpose become indebted in any manner to an amount exceeding three-eighths of one percent of the value of the taxable property in such taxing district without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness incurred at any time exceed one and one-fourth percent on the value of the taxable property therein.

(2)(a)(i) Public hospital districts are limited to an indebtedness amount not exceeding three-fourths of one percent of the value of the taxable property in such public hospital districts without the assent of three-fifths of the voters therein voting at an election held for that purpose.

(ii) Counties, cities, and towns are limited to an indebtedness amount not exceeding one and one-half percent of the value of the taxable property in such counties, cities, or towns without the assent of three-fifths of the voters therein voting at an election held for that purpose.

(b) In cases requiring such assent counties, cities, towns, and public hospital districts are limited to a total indebtedness of two and one-half percent of the value of the taxable property therein. However, any county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW may become indebted to a larger amount for its authorized metropolitan functions, as provided under chapter 35.58 RCW, but not exceeding an additional three-fourths of one percent of the value of the taxable property in the county without the assent of three-fifths of the voters therein voting at an election held for that purpose, and in cases requiring such assent not exceeding an additional two and one-half percent of the value of the taxable property in the county.

(3) School districts are limited to an indebtedness amount not exceeding three-eighths of one percent of the value of the taxable property in such district without the assent of three-fifths of the voters therein voting at an election held for that purpose. In cases requiring such assent school districts are limited to a total indebtedness of two and one-half percent of the value of the taxable property therein.

(4) No part of the indebtedness allowed in this chapter shall be incurred for any purpose other than strictly county, city, town, school district, township, port district, metropolitan park district, or other municipal purposes: PROVIDED, That a city or town, with such assent, may become indebted to a larger amount, but not exceeding two and one-half percent additional, determined as herein provided, for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the city or town; and a city or town, with such assent, may become indebted to a larger amount, but not exceeding two and one-half percent additional for acquiring or developing open space ((~~and~~)), park facilities, and capital facilities associated with economic development: PROVIDED FURTHER, That any school district may become indebted to a larger amount but not exceeding two and one-half percent additional for capital outlays.

(5) Such indebtedness may be authorized in any total amount in one or more propositions and the amount of such authorization may exceed the amount of indebtedness which could then lawfully be incurred. Such indebtedness may be incurred in one or more series of bonds from time to time out of such authorization but at no time shall the total general indebtedness of any taxing district exceed the above limitation.

The term "value of the taxable property" as used in this section shall have the meaning set forth in RCW 39.36.015."

MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 3 of the title, after "development;" strike the remainder of the title and insert "and amending RCW 39.36.020."

On motion of Senator Patterson, the rules were suspended, Engrossed House Bill No. 2873, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2873, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2873, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Eide, Fraser, Horn, Sellar and West - 5.

ENGROSSED HOUSE BILL NO. 2873, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator McCaslin, Senator Deccio was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2441, by House Committee on State Government (originally sponsored by Representatives Wensman, Ogden, Rockefeller, McMorris, Alexander, Regala, Mielke, Doumit, Thomas, Kessler, Hatfield, O'Brien, Lisk, McDonald, Carlson, Conway, Mulliken, Koster, Woods, Talcott, Huff, Radcliff, Wolfe, Ruderman, Edmonds, Pflug, Parlette, Esser, Hurst and Benson) (by request of Joint Legislative Audit and Review Committee)

Increasing government accountability through the state sunset review process.

The bill was read the second time.

MOTION

On motion of Senator Gardner, the following Committee on State and Local Government striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.131.020 and 1977 ex.s. c 289 s 2 are each amended to read as follows:

The state legislature finds that state ((~~agencies~~)) entities may fail to deliver services as effectively and efficiently as is expected by the general public and as originally contemplated by the legislature. It further finds that state government actions have produced a substantial increase in numbers of ((~~agencies~~)) entities, growth of programs, and proliferation of rules ((~~and regulations~~)), and that the entire process has evolved without sufficient legislative and executive oversight, regulatory accountability, or a system of checks and balances. The legislature further finds that by establishing a system for the termination, continuation, or modification of state ((~~agencies~~)) entities, coupled with a system of scheduled review of such ((~~agencies~~)) entities, it will be in a better position to: Evaluate the need for the continued existence of existing and future state ((~~agencies~~)) entities; assess the effectiveness and performance of agencies, boards, commissions, and programs; and ensure public accountability. The legislature recognizes that the executive branch shares in this duty and responsibility to assure that state government operates in an efficient, orderly, and responsive manner.

Sec. 2. RCW 43.131.030 and 1983 1st ex.s. c 27 s 1 are each amended to read as follows:

As used in this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise.

(1) ((~~"Committees of reference" means the standing legislative committees designated by the senate and house of representatives to consider termination, modification, or reestablishment of state agencies pursuant to this chapter.~~)) "Entity" includes every state office, department, board, commission, unit or subunit, and agency of the state, and where provided by law, programs and activities involving less than the full responsibility of a state agency. "Entity" also includes any part of the Revised Code of Washington scheduled for repeal, expiration, or program termination.

(2) "Person" includes every natural person, firm, partnership, corporation, association, or organization.

(((~~(3) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which licenses or regulates one or more professions, occupations, industries, businesses, or other endeavors in the state of Washington.~~

~~(4) "State agency" includes every state office, department, board, commission, regulatory entity and agency of the state, and where provided by law, programs and activities involving less than the full responsibility of a state agency.~~))

Sec. 3. RCW 43.131.040 and 1983 1st ex.s. c 27 s 2 are each amended to read as follows:

Any state ((~~agency~~)) entity scheduled for termination by the processes provided in this chapter may be reestablished by the legislature for a specified period of time or indefinitely. The legislature may again review the state ((~~agency~~)) entity in a manner consistent with the provisions of this chapter and reestablish, modify, or consolidate such state ((~~agency~~)) entity or allow it to be terminated.

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.131 RCW to read as follows:

The joint legislative audit and review committee shall conduct a program and fiscal review of any entity scheduled for termination under this chapter. This program and fiscal review shall be completed and a preliminary report prepared during the calendar year prior to the date established for termination. These reports shall be prepared in the manner set forth in RCW 44.28.071 and 44.28.075. Upon completion of its preliminary report, the joint legislative audit and review committee shall transmit copies of the report to the office of financial management and any affected entity. The final report shall include the response, if any, of the affected entity and the office of financial management in the same manner as set forth in RCW 44.28.088, except the affected entity and the office of financial management shall have sixty days to respond to the report. The joint legislative audit and review committee shall transmit the final report to the legislature, to the state entity affected, to the governor, and to the state library.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.131 RCW to read as follows:

(1) Any entity may be scheduled for sunset termination and review under this chapter by law.

(2) An entity scheduled for sunset termination shall establish performance measures, as required under subsection (3) of this section, and must be evaluated, in part, in terms of the results. The entity has the burden of demonstrating the extent to which performance results have been achieved. The sunset termination legislation shall name a lead entity, if more than one entity is impacted by scheduled termination. The affected entity or lead entity has the responsibility for developing and implementing a data collection plan and submitting the resulting performance information to the joint legislative audit and review committee.

(3) An entity shall develop performance measures and a data collection plan and submit them for review and comment to the joint legislative audit and review committee within one year of the effective date of the legislation establishing the sunset termination.

(4) Unless specified otherwise, sunset terminations under this chapter shall be a minimum of seven years. The joint legislative audit and review committee shall complete its review in the year prior to the date of termination.

NEW SECTION. **Sec. 6.** A new section is added to chapter 43.131 RCW to read as follows:

(1) In conducting the review of an entity, the joint legislative audit and review committee shall determine the scope and objectives of the review and consider, but not be limited to, the following factors, if applicable:

(a) The extent to which the entity has complied with legislative intent;

(b) The extent to which the entity is operating in an efficient and economical manner which results in optimum performance;

(c) The extent to which the entity is operating in the public interest by controlling costs;

(d) The extent to which the entity duplicates the activities of other entities or of the private sector;

(e) The extent to which the entity is meeting the performance measures developed under section 5 of this act; and

(f) The possible impact of the termination or modification of the entity.

(2) After completing the review under subsection (1) of this section, the committee shall make its recommendations to the legislature.

Sec. 7. RCW 43.131.090 and 1993 c 281 s 54 are each amended to read as follows:

Unless the legislature specifies a shorter period of time, a terminated ((~~state agency~~)) entity shall continue in existence until June 30th of the next succeeding year for the purpose of concluding its affairs: PROVIDED, That the powers and authority of the ((~~state agency~~)) entity shall not be reduced or otherwise limited during this period. Unless otherwise provided:

(1) All employees of terminated ((~~state agencies~~)) entities classified under chapter 41.06 RCW, the state civil service law, shall be transferred as appropriate or as otherwise provided in the procedures adopted by the Washington personnel resources board pursuant to RCW 41.06.150;

(2) All documents and papers, equipment, or other tangible property in the possession of the terminated ((~~state agency~~)) entity shall be delivered to the custody of the ((~~agency~~)) entity assuming the responsibilities of the terminated ((~~agency~~)) entity or if such responsibilities have been eliminated, documents and papers shall be delivered to the state archivist and equipment or other tangible property to the department of general administration;

(3) All funds held by, or other moneys due to, the terminated ((~~state agency~~)) entity shall revert to the fund from which they were appropriated, or if that fund is abolished to the general fund;

(4) Notwithstanding the provisions of RCW 34.05.020, all rules made by a terminated ((~~state agency~~)) entity shall be repealed, without further action by the ((~~state agency~~)) entity, at the end of the period provided in this section, unless assumed and reaffirmed by the ((~~agency~~)) entity assuming the related legal responsibilities of the terminated ((~~state agency~~)) entity;

(5) All contractual rights and duties of ((~~a state agency~~)) an entity shall be assigned or delegated to the ((~~agency~~)) entity assuming the responsibilities of the terminated ((~~state agency~~)) entity, or if there is none to such ((~~agency~~)) entity as the governor shall direct.

Sec. 8. RCW 43.131.100 and 1977 ex.s. c 289 s 10 are each amended to read as follows:

This chapter shall not affect the right to institute or prosecute any cause of action by or against ((~~a state agency~~)) an entity terminated pursuant to this chapter if the cause of action arose prior to the end of the period provided in RCW 43.131.090. Such causes of action may be instituted, prosecuted, or defended in the name of the state of Washington by the office of the attorney general. Any hearing or other proceeding pending before ((~~a state agency~~)) an entity to be terminated and not completed before the end of the period provided in RCW 43.131.090, may be completed by the ((~~agency~~)) entity assuming the responsibilities of the terminated ((~~state agency~~)) entity.

Sec. 9. RCW 43.131.130 and 1977 ex.s. c 289 s 13 are each amended to read as follows:

Nothing in this chapter or RCW 43.06.010 ((~~as now or hereafter amended,~~)) shall prevent the legislature from abolishing or modifying ((~~a state agency~~)) an entity scheduled for termination prior to the ((~~agency's~~)) entity's established termination date or from abolishing or modifying any other ((~~state agency~~)) entity.

Sec. 10. RCW 43.131.150 and 1983 1st ex.s. c 27 s 8 are each amended to read as follows:

The ((~~state agencies and programs~~)) entities scheduled for termination under this chapter shall be subject to all of the processes provided in this chapter.

NEW SECTION. **Sec. 11.** The following acts or parts of acts are each repealed:

(1) RCW 43.131.050 (Joint legislative audit and review committee and office of financial management--Duties--Reports required) and 1996 c 288 s 43, 1990 c 297 s 2, 1979 c 22 s 1, & 1977 ex.s. c 289 s 5;

(2) RCW 43.131.060 (Joint legislative audit and review committee review of regulatory entity--Factors for consideration) and 1996 c 288 s 44, 1988 c 17 s 1, & 1977 ex.s. c 289 s 6;

(3) RCW 43.131.070 (Joint legislative audit and review committee review of a state agency other than a regulatory entity--Factors for consideration) and 1996 c 288 s 45 & 1977 ex.s. c 289 s 7; and

(4) RCW 43.131.080 (Committees of reference--Powers and duties) and 1996 c 288 s 46, 1989 c 175 s 109, 1983 1st ex.s. c 27 s 3, & 1977 ex.s. c 289 s 8.

Sec. 12. RCW 43.131.900 and 1988 c 17 s 2 are each amended to read as follows:

RCW 43.131.010 through 43.131.150 shall expire on June 30, ((~~2000~~)) 2015, unless extended by law for an additional fixed period of time.

NEW SECTION. **Sec. 13.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTIONS

On motion of Senator Gardner, the following title amendment was adopted:

On page 1, line 2 of the title, after "process;" strike the remainder of the title and insert "amending RCW 43.131.020, 43.131.030, 43.131.040, 43.131.090, 43.131.100, 43.131.130, 43.131.150, and 43.131.900; adding new sections to chapter 43.131 RCW; repealing RCW 43.131.050, 43.131.060, 43.131.070, and 43.131.080; and providing an expiration date."

On motion of Senator Gardner, the rules were suspended, Substitute House Bill No. 2441, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2441, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2441, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Deccio, Eide, Fraser, Horn and Sellar - 5.

SUBSTITUTE HOUSE BILL NO. 2441, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Goings, Senators Haugen and Loveland were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1218, by House Committee on Health Care (originally sponsored by Representatives Cody and Parlette) (by request of Department of Health)

Modifying provisions related to nurse delegation of tasks.

The bill was read the second time.

MOTIONS

On motion of Senator Thibaudeau, the following Committee on Health and Long-Term Care amendment was adopted:

On page 7, line 38, after "30," strike "2000" and insert "2001"

On motion of Senator Thibaudeau, the rules were suspended, Substitute House Bill No. 1218, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Costa: "Senator Thibaudeau, does the underlying bill prevent nurse delegation to certified medical assistance?"

Senator Thibaudeau: "No, it would not."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1218, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1218, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Deccio, Eide, Fraser, Horn and Sellar - 5.

SUBSTITUTE HOUSE BILL NO. 1218, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2022, by House Committee on Higher Education (originally sponsored by Representatives Schindler, Sullivan, Bush, Lantz, Mielke, Lovick, Cairnes, Hurst, Kastama, McDonald, Esser, Conway, Campbell, Benson and D. Schmidt)

Expanding the national guard scholarship program.

The bill was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 2022 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2022.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2022 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senator Deccio - 1.

Excused: Senators Eide, Fraser, Haugen, Loveland and Sellar - 5.

SUBSTITUTE HOUSE BILL NO. 2022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2644, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Delvin, Grant, Hankins, Linville and G. Chandler)

Restoring unfinished nuclear power sites.

The bill was read the second time.

MOTION

On motion of Senator Brown, the following Committee on Energy, Technology and Telecommunications striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 80.50.300 and 1996 c 4 s 2 are each amended to read as follows:

(1) This section applies only to unfinished nuclear power projects ((~~that are not located on federal property~~)). If a certificate holder stops construction of a nuclear energy facility before completion, terminates the project or otherwise resolves not to complete construction, never introduces or stores fuel for the energy facility on the site, and never operates the energy facility as designed to produce energy, the certificate holder may contract, establish interlocal agreements, or use other formal means to effect the transfer of site restoration responsibilities, which may include economic development activities, to any political subdivision or subdivisions of the state composed of elected officials. The contracts, interlocal agreements, or other formal means of cooperation may include, but are not limited to provisions effecting the transfer or conveyance of interests in the site and energy facilities from

the certificate holder to other political subdivisions of the state, including costs of maintenance and security, capital improvements, and demolition and salvage of the unused energy facilities and infrastructure.

(2) If a certificate holder transfers all or a portion of the site to a political subdivision or subdivisions of the state composed of elected officials and located in the same county as the site, the council shall amend the site certification agreement to release those portions of the site ((~~that are transferred pursuant to this section~~)) that it finds are no longer intended for the development of an energy facility.

Immediately upon release of all or a portion of the site pursuant to this section, all responsibilities for maintaining the public welfare for portions of the site transferred, including but not limited to health and safety, are transferred to the political subdivision or subdivisions of the state. For sites located on federal land, all responsibilities for maintaining the public welfare for all of the site, including but not limited to health and safety, must be transferred to the political subdivision or subdivisions of the state irrespective of whether all or a portion of the site is released.

(3) The legislature finds that for all or a portion of sites that have been transferred to a political subdivision or subdivisions of the state prior to September 1, 1999, ensuring water for site restoration including economic development, completed pursuant to this section can best be accomplished by a transfer of existing surface water rights, and that such a transfer is best accomplished administratively through procedures set forth in existing statutes and rules. However, if a transfer of water rights is not possible, the department of ecology shall, within six months of the transfer of the site or portion thereof pursuant to subsection (1) of this section, create a trust water right under chapter 90.42 RCW containing between ten and twenty cubic feet per second for the benefit of the appropriate political subdivision or subdivisions of the state. The trust water right shall be used in fulfilling site restoration responsibilities, including economic development. The trust water right shall be from existing valid water rights within the basin where the site is located.

(4) For purposes of this section, "political subdivision or subdivisions of the state" means a city, town, county, public utility district, port district, or joint operating agency."

MOTIONS

On motion of Senator Brown, the following title amendment was adopted:

On page 1, line 4 of the title, after "sites;" strike the remainder of the title and insert "and amending RCW 80.50.300."

On motion of Senator Brown, the rules were suspended, Substitute House Bill No. 2644, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2644, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2644, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senator Jacobsen - 1.

Excused: Senators Eide, Fraser, Haugen, Loveland and Sellar - 5.

SUBSTITUTE HOUSE BILL NO. 2644, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2322, by Representatives Esser, Lantz, Constantine, Carlson and Hurst

Amending the partnership and limited liability company acts.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, Engrossed House Bill No. 2322 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2322.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2322 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Eide, Fraser, Haugen, Loveland and Sellar - 5.

ENGROSSED HOUSE BILL NO. 2322, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2765, by Representatives McIntire, Mulliken, Wensman, Fisher, Ogden and Edwards

Authorizing delegation of authority regarding revenue bonds for port districts.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 2765 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2765.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2765 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Voting nay: Senators Heavey, Patterson and Roach - 3.

Excused: Senators Fraser, Haugen, Loveland and Sellar - 4.

HOUSE BILL NO. 2765, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 10:09 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:23 a.m. by President Pro Tempore Wojahn.

SECOND READING

SENATE BILL NO. 6304, by Senators McCaslin and Haugen

Modifying the license plate replacement program.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6304 was substituted for Senate Bill No. 6304 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6304 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6304.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6304 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Fraser and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 6304, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Rossi was excused.

SECOND READING

HOUSE BILL NO. 2333, by Representatives Schual-Berke, Dickerson, Carlson, Hurst and D. Sommers

Clarifying rights and responsibilities of bicyclists.

The bill was read the second time.

MOTION

On motion of Senator Goings, the rules were suspended, House Bill No. 2333 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2333.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2333 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 6; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 39.

Voting nay: Senators Benton, Hochstatter, Honeyford, Roach, Stevens and Zarelli - 6.

Absent: Senator Patterson - 1.

Excused: Senators Fraser, Rossi and Sellar - 3.

HOUSE BILL NO. 2333, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2599, by House Committee on Local Government (originally sponsored by Representatives Doumit, Mulliken, Scott, Fisher and Alexander)

Creating a training program for port district officials.

The bill was read the second time.

MOTIONS

On motion of Senator Fairley, the following Committee on Labor and Workforce Development amendments were considered simultaneously and were adopted:

On page 3, beginning on line 1, after "association" strike all material through "chapter." on line 3

On page 3, beginning on line 3, after "auditor" strike all material through "chapter" on line 6

On page 3, line 6 after "chapter." insert "The financial records of any nonprofit corporation utilized by port districts shall be subject to audit by the state auditor to determine compliance with the contractual terms and conditions under which payments or reimbursements are received under chapter 53.06 RCW."

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 2599, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2599, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2599, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Fraser and Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 2599, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2516, by Representatives Stensen, Cox, Cooper and Thomas (by request of Department of Revenue)

Regarding disclosure of information to persons against whom successor tax liability is asserted.

The bill was read the second time.

MOTION

On motion of Senator Loveland, the rules were suspended, House Bill No. 2516 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2516.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2516 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Fraser and Sellar - 2.

HOUSE BILL NO. 2516, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2535, by Representatives Miloscia, D. Schmidt, Ogden, Veloria and Haigh

Facilitating payments to subcontractors on design-build projects.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 2535 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

` Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2535.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2535 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Fraser and Sellar - 2.

HOUSE BILL NO. 2535, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Patterson was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2899, by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Clements, Cody, Cooper and Keiser) (by request of Department of Social and Health Services)

Developing a workplace safety plan for state hospitals.

The bill was read the second time.

MOTION

On motion of Senator Costa, the rules were suspended, Substitute House Bill No. 2899 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2899.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2899 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Patterson and Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 2899, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2329, by Representatives McDonald, Lantz and Constantine

Changing descriptions in judgments involving real property.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, House Bill No. 2329 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2329.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2329 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

\ Excused: Senators Patterson and Sellar - 2.

HOUSE BILL NO. 2329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 12:01 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 2:05 p.m. by President Owen.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2589, by House Committee on Natural Resources (originally sponsored by Representatives Buck, Regala, Stensen, Anderson, Sump, G. Chandler, Pennington, Ericksen, Clements, Eickmeyer, Doumit, Alexander, Rockefeller and Dunn)

Clarifying what projects are eligible for funding by the salmon recovery funding board.

The bill was read the second time.

MOTION

Senator Morton moved that the following amendments be considered simultaneously and be adopted:
On page 1, line 12, after "address" strike "both" and insert "((~~both~~))"
On page 1, line 13, after "habitat" insert "and effective predator control"

POINT OF ORDER

Senator Jacobsen: "A point of order, Madam President. I am asking for a ruling on the amendments by Senator Morton. I think the bill clarifies what projects are eligible by authorizing the board to fund projects by landowners under an ESA obligation and also addresses property transfers as part of board-funded projects. Nowhere does the bill address 'predators.' The floor amendments add a new type of activity to the funding allocation and preferences standards of the board's organic law.

"This is totally outside the scope of the bill addressing what projects are eligible. Landowners don't own predators like marine mammals and birds, so the floor amendments have no possible relationship to the underlying bill clarifying landowner eligibility for board funding."

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Goings: "Madam President, a point of parliamentary inquiry. I think the discussion up at the rostrum relates to the two amendments by Senator Morton that are very similar in nature to the other amendment on the desk. Would it be appropriate to bring the other amendment before the body and make a scope request on that one, as well, so that the President may discuss and decide both scopes at the same time?"

REPLY BY THE PRESIDENT PRO TEMPORE:

President Pro Tempore Wojahn: "A very good choice--yes."

WITHDRAW OF SECOND AMENDMENT

There being no objection, Senator Morton did not move, but withdrew the second amendment that was on the desk.

MOTION

On motion of Senator Goings, further consideration of Engrossed Substitute House Bill No. 2589 was deferred.

MOTION

On motion of Senator Honeyford, Senator Winsley was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 2561, by Representatives Rockefeller, Woods, Mulliken, Scott, Lantz, Ogden, Constantine and Haigh

Authorizing the preservation and development of national historic towns outside of urban growth areas.

The bill was read the second time.

MOTION

On motion of Senator Betti Sheldon, the following amendments by Senators Betti Sheldon and Hale were considered simultaneously and were adopted:

On page 2, line 15, after "buffering." insert "Provisions for transitional uses and buffering must be compatible with the town's historic character and must protect the existing natural and built environment under the requirements of this chapter within and beyond the additional limited areas, including visual compatibility."

On page 2, line 17, after "town," insert "including the additional limited areas,"

On motion of Senator Betti Sheldon, the rules were suspended, Engrossed House Bill No. 2561, as amended by the Senate, was advanced to third reading the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2561, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2561, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Wojahn and Zarelli - 46.

Voting nay: Senator Roach - 1.

Excused: Senators Sellar and Winsley - 2.

ENGROSSED HOUSE BILL NO. 2561, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Rossi was excused.

SECOND READING

HOUSE BILL NO. 2660, by Representatives Huff, H. Sommers, Hatfield and Benson (by request of State Investment Board)

Changing record checks for the state investment board.

The bill was read the second time.

MOTION

On motion of Senator Goings, the rules were suspended, House Bill No. 2660 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2660.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2660 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Rossi and Sellar - 2.

HOUSE BILL NO. 2660, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2590, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Benson and Hatfield) (by request of Pollution Liability Insurance Agency)

Extending the expiration date on certain pollution liability insurance programs.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2590 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2590.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2590 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senators Loveland and Snyder - 2.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 2590, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced the mayors form northeast Washington visiting the state capitol with the Association of Mayors and as guests of Senators Sheahan, Morton and West.

SECOND READING

HOUSE BILL NO. 2722, by Representatives Kenney, Carlson and Esser (by request of University of Washington)

Excluding exempt positions from bargaining units of employees of institutions of higher education governed by chapter 41.56 RCW.

The bill was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 2722 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2722.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2722 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 2722, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2926, by Representatives DeBolt, Crouse, Alexander, Thomas, Kessler, Murray, Bush and Wolfe

Repealing certain coal tax exemptions.

The bill was read the second time.

MOTION

On motion of Senator Goings, the rules were suspended, House Bill No. 2926 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2926.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2926 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 47.

Voting nay: Senator Thibaudeau - 1.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 2926, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6067, by Senate Committee on Health and Long-Term Care (originally sponsored by Senator Thibaudeau)

Modifying provisions concerning access to individual health insurance coverage.

MOTIONS

On motion of Senator Thibaudeau, Second Substitute Senate Bill No. 6067 was substituted for Engrossed Substitute Senate Bill No. 6067 and the second substitute bill was placed on second reading and read the second time.

Senator Thibaudeau moved that the following striking amendment by Senators Thibaudeau and Deccio be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.04.010 and 1990 1st ex.s. c 3 s 1 are each amended to read as follows:

(1) The commissioner may hold a hearing for any purpose within the scope of this code as he or she may deem necessary. The commissioner shall hold a hearing:

(a) If required by any provision of this code; or

(b) Upon written demand for a hearing made by any person aggrieved by any act, threatened act, or failure of the commissioner to act, if such failure is deemed an act under any provision of this code, or by any report, promulgation, or order of the commissioner other than an order on a hearing of which such person was given actual notice or at which such person appeared as a party, or order pursuant to the order on such hearing.

(2) Any such demand for a hearing shall specify in what respects such person is so aggrieved and the grounds to be relied upon as basis for the relief to be demanded at the hearing.

(3) Unless a person aggrieved by a written order of the commissioner demands a hearing thereon within ninety days after receiving notice of such order, or in the case of a licensee under Title 48 RCW within ninety days after the commissioner has mailed the order to the licensee at the most recent address shown in the commissioner's licensing records for the licensee, the right to such hearing shall conclusively be deemed to have been waived.

(4) If a hearing is demanded by a licensee whose license has been temporarily suspended pursuant to RCW 48.17.540, the commissioner shall hold such hearing demanded within thirty days after receipt of the demand or within thirty days of the effective date of a temporary license suspension issued after such demand, unless postponed by mutual consent.

(5) A licensee under this title may request that a hearing authorized under this section be presided over by an administrative law judge assigned under chapter 34.12 RCW. Any such request shall not be denied.

(6) Any hearing held relating to section 3, 29, or 32 of this act shall be presided over by an administrative law judge assigned under chapter 34.12 RCW.

Sec. 2. RCW 48.18.110 and 1985 c 264 s 9 are each amended to read as follows:

(1) The commissioner shall disapprove any such form of policy, application, rider, or endorsement, or withdraw any previous approval thereof, only:

(a) If it is in any respect in violation of or does not comply with this code or any applicable order or regulation of the commissioner issued pursuant to the code; or

(b) If it does not comply with any controlling filing theretofore made and approved; or

(c) If it contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the contract; or

(d) If it has any title, heading, or other indication of its provisions which is misleading; or

(e) If purchase of insurance thereunder is being solicited by deceptive advertising.

(2) In addition to the grounds for disapproval of any such form as provided in subsection (1) of this section, the commissioner may disapprove any form of disability insurance policy, except an individual health benefit plan, if the benefits provided therein are unreasonable in relation to the premium charged.

NEW SECTION. **Sec. 3.** A new section is added to chapter 48.20 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Claims" means the cost to the insurer of health care services, as defined in RCW 48.43.005, provided to a policyholder or paid to or on behalf of the policyholder in accordance with the terms of a health benefit plan, as defined in RCW 48.43.005. This includes capitation payments or other similar payments made to providers for the purpose of paying for health care services for a policyholder.

(b) "Claims reserves" means: (i) The liability for claims which have been reported but not paid; (ii) the liability for claims which have not been reported but which may reasonably be expected; (iii) active life reserves; and (iv) additional claims reserves whether for a specific liability purpose or not.

(c) "Earned premiums" means premiums, as defined in RCW 48.43.005, plus any rate credits or recoupments less any refunds, for the applicable period, whether received before, during, or after the applicable period.

(d) "Incurred claims expense" means claims paid during the applicable period plus any increase, or less any decrease, in the claims reserves.

(e) "Loss ratio" means incurred claims expense as a percentage of earned premiums.

(f) "Reserves" means: (i) Active life reserves; and (ii) additional reserves whether for a specific liability purpose or not.

(2) An insurer shall file, for informational purposes only, a notice of its schedule of rates for its individual health benefit plans with the commissioner prior to use.

(3) An insurer shall file with the notice required under subsection (2) of this section supporting documentation of its method of determining the rates charged. The commissioner may request only the following supporting documentation:

(a) A description of the insurer's rate-making methodology;

(b) An actuarially determined estimate of incurred claims which includes the experience data, assumptions, and justifications of the insurer's projection;

(c) The percentage of premium attributable in aggregate for nonclaims expenses used to determine the adjusted community rates charged; and

(d) A certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the adjusted community rate charged can be reasonably expected to result in a loss ratio that meets or exceeds the loss ratio standard established in subsection (7) of this section.

(4) The commissioner may not disapprove or otherwise impede the implementation of the filed rates.

(5) By the last day of May each year any insurer providing individual health benefit plans in this state shall file for review by the commissioner supporting documentation of its actual loss ratio for its individual health benefit plans offered in the state in aggregate for the preceding calendar year. The filing shall include a certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the actual loss ratio has been calculated in accordance with accepted actuarial principles.

(a) At the expiration of a thirty-day period beginning with the date the filing is delivered to the commissioner, the filing shall be deemed approved unless prior thereto the commissioner contests the calculation of the actual loss ratio.

(b) If the commissioner contests the calculation of the actual loss ratio, the commissioner shall state in writing the grounds for contesting the calculation to the insurer.

(c) Any dispute regarding the calculation of the actual loss ratio shall, upon written demand of either the commissioner or the insurer, be submitted to hearing under chapters 48.04 and 34.05 RCW.

(6) If the actual loss ratio for the preceding calendar year is less than the loss ratio established in subsection (7) of this section, a remittance is due and the following shall apply:

(a) The insurer shall calculate a percentage of premium to be remitted to the Washington state health insurance pool by subtracting the actual loss ratio for the preceding year from the loss ratio established in subsection (7) of this section.

(b) The remittance to the Washington state health insurance pool is the percentage calculated in (a) of the subsection, multiplied by the premium earned from each enrollee in the previous calendar year. Interest shall be added to the remittance due at a five percent annual rate calculated from the end of the calendar year for which the remittance is due to the date the remittance is made.

(c) All remittances shall be aggregated and such amounts shall be remitted to the Washington state high risk pool to be used as directed by the pool board of directors.

(d) Any remittance required to be issued under this section shall be issued within thirty days after the actual loss ratio is deemed approved under subsection (5)(a) of this section or the determination by an administrative law judge under subsection (5)(c) of this section.

(7) The loss ratio applicable to this section shall be seventy-four percent minus the premium tax rate applicable to the insurer's individual health benefit plans under RCW 48.14.0201.

Sec. 4. RCW 48.20.028 and 1997 c 231 s 207 are each amended to read as follows:

(1)(((~~(a) An insurer offering any health benefit plan to any individual shall offer and actively market to all individuals a health benefit plan providing benefits identical to the schedule of covered health benefits that are required to be delivered to an individual enrolled in the basic health plan subject to RCW 48.43.025 and 48.43.035. Nothing in this subsection shall preclude an insurer from offering, or an individual from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. An insurer offering a health benefit plan that does not include benefits provided in the basic health plan shall clearly disclose these differences to the individual in a brochure approved by the commissioner.~~

~~(b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.20.390, 48.20.393, 48.20.395, 48.20.397, 48.20.410, 48.20.411, 48.20.412, 48.20.416, and 48.20.420 if the health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan.~~

~~(2)~~))) Premiums for health benefit plans for individuals shall be calculated using the adjusted community rating method that spreads financial risk across the carrier's entire individual product population. All such rates shall conform to the following:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

(i) Geographic area;

(ii) Family size;

(iii) Age;

(iv) Tenure discounts; and

(v) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

(i) Changes to the family composition;

(ii) Changes to the health benefit plan requested by the individual; or

(iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(((~~(3)~~))) (2) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.21.045.

(((~~(4)~~))) (3) As used in this section, "health benefit plan," ((~~"basic health plan,"~~)) "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 5. RCW 48.41.020 and 1987 c 431 s 2 are each amended to read as follows:

It is the purpose and intent of the legislature to provide access to health insurance coverage to all residents of Washington who are denied ((~~adequate~~)) health insurance ((~~for any reason. It is the intent of the legislature that adequate levels of health insurance coverage be made available to residents of Washington who are otherwise considered uninsurable or who are underinsured~~)). It is the intent of the Washington state health insurance coverage access act to provide a mechanism to ((~~insure~~)) ensure the availability of comprehensive health insurance to persons unable to obtain such insurance coverage on either an individual or group basis directly under any health plan.

Sec. 6. RCW 48.41.030 and 1997 c 337 s 6 are each amended to read as follows:

((~~As used in this chapter, the following terms have the meaning indicated,~~)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise((~~:~~)).

(1) "Accounting year" means a twelve-month period determined by the board for purposes of record-keeping and accounting. The first accounting year may be more or less than twelve months and, from time to time in subsequent years, the board may order an accounting year of other than twelve months as may be required for orderly management and accounting of the pool.

(2) "Administrator" means the entity chosen by the board to administer the pool under RCW 48.41.080.

(3) "Board" means the board of directors of the pool.

(4) "Commissioner" means the insurance commissioner.

(5) "Covered person" means any individual resident of this state who is eligible to receive benefits from any member, or other health plan.

(6) "Health care facility" has the same meaning as in RCW 70.38.025.

(7) "Health care provider" means any physician, facility, or health care professional, who is licensed in Washington state and entitled to reimbursement for health care services.

(8) "Health care services" means services for the purpose of preventing, alleviating, curing, or healing human illness or injury.

(9) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(10) "Health coverage" means any group or individual disability insurance policy, health care service contract, and health maintenance agreement, except those contracts entered into for the provision of health care services pursuant to Title XVIII of the Social Security Act, 42 U.S.C. Sec. 1395 et seq. The term does not include short-term care, long-term care, dental, vision, accident, fixed indemnity, disability income contracts, civilian health and medical program for the uniform services (CHAMPUS), 10 U.S.C. 55, limited benefit or credit insurance, coverage issued as a supplement to liability insurance, insurance arising out of the worker's compensation or similar law, automobile medical payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(((~~10~~))) (11) "Health plan" means any arrangement by which persons, including dependents or spouses, covered or making application to be covered under this pool, have access to hospital and medical benefits or reimbursement including any group or individual disability insurance policy; health care service contract; health maintenance agreement; uninsured arrangements of group or group-type contracts including employer self-insured, cost-plus, or other benefit methodologies not involving insurance or not governed by Title 48 RCW; coverage under group-type contracts which are not available to the general public and can be obtained only because of connection with a particular organization or group; and coverage by medicare or other governmental benefits. This term includes coverage through "health coverage" as defined under this section, and specifically excludes those types of programs excluded under the definition of "health coverage" in subsection (((~~9~~))) (10) of this section.

(((~~11~~))) (12) "Medical assistance" means coverage under Title XIX of the federal Social Security Act (42 U.S.C., Sec. 1396 et seq.) and chapter 74.09 RCW.

(((~~12~~))) (13) "Medicare" means coverage under Title XVIII of the Social Security Act, (42 U.S.C. Sec. 1395 et seq., as amended).

(((~~13~~))) (14) "Member" means any commercial insurer which provides disability insurance or stop loss insurance, any health care service contractor, and any health maintenance organization licensed under Title 48 RCW. "Member" also means the Washington state health care authority as issuer of the state uniform medical plan. "Member" shall also mean, as soon as authorized by federal law, employers and other entities, including a self-funding entity and employee welfare benefit plans that provide health plan benefits in this state on or after May 18, 1987. "Member" does not include any insurer, health care service contractor, or health maintenance organization whose products are exclusively dental products or those products excluded from the definition of "health coverage" set forth in subsection (((~~9~~))) (10) of this section.

(((~~14~~))) (15) "Network provider" means a health care provider who has contracted in writing with the pool administrator or a health carrier contracting with the pool administrator to offer pool coverage to accept payment from and to look solely to the pool or health carrier according to the terms of the pool health plans.

(((~~15~~))) (16) "Plan of operation" means the pool, including articles, by-laws, and operating rules, adopted by the board pursuant to RCW 48.41.050.

(((~~16~~))) (17) "Point of service plan" means a benefit plan offered by the pool under which a covered person may elect to receive covered services from network providers, or nonnetwork providers at a reduced rate of benefits.

(((~~17~~))) (18) "Pool" means the Washington state health insurance pool as created in RCW 48.41.040.

(((~~(18) "Substantially equivalent health plan" means a "health plan" as defined in subsection (10) of this section which, in the judgment of the board or the administrator, offers persons including dependents or spouses covered or making application to be~~

~~covered by this pool an overall level of benefits deemed approximately equivalent to the minimum benefits available under this pool.~~))

Sec. 7. RCW 48.41.040 and 1989 c 121 s 2 are each amended to read as follows:

(1) There is ((~~hereby~~)) created a nonprofit entity to be known as the Washington state health insurance pool. All members in this state on or after May 18, 1987, shall be members of the pool. When authorized by federal law, all self-insured employers shall also be members of the pool.

(2) Pursuant to chapter 34.05 RCW the commissioner shall, within ninety days after May 18, 1987, give notice to all members of the time and place for the initial organizational meetings of the pool. A board of directors shall be established, which shall be comprised of ((~~nine~~)) ten members. ((~~The commissioner shall select three members of the board who shall represent (a) the general public, (b) health care providers, and (c) health insurance agents.~~)) The governor shall select one member of the board from each list of three nominees submitted by state-wide organizations representing each of the following: (a) Health care providers; (b) health insurance agents; (c) small employers; and (d) large employers. The governor shall select two members of the board from a list of nominees submitted by state-wide organizations representing health care consumers. The remaining four members of the board shall be selected by election from among the members of the pool. The elected members shall, to the extent possible, include at least one representative of health care service contractors, one representative of health maintenance organizations, and one representative of commercial insurers which provides disability insurance. The members of the board shall elect a chair from the voting members of the board. The insurance commissioner shall be a nonvoting, ex officio member. When self-insured organizations other than the Washington state health care authority become eligible for participation in the pool, the membership of the board shall be increased to eleven and at least one member of the board shall represent the self-insurers.

(3) The original members of the board of directors shall be appointed for intervals of one to three years. Thereafter, all board members shall serve a term of three years. Board members shall receive no compensation, but shall be reimbursed for all travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The board shall submit to the commissioner a plan of operation for the pool and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the pool. The commissioner shall, after notice and hearing pursuant to chapter 34.05 RCW, approve the plan of operation if it is determined to assure the fair, reasonable, and equitable administration of the pool and provides for the sharing of pool losses on an equitable, proportionate basis among the members of the pool. The plan of operation shall become effective upon approval in writing by the commissioner consistent with the date on which the coverage under this chapter must be made available. If the board fails to submit a plan of operation within one hundred eighty days after the appointment of the board or any time thereafter fails to submit acceptable amendments to the plan, the commissioner shall, within ninety days after notice and hearing pursuant to chapters 34.05 and 48.04 RCW, adopt such rules as are necessary or advisable to effectuate this chapter. The rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the board and approved by the commissioner.

NEW SECTION. **Sec. 8.** Sixty days from the effective date of this section, the existing board of directors of the Washington state health insurance pool shall be dissolved, and the appointment or election of new members under RCW 48.41.040 shall be effective. For purposes of setting terms, the new members shall be treated as original members.

Sec. 9. RCW 48.41.060 and 1997 c 337 s 5 are each amended to read as follows:

(1) The board shall have the general powers and authority granted under the laws of this state to insurance companies, health care service contractors, and health maintenance organizations, licensed or registered to offer or provide the kinds of health coverage defined under this title. In addition thereto, the board ((~~may:~~

~~(1) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this chapter including the authority, with the approval of the commissioner, to enter into contracts with similar pools of other states for the joint performance of common administrative functions, or with persons or other organizations for the performance of administrative functions;~~

~~(2) Sue or be sued, including taking any legal action as necessary to avoid the payment of improper claims against the pool or the coverage provided by or through the pool;~~

~~(3)~~)) shall:

(a) Designate or establish the standard health questionnaire to be used under RCW 48.41.100 and section 21 of this act, including the form and content of the standard health questionnaire and the method of its application. The questionnaire must provide for an objective evaluation of an individual's health status by assigning a discreet measure, such as a system of point scoring to each individual. The questionnaire must not contain any questions related to pregnancy, and pregnancy shall not be a basis for coverage by the pool. The questionnaire shall be designed such that it is reasonably expected to identify the eight percent of persons who are the most costly to treat who are under individual coverage in health benefit plans, as defined in RCW 48.43.005, in Washington state or are covered by the pool, if applied to all such persons;

(b) Obtain from a member of the American academy of actuaries, who is independent of the board, a certification that the standard health questionnaire meets the requirements of (a) of this subsection;

(c) Approve the standard health questionnaire and any modifications needed to comply with this chapter. The standard health questionnaire shall be submitted to an actuary for certification, modified as necessary, and approved at least every eighteen months. The designation and approval of the standard health questionnaire by the board shall not be subject to review and approval by the commissioner. The standard health questionnaire or any modification thereto shall not be used until ninety days after public notice of the approval of the questionnaire or any modification thereto, except that the initial standard health questionnaire approved for use by the board after the effective date of this section may be used immediately following public notice of such approval;

(d) Establish appropriate rates, rate schedules, rate adjustments, expense allowances, ((~~agent referral fees,~~)) claim reserve formulas and any other actuarial functions appropriate to the operation of the pool. Rates shall not be unreasonable in relation to the coverage provided, the risk experience, and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age and area variation in claim costs and shall take into consideration appropriate risk factors in accordance with established actuarial underwriting practices consistent with Washington state ((~~small group~~)) individual plan rating requirements under RCW ((~~48.44.023 and 48.46.066~~)) 48.44.022 and 48.46.064;

(((~~4~~))) (e) Assess members of the pool in accordance with the provisions of this chapter, and make advance interim assessments as may be reasonable and necessary for the organizational or interim operating expenses. Any interim assessments will be credited as offsets against any regular assessments due following the close of the year;

(((~~5~~))) (f) Issue policies of health coverage in accordance with the requirements of this chapter;

(((~~6~~))) (g) Establish procedures for the administration of the premium discount provided under RCW 48.41.200(3)(a)(iii);

(h) Contract with the Washington state health care authority for the administration of the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii);

(i) Set a reasonable fee to be paid to an insurance agent licensed in Washington state for submitting an acceptable application for enrollment in the pool; and

(j) Provide certification to the commissioner when assessments will exceed the threshold level established in section 36 of this act.

(2) In addition thereto, the board may:

(a) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this chapter including the authority, with the approval of the commissioner, to enter into contracts with similar pools of other states for the joint performance of common administrative functions, or with persons or other organizations for the performance of administrative functions;

(b) Sue or be sued, including taking any legal action as necessary to avoid the payment of improper claims against the pool or the coverage provided by or through the pool;

(c) Appoint appropriate legal, actuarial, and other committees as necessary to provide technical assistance in the operation of the pool, policy, and other contract design, and any other function within the authority of the pool; and

(((~~7~~))) (d) Conduct periodic audits to assure the general accuracy of the financial data submitted to the pool, and the board shall cause the pool to have an annual audit of its operations by an independent certified public accountant.

(3) Nothing in this section shall be construed to require or authorize the adoption of rules under chapter 34.05 RCW.

Sec. 10. RCW 48.41.080 and 1997 c 231 s 212 are each amended to read as follows:

The board shall select an administrator ((~~from the membership of the pool whether domiciled in this state or another state~~)) through a competitive bidding process to administer the pool.

(1) The board shall evaluate bids based upon criteria established by the board, which shall include:

(a) The administrator's proven ability to handle health coverage;

(b) The efficiency of the administrator's claim-paying procedures;

(c) An estimate of the total charges for administering the plan; and

(d) The administrator's ability to administer the pool in a cost-effective manner.

(2) The administrator shall serve for a period of three years subject to removal for cause. At least six months prior to the expiration of each three-year period of service by the administrator, the board shall invite all interested parties, including the current administrator, to submit bids to serve as the administrator for the succeeding three-year period. Selection of the administrator for this succeeding period shall be made at least three months prior to the end of the current three-year period.

(3) The administrator shall perform such duties as may be assigned by the board including:

(a) ((~~All~~)) Administering eligibility and administrative claim payment functions relating to the pool;

(b) Establishing a premium billing procedure for collection of premiums from covered persons. Billings shall be made on a periodic basis as determined by the board, which shall not be more frequent than a monthly billing;

(c) Performing all necessary functions to assure timely payment of benefits to covered persons under the pool including:

(i) Making available information relating to the proper manner of submitting a claim for benefits to the pool, and distributing forms upon which submission shall be made;

(ii) Taking steps necessary to offer and administer managed care benefit plans; and

(iii) Evaluating the eligibility of each claim for payment by the pool;

(d) Submission of regular reports to the board regarding the operation of the pool. The frequency, content, and form of the report shall be as determined by the board;

(e) Following the close of each accounting year, determination of net paid and earned premiums, the expense of administration, and the paid and incurred losses for the year and reporting this information to the board and the commissioner on a form as prescribed by the commissioner.

(4) The administrator shall be paid as provided in the contract between the board and the administrator for its expenses incurred in the performance of its services.

Sec. 11. RCW 48.41.090 and 1989 c 121 s 6 are each amended to read as follows:

(1) Following the close of each accounting year, the pool administrator shall determine the net premium (premiums less administrative expense allowances), the pool expenses of administration, and incurred losses for the year, taking into account investment income and other appropriate gains and losses.

(2)(a) Each member's proportion of participation in the pool shall be determined annually by the board based on annual statements and other reports deemed necessary by the board and filed by the member with the commissioner; and shall be determined by multiplying the total cost of pool operation by a fraction((~~,~~)). The numerator of ((~~which~~)) the fraction equals that member's total number of resident insured persons, including spouse and dependents ((~~under the member's~~)), covered under all health plans in the state by that member during the preceding calendar year((~~, and~~)). The denominator of ((~~which~~)) the fraction equals the total number of resident insured persons, including spouses and dependents ((~~insured~~)), covered under all health plans in the state by all pool members during the preceding calendar year.

(b) For purposes of calculating the numerator and the denominator under (a) of this subsection:

(i) All health plans in the state by the state health care authority include only the uniform medical plan; and

(ii) Each ten resident insured persons, including spouse and dependents, under a stop loss plan or the uniform medical plan shall count as one resident insured person.

(c) Except as provided in section 36 of this act, any deficit incurred by the pool shall be recouped by assessments among members apportioned under this subsection pursuant to the formula set forth by the board among members.

(3) The board may abate or defer, in whole or in part, the assessment of a member if, in the opinion of the board, payment of the assessment would endanger the ability of the member to fulfill its contractual obligations. If an assessment against a member is abated or deferred in whole or in part, the amount by which such assessment is abated or deferred may be assessed against the other members in a manner consistent with the basis for assessments set forth in subsection (2) of this section. The member receiving such abatement or deferment shall remain liable to the pool for the deficiency.

(4) If assessments exceed actual losses and administrative expenses of the pool, the excess shall be held at interest and used by the board to offset future losses or to reduce pool premiums. As used in this subsection, "future losses" includes reserves for incurred but not reported claims.

Sec. 12. RCW 48.41.100 and 1995 c 34 s 5 are each amended to read as follows:

(1) ((~~Any individual~~)) The following persons who ((~~is a~~)) are residents of this state ((~~is~~)) are eligible for pool coverage ((~~upon providing evidence of rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on health insurance, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk, by at least one member within six months of the date of application. Evidence of rejection may be waived in accordance with rules adopted by the board~~)):

(a) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under section 21 of this act;

(b) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

(c) Any person who resides in a county of the state where no carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool; and

(d) Any medicare eligible person upon providing evidence of rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on a medicare supplemental insurance policy under chapter 48.66 RCW, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums;

(b) Any person on whose behalf the pool has paid out ((~~five hundred thousand~~)) one million dollars in benefits;

(c) Inmates of public institutions and persons whose benefits are duplicated under public programs;

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(d) of this section.

(3) ((~~Any person whose health insurance coverage is involuntarily terminated for any reason other than nonpayment of premium may apply for coverage under the plan.~~)) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(c) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(c) of this section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(c) of this section within thirty days of determining that he or she is no longer eligible.

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a), (b), or (d) of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)(b) of this section; and (iv) describe the enrollment process for the available options outside of the pool.

Sec. 13. RCW 48.41.110 and 1997 c 231 s 213 are each amended to read as follows:

(1) The pool ((~~is authorized to~~)) shall offer one or more ((~~managed~~)) care management plans of coverage. Such plans may, but are not required to, include point of service features that permit participants to receive in-network benefits or out-of-network benefits subject to differential cost shares. Covered persons enrolled in the pool on January 1, ((~~1997~~)) 2001, may continue coverage under the pool plan in which they are enrolled on that date. However, the pool may incorporate managed care features into such existing plans.

(2) The administrator shall prepare a brochure outlining the benefits and exclusions of the pool policy in plain language. After approval by the board ((~~of directors~~)), such brochure shall be made reasonably available to participants or potential participants.

(3) The health insurance policy issued by the pool shall pay only ((~~usual, customary, and~~)) reasonable ((~~charges~~)) amounts for medically necessary eligible health care services rendered or furnished for the diagnosis or treatment of illnesses, injuries, and conditions which are not otherwise limited or excluded. Eligible expenses are the ((~~usual, customary, and~~)) reasonable ((~~charges~~)) amounts for the health care services and items for which benefits are extended under the pool policy. Such benefits shall at minimum include, but not be limited to, the following services or related items:

(a) Hospital services, including charges for the most common semiprivate room, for the most common private room if semiprivate rooms do not exist in the health care facility, or for the private room if medically necessary, but limited to a total of one hundred eighty inpatient days in a calendar year, and limited to thirty days inpatient care for mental and nervous conditions, or alcohol, drug, or chemical dependency or abuse per calendar year;

(b) Professional services including surgery for the treatment of injuries, illnesses, or conditions, other than dental, which are rendered by a health care provider, or at the direction of a health care provider, by a staff of registered or licensed practical nurses, or other health care providers;

(c) The first twenty outpatient professional visits for the diagnosis or treatment of one or more mental or nervous conditions or alcohol, drug, or chemical dependency or abuse rendered during a calendar year by one or more physicians, psychologists, or community mental health professionals, or, at the direction of a physician, by other qualified licensed health care practitioners, in the case of mental or nervous conditions, and rendered by a state certified chemical dependency program approved under chapter 70.96A RCW, in the case of alcohol, drug, or chemical dependency or abuse;

(d) Drugs and contraceptive devices requiring a prescription;

(e) Services of a skilled nursing facility, excluding custodial and convalescent care, for not more than one hundred days in a calendar year as prescribed by a physician;

(f) Services of a home health agency;

(g) Chemotherapy, radioisotope, radiation, and nuclear medicine therapy;

(h) Oxygen;

(i) Anesthesia services;

(j) Prostheses, other than dental;

(k) Durable medical equipment which has no personal use in the absence of the condition for which prescribed;

(l) Diagnostic x-rays and laboratory tests;

(m) Oral surgery limited to the following: Fractures of facial bones; excisions of mandibular joints, lesions of the mouth, lip, or tongue, tumors, or cysts excluding treatment for temporomandibular joints; incision of accessory sinuses, mouth salivary glands or ducts; dislocations of the jaw; plastic reconstruction or repair of traumatic injuries occurring while covered under the pool; and excision of impacted wisdom teeth;

(n) Maternity care services((~~, as provided in the managed care plan to be designed by the pool board of directors, and for which no preexisting condition waiting periods may apply~~));

(o) Services of a physical therapist and services of a speech therapist;

(p) Hospice services;

(q) Professional ambulance service to the nearest health care facility qualified to treat the illness or injury; and

(r) Other medical equipment, services, or supplies required by physician's orders and medically necessary and consistent with the diagnosis, treatment, and condition.

(((~~3~~))) (4) The board shall design and employ cost containment measures and requirements such as, but not limited to, care coordination, provider network limitations, preadmission certification, and concurrent inpatient review which may make the pool more cost-effective.

(((~~4~~))) (5) The pool benefit policy may contain benefit limitations, exceptions, and cost shares such as copayments, coinsurance, and deductibles that are consistent with managed care products, except that differential cost shares may be adopted by the board for nonnetwork providers under point of service plans. The pool benefit policy cost shares and limitations must be consistent with those that are generally included in health plans approved by the insurance commissioner; however, no limitation, exception, or reduction may be used that would exclude coverage for any disease, illness, or injury.

(((~~5~~))) (6) The pool may not reject an individual for health plan coverage based upon preexisting conditions of the individual or deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that it ((~~may~~)) shall impose a ((~~three-month~~)) six-month benefit waiting period for preexisting conditions for which medical advice was given, ((~~or~~)) for which a health care provider recommended or provided treatment, or for which a prudent layperson would have sought advice or treatment, within ((~~three~~)) six months before the effective date of coverage. The preexisting condition waiting period shall not apply to prenatal care services. The pool may not avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. Credit against the waiting period shall be as provided in subsection (7) of this section.

(7) The pool shall credit any preexisting condition waiting period in its plans for a person who was enrolled at any time during the sixty-three day period immediately preceding the date of application for the new pool plan in a group health benefit plan or an individual health benefit plan other than a catastrophic health plan. The carrier must credit the period of coverage the person was continuously covered under the immediately preceding health plan toward the waiting period of the new health plan. For the purposes of this subsection, a preceding health plan includes an employer-provided self-funded health plan.

Sec. 14. RCW 48.41.120 and 1989 c 121 s 8 are each amended to read as follows:

(1) Subject to the limitation provided in subsection (3) of this section, a pool policy offered in accordance with ((~~this chapter~~)) RCW 48.41.110(3) shall impose a deductible. Deductibles of five hundred dollars and one thousand dollars on a per person per calendar year basis shall initially be offered. The board may authorize deductibles in other amounts. The deductible shall be applied to the first five hundred dollars, one thousand dollars, or other authorized amount of eligible expenses incurred by the covered person.

(2) Subject to the limitations provided in subsection (3) of this section, a mandatory coinsurance requirement shall be imposed at the rate of twenty percent of eligible expenses in excess of the mandatory deductible.

(3) The maximum aggregate out of pocket payments for eligible expenses by the insured in the form of deductibles and coinsurance under a pool policy offered in accordance with RCW 48.41.110(3) shall not exceed in a calendar year:

(a) One thousand five hundred dollars per individual, or three thousand dollars per family, per calendar year for the five hundred dollar deductible policy;

(b) Two thousand five hundred dollars per individual, or five thousand dollars per family per calendar year for the one thousand dollar deductible policy; or

(c) An amount authorized by the board for any other deductible policy.

(4) Eligible expenses incurred by a covered person in the last three months of a calendar year, and applied toward a deductible, shall also be applied toward the deductible amount in the next calendar year.

Sec. 15. RCW 48.41.130 and 1997 c 231 s 215 are each amended to read as follows:

All policy forms issued by the pool shall conform in substance to prototype forms developed by the pool, and shall in all other respects conform to the requirements of this chapter, and shall be filed with and approved by the commissioner before they are issued. ((~~The pool shall not issue a pool policy to any individual who, on the effective date of the coverage applied for, already has or would have coverage substantially equivalent to a pool policy as an insured or covered dependent, or who would be eligible for such coverage if he or she elected to obtain it at a lesser premium rate. However, coverage provided by the basic health plan, as established pursuant to chapter 70.47 RCW, shall not be deemed substantially equivalent for the purposes of this section.~~))

Sec. 16. RCW 48.41.140 and 1987 c 431 s 14 are each amended to read as follows:

(1) Coverage shall provide that health insurance benefits are applicable to children of the person in whose name the policy is issued including adopted and newly born natural children. Coverage shall also include necessary care and treatment of medically diagnosed congenital defects and birth abnormalities. If payment of a specific premium is required to provide coverage for the child, the policy may require that notification of the birth or adoption of a child and payment of the required premium must be furnished to the pool within thirty-one days after the date of birth or adoption in order to have the coverage continued beyond the thirty-one day period. For purposes of this subsection, a child is deemed to be adopted, and benefits are payable, when the child is physically placed for purposes of adoption under the laws of this state with the person in whose name the policy is issued; and, when the person in whose name the policy is issued assumes financial responsibility for the medical expenses of the child. For purposes of this subsection, "newly born" means, and benefits are payable, from the moment of birth.

(2) A pool policy shall provide that coverage of a dependent, unmarried person shall terminate when the person becomes nineteen years of age: PROVIDED, That coverage of such person shall not terminate at age nineteen while he or she is and continues to be both (a) incapable of self-sustaining employment by reason of developmental disability or physical handicap and (b) chiefly dependent upon the person in whose name the policy is issued for support and maintenance, provided proof of such incapacity and dependency is furnished to the pool by the policyholder within thirty-one days of the dependent's attainment of age nineteen and subsequently as may be required by the pool but not more frequently than annually after the two-year period following the dependent's attainment of age nineteen.

(((~~(3) A pool policy may contain provisions under which coverage is excluded during a period of six months following the effective date of coverage as to a given covered individual for preexisting conditions, as long as medical advice or treatment was recommended or received within a period of six months before the effective date of coverage.~~

~~These preexisting condition exclusions shall be waived to the extent to which similar exclusions have been satisfied under any prior health insurance which was for any reason other than nonpayment of premium involuntarily terminated, if the application for pool coverage is made not later than thirty days following the involuntary termination. In that case, with payment of appropriate premium, coverage in the pool shall be effective from the date on which the prior coverage was terminated.~~))

Sec. 17. RCW 48.41.200 and 1997 c 231 s 214 are each amended to read as follows:

(1) The pool shall determine the standard risk rate by calculating the average ((~~group~~)) individual standard rate ((~~for groups comprised of up to fifty persons~~)) charged for coverage comparable to pool coverage by the five largest members, measured in terms of individual market enrollment, offering such coverages in the state ((~~comparable to the pool coverage~~)). In the event five members do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated experience and expenses for such coverage in the individual market.

(2) Subject to subsection (3) of this section, maximum rates for pool coverage shall be ((~~one hundred fifty percent for the indemnity health plan and one hundred twenty-five percent for managed care plans of the rates established as applicable for group standard risks in groups comprised of up to fifty persons~~)) as follows:

(a) Maximum rates for a pool indemnity health plan shall be one hundred fifty percent of the rate calculated under subsection (1) of this section;

(b) Maximum rates for a pool care management plan shall be one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(c) Maximum rates for a person eligible for pool coverage pursuant to RCW 48.41.100(1)(a) who was enrolled at any time during the sixty-three day period immediately prior to the date of application for pool coverage in a group health benefit plan or an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005, where such coverage was continuous for at least eighteen months, shall be:

(i) For a pool indemnity health plan, one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(ii) For a pool care management plan, one hundred ten percent of the rate calculated under subsection (1) of this section.

(3)(a) Subject to (b) and (c) of this subsection:

(i) The rate for any person aged fifty to sixty-four whose current gross family income is less than two hundred fifty-one percent of the federal poverty level shall be reduced by thirty percent from what it would otherwise be;

(ii) The rate for any person aged fifty to sixty-four whose current gross family income is more than two hundred fifty but less than three hundred one percent of the federal poverty level shall be reduced by fifteen percent from what it would otherwise be;

(iii) The rate for any person who has been enrolled in the pool for more than thirty-six months shall be reduced by five percent from what it would otherwise be.

(b) In no event shall the rate for any person be less than one hundred ten percent of the rate calculated under subsection (1) of this section.

(c) Rate reductions under (a)(i) and (ii) of this subsection shall be available only to the extent that funds are specifically appropriated for this purpose in the omnibus appropriations act.

Sec. 18. RCW 48.43.005 and 1997 c 231 s 202 and 1997 c 55 s 1 are each reenacted and amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) ((~~"Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(d).~~

~~(4)~~)) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(((~~(5)~~))) (4) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand dollars; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least five thousand five hundred dollars; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

(5) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(6) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(7) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(8) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

(9) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

(10) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(11) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(12) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(13) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(14) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(15) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(16) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(17) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(18) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(d) Disability income;

(e) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(f) Workers' compensation coverage;

(g) Accident only coverage;

(h) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(i) Employer-sponsored self-funded health plans;

(j) Dental only and vision only coverage; and

(k) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(19) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(20) ((~~"Open enrollment" means the annual sixty-two day period during the months of July and August during which every health carrier offering individual health plan coverage must accept onto individual coverage any state resident within the carrier's service area regardless of health condition who submits an application in accordance with RCW 48.43.035(1).~~

~~(21)~~)) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(((~~(22)~~))) (21) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(((~~23~~))) (22) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(((~~24~~))) (23) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision except school districts, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. The term "small employer" includes a self-employed individual or sole proprietor. The term "small employer" also includes a self-employed individual or sole proprietor who derives at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year.

(((~~25~~))) (24) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(((~~26~~))) (25) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

NEW SECTION. **Sec. 19.** A new section is added to chapter 48.43 RCW to read as follows:

(1) No carrier may reject an individual for an individual health benefit plan based upon preexisting conditions of the individual except as provided in section 21 of this act.

(2) No carrier may deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions except as provided in this section.

(3) For an individual health benefit plan originally issued on or after the effective date of this section preexisting condition waiting periods imposed upon a person enrolling in an individual health benefit plan shall be no more than nine months for a preexisting condition for which medical advice was given, for which a health care provider recommended or provided treatment, or for which a prudent layperson would have sought advice or treatment, within six months prior to the effective date of the plan.

(4) Individual health benefit plan preexisting condition waiting periods shall not apply to prenatal care services.

(5) No carrier may avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. A new or changed rate classification will be deemed an attempt to avoid the provisions of this section if the new or changed classification would substantially discourage applications for coverage from individuals who are higher than average health risks. These provisions apply only to individuals who are Washington residents.

Sec. 20. RCW 48.43.015 and 1995 c 265 s 5 are each amended to read as follows:

(1) For a health benefit plan offered to a group other than a small group, every health carrier shall ((~~waive~~)) reduce any preexisting condition exclusion or limitation for persons or groups who had similar health coverage under a different health plan at any time during the three-month period immediately preceding the date of application for the new health plan if such person was continuously covered under the immediately preceding health plan. If the person was continuously covered for at least three months under the immediately preceding health plan, the carrier may not impose a waiting period for coverage of preexisting conditions. If the person was continuously covered for less than three months under the immediately preceding health plan, the carrier must credit any waiting period under the immediately preceding health plan toward the new health plan. For the purposes of this subsection, a preceding health plan includes an employer provided self-funded health plan and plans of the Washington state health insurance pool.

(2) For a health benefit plan offered to a small group, every health carrier shall reduce any preexisting condition exclusion or limitation for persons or groups who had similar health coverage under a different health plan at any time during the three-month period immediately preceding the date of application for the new health plan if such person was continuously covered under the immediately preceding health plan. If the person was continuously covered for at least nine months under the immediately preceding health plan, the carrier may not impose a waiting period for coverage of preexisting conditions. If the person was continuously covered for less than nine months under the immediately preceding health plan, the carrier must credit any waiting

period under the immediately preceding health plan toward the new health plan. For the purposes of this subsection, a preceding health plan includes an employer provided self-funded health plan and plans of the Washington state health insurance pool.

(3) For a health benefit plan offered to an individual, every health carrier shall credit any preexisting condition waiting period in that plan for a person who was enrolled at any time during the sixty-three day period immediately preceding the date of application for the new health plan in a group health benefit plan or an individual health benefit plan, other than a catastrophic health plan, and (a) the benefits under the previous plan provide equivalent or greater overall benefit coverage than that provided in the health benefit plan the individual seeks to purchase; or (b) the person is seeking an individual health benefit plan due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered; or (c) The person is seeking an individual health benefit plan: (i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and (ii) his or her health care provider is part of another carrier's provider network; and (iii) application for a health benefit plan under that carrier's provider network individual coverage is made within ninety days of his or her provider leaving the previous carrier's provider network. The carrier must credit the period of coverage the person was continuously covered under the immediately preceding health plan toward the waiting period of the new health plan. For the purposes of this subsection (3), a preceding health plan includes an employer-provided self-funded health plan and plans of the Washington state health insurance pool.

(4) Subject to the provisions of subsections (1) through (3) of this section, nothing contained in this section requires a health carrier to amend a health plan to provide new benefits in its existing health plans. In addition, nothing in this section requires a carrier to waive benefit limitations not related to an individual or group's preexisting conditions or health history.

NEW SECTION. **Sec. 21.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as provided in (a) and (b) of this subsection, a health carrier may require any person applying for an individual health benefit plan to complete the standard health questionnaire designated under chapter 48.41 RCW.

(a) If a person is seeking an individual health benefit plan due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of relocation.

(b) If a person is seeking an individual health benefit plan:

(i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and

(ii) His or her health care provider is part of another carrier's provider network; and

(iii) Application for a health benefit plan under that carrier's provider network individual coverage is made within ninety days of his or her provider leaving the previous carrier's provider network; then completion of the standard health questionnaire shall not be a condition of coverage.

(2) If, based upon the results of the standard health questionnaire, the person qualifies for coverage under the Washington state health insurance pool, the following shall apply:

(a) The carrier may decide not to accept the person's application for enrollment in its individual health benefit plan; and

(b) Within fifteen business days of receipt of a completed application, the carrier shall provide written notice of the decision not to accept the person's application for enrollment to both the person and the administrator of the Washington state health insurance pool. The notice to the person shall state that the person is eligible for health insurance provided by the Washington state health insurance pool, and shall include information about the Washington state health insurance pool and an application for such coverage.

(3) If the person applying for an individual health benefit plan: (a) Does not qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire; (b) does qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire and the carrier elects to accept the person for enrollment; or (c) is not required to complete the standard health questionnaire designated under this chapter under subsection (1)(a) or (b) of this section, the carrier shall accept the person for enrollment if he or she resides within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The commissioner may grant a temporary exemption from this subsection if, upon application by a health carrier, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

NEW SECTION. **Sec. 22.** A new section is added to chapter 48.43 RCW to read as follows:

Except as otherwise required by statute or rule, a carrier and the Washington state health insurance pool, and persons acting at the direction of or on behalf of a carrier or the pool, who are in receipt of an enrollee's or applicant's personally identifiable health information included in the standard health questionnaire shall not disclose the identifiable health information unless such disclosure is explicitly authorized in writing by the person who is the subject of the information.

Sec. 23. RCW 48.43.025 and 1995 c 265 s 6 are each amended to read as follows:

(1) For group health benefit plans for groups other than small groups, no carrier may reject an individual for health plan coverage based upon preexisting conditions of the individual and no carrier may deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that a carrier may impose a three-month benefit waiting period for preexisting conditions for which medical advice was given, or for which a health care provider recommended or provided treatment, or for which a prudent layperson would have sought advice or treatment, within three months before the effective date of coverage. Any preexisting condition waiting period or limitation relating to pregnancy as a preexisting condition shall be imposed only to the extent allowed in the federal health insurance portability and accountability act of 1996.

(2) For group health benefit plans for small groups, no carrier may reject an individual for health plan coverage based upon preexisting conditions of the individual and no carrier may deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions. Except that a carrier may impose a nine-month benefit waiting period for preexisting conditions for which medical advice was given, or for which a health care provider recommended or provided treatment, or for which a prudent layperson would have sought advice or treatment, within six months before the effective date of coverage. Any preexisting condition waiting period or limitation relating to pregnancy as a preexisting condition shall be imposed only to the extent allowed in the federal health insurance portability and accountability act of 1996.

(3) No carrier may avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. A new or changed rate classification will be deemed an attempt to avoid the provisions of this section if the new or changed classification would substantially discourage applications for coverage from individuals or groups who are higher than average health risks. These provisions apply only to individuals who are Washington residents.

Sec. 24. RCW 48.43.035 and 1995 c 265 s 7 are each amended to read as follows:

For group health benefit plans, the following shall apply:

(1) All health carriers shall accept for enrollment any state resident within the group to whom the plan is offered and within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The insurance commissioner may grant a temporary exemption from this subsection, if, upon application by a health carrier the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

(2) Except as provided in subsection (5) of this section, all health plans shall contain or incorporate by endorsement a guarantee of the continuity of coverage of the plan. For the purposes of this section, a plan is "renewed" when it is continued beyond the earliest date upon which, at the carrier's sole option, the plan could have been terminated for other than nonpayment of premium. ((~~In the case of group plans,~~)) The carrier may consider the group's anniversary date as the renewal date for purposes of complying with the provisions of this section.

(3) The guarantee of continuity of coverage required in health plans shall not prevent a carrier from canceling or nonrenewing a health plan for:

(a) Nonpayment of premium;

(b) Violation of published policies of the carrier approved by the insurance commissioner;

(c) Covered persons entitled to become eligible for medicare benefits by reason of age who fail to apply for a medicare supplement plan or medicare cost, risk, or other plan offered by the carrier pursuant to federal laws and regulations;

(d) Covered persons who fail to pay any deductible or copayment amount owed to the carrier and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the carrier;

(f) Covered persons who materially breach the health plan; or

(g) Change or implementation of federal or state laws that no longer permit the continued offering of such coverage.

(4) The provisions of this section do not apply in the following cases:

(a) A carrier has zero enrollment on a product; or

(b) A carrier replaces a product and the replacement product is provided to all covered persons within that class or line of business, includes all of the services covered under the replaced product, and does not significantly limit access to the kind of services covered under the replaced product. The health plan may also allow unrestricted conversion to a fully comparable product; or

(c) A carrier is withdrawing from a service area or from a segment of its service area because the carrier has demonstrated to the insurance commissioner that the carrier's clinical, financial, or administrative capacity to serve enrollees would be exceeded.

(5) The provisions of this section do not apply to health plans deemed by the insurance commissioner to be unique or limited or have a short-term purpose, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

NEW SECTION. **Sec. 25.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as provided in subsection (4) of this section, all individual health plans shall contain or incorporate by endorsement a guarantee of the continuity of coverage of the plan. For the purposes of this section, a plan is "renewed" when it is continued beyond the earliest date upon which, at the carrier's sole option, the plan could have been terminated for other than nonpayment of premium.

(2) The guarantee of continuity of coverage required in individual health plans shall not prevent a carrier from canceling or nonrenewing a health plan for:

(a) Nonpayment of premium;

(b) Violation of published policies of the carrier approved by the commissioner;

(c) Covered persons entitled to become eligible for medicare benefits by reason of age who fail to apply for a medicare supplement plan or medicare cost, risk, or other plan offered by the carrier pursuant to federal laws and regulations;

(d) Covered persons who fail to pay any deductible or copayment amount owed to the carrier and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the carrier;

(f) Covered persons who materially breach the health plan; or

(g) Change or implementation of federal or state laws that no longer permit the continued offering of such coverage.

(3) This section does not apply in the following cases:

(a) A carrier has zero enrollment on a product;

(b) A carrier is withdrawing from a service area or from a segment of its service area because the carrier has demonstrated to the commissioner that the carrier's clinical, financial, or administrative capacity to serve enrollees would be exceeded;

(c) No sooner than the first day of the month following the expiration of a one hundred eighty-day period beginning on the effective date of this section, a carrier discontinues offering a particular type of health benefit plan offered in the individual market if: (i) The carrier provides notice to each covered individual provided coverage of this type of such discontinuation at least ninety days prior to the date of the discontinuation; (ii) the carrier offers to each individual provided coverage of this type the option, without being subject to the standard health questionnaire, to enroll in any other individual health benefit plan currently being offered by the carrier; and (iii) in exercising the option to discontinue coverage of this type and in offering the option of coverage under (c)(ii) of this subsection, the carrier acts uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for such coverage; or

(d) A carrier discontinues offering all individual health coverage in the state and discontinues coverage under all existing individual health benefit plans if: (i) The carrier provides notice to the commissioner of its intent to discontinue offering all individual health coverage in the state and its intent to discontinue coverage under all existing health benefit plans at least one hundred eighty days prior to the date of the discontinuation of coverage under all existing health benefit plans; and (ii) the carrier provides notice to each covered individual of the intent to discontinue his or her existing health benefit plan at least one hundred eighty days prior to the date of such discontinuation. In the case of discontinuation under this subsection, the carrier may not issue any individual health coverage in this state for a five-year period beginning on the date of the discontinuation of the last health plan not so renewed. Nothing in this subsection (3) shall be construed to require a carrier to provide notice to the commissioner of its intent to discontinue offering a health benefit plan to new applicants where the carrier does not discontinue coverage of existing enrollees under that health benefit plan.

(4) The provisions of this section do not apply to health plans deemed by the commissioner to be unique or limited or have a short-term purpose, after a written request for such classification by the carrier and subsequent written approval by the commissioner.

NEW SECTION. **Sec. 26.** A new section is added to chapter 48.43 RCW to read as follows:

(1) All individual health benefit plans, other than catastrophic health plans, offered or renewed on or after the effective date of this section, shall include benefits described in this section. Nothing in this section shall be construed to require a carrier to offer an individual health benefit plan.

(a) Maternity services that include, with no enrollee cost-sharing requirements beyond those generally applicable cost-sharing requirements: Diagnosis of pregnancy; prenatal care; delivery; care for complications of pregnancy; physician services;

hospital services; operating or other special procedure rooms; radiology and laboratory services; appropriate medications; anesthesia; and services required under RCW 48.43.115; and

(b) Prescription drug benefits with at least a two thousand dollar benefit payable by the carrier annually.

(2) If a carrier offers a health benefit plan that is not a catastrophic health plan to groups, and it chooses to offer a health benefit plan to individuals, it must offer at least one health benefit plan to individuals that is not a catastrophic health plan.

NEW SECTION. **Sec. 27.** A new section is added to chapter 48.46 RCW to read as follows:

Notwithstanding the provisions of this chapter, a health maintenance organization may offer catastrophic health plans as defined in RCW 48.43.005.

Sec. 28. RCW 48.44.020 and 1990 c 120 s 5 are each amended to read as follows:

(1) Any health care service contractor may enter into contracts with or for the benefit of persons or groups of persons which require prepayment for health care services by or for such persons in consideration of such health care service contractor providing one or more health care services to such persons and such activity shall not be subject to the laws relating to insurance if the health care services are rendered by the health care service contractor or by a participating provider.

(2) The commissioner may on examination, subject to the right of the health care service contractor to demand and receive a hearing under chapters 48.04 and 34.05 RCW, disapprove any individual or group contract form for any of the following grounds:

(a) If it contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the contract; or

(b) If it has any title, heading, or other indication of its provisions which is misleading; or

(c) If purchase of health care services thereunder is being solicited by deceptive advertising; or

(d) ((~~If, the benefits provided therein are unreasonable in relation to the amount charged for the contract;~~

~~(e)~~)) If it contains unreasonable restrictions on the treatment of patients; or

(((~~(f)~~))) (e) If it violates any provision of this chapter; or

(((~~(g)~~))) (f) If it fails to conform to minimum provisions or standards required by regulation made by the commissioner pursuant to chapter 34.05 RCW; or

(((~~(h)~~))) (g) If any contract for health care services with any state agency, division, subdivision, board, or commission or with any political subdivision, municipal corporation, or quasi-municipal corporation fails to comply with state law.

(3) In addition to the grounds listed in subsection (2) of this section, the commissioner may disapprove any group contract if the benefits provided therein are unreasonable in relation to the amount charged for the contract.

(4)(a) Every contract between a health care service contractor and a participating provider of health care services shall be in writing and shall state that in the event the health care service contractor fails to pay for health care services as provided in the contract, the enrolled participant shall not be liable to the provider for sums owed by the health care service contractor. Every such contract shall provide that this requirement shall survive termination of the contract.

(b) No participating provider, agent, trustee, or assignee may maintain any action against an enrolled participant to collect sums owed by the health care service contractor.

NEW SECTION. **Sec. 29.** A new section is added to chapter 48.44 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Claims" means the cost to the health care service contractor of health care services, as defined in RCW 48.43.005, provided to a contract holder or paid to or on behalf of a contract holder in accordance with the terms of a health benefit plan, as defined in RCW 48.43.005. This includes capitation payments or other similar payments made to providers for the purpose of paying for health care services for an enrollee.

(b) "Claims reserves" means: (i) The liability for claims which have been reported but not paid; (ii) the liability for claims which have not been reported but which may reasonably be expected; (iii) active life reserves; and (iv) additional claims reserves whether for a specific liability purpose or not.

(c) "Earned premiums" means premiums, as defined in RCW 48.43.005, plus any rate credits or recoupments less any refunds, for the applicable period, whether received before, during, or after the applicable period.

(d) "Incurred claims expense" means claims paid during the applicable period plus any increase, or less any decrease, in the claims reserves.

(e) "Loss ratio" means incurred claims expense as a percentage of earned premiums.

(f) "Reserves" means: (i) Active life reserves; and (ii) additional reserves whether for a specific liability purpose or not.

(2) A health care service contractor shall file, for informational purposes only, a notice of its schedule of rates for its individual contracts with the commissioner prior to use.

(3) A health care service contractor shall file with the notice required under subsection (2) of this section supporting documentation of its method of determining the rates charged. The commissioner may request only the following supporting documentation:

(a) A description of the health care service contractor's rate-making methodology;

(b) An actuarially determined estimate of incurred claims which includes the experience data, assumptions, and justifications of the health care service contractor's projection;

(c) The percentage of premium attributable in aggregate for nonclaims expenses used to determine the adjusted community rates charged; and

(d) A certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the adjusted community rate charged can be reasonably expected to result in a loss ratio that meets or exceeds the loss ratio standard established in subsection (7) of this section.

(4) The commissioner may not disapprove or otherwise impede the implementation of the filed rates.

(5) By the last day of May each year any health care service contractor providing individual health benefit plans in this state shall file for review by the commissioner supporting documentation of its actual loss ratio for its individual health benefit plans offered in this state in aggregate for the preceding calendar year. The filing shall include a certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the actual loss ratio has been calculated in accordance with accepted actuarial principles.

(a) At the expiration of a thirty-day period beginning with the date the filing is delivered to the commissioner, the filing shall be deemed approved unless prior thereto the commissioner contests the calculation of the actual loss ratio.

(b) If the commissioner contests the calculation of the actual loss ratio, the commissioner shall state in writing the grounds for contesting the calculation to the health care service contractor.

(c) Any dispute regarding the calculation of the actual loss ratio shall upon written demand of either the commissioner or the health care service contractor be submitted to hearing under chapters 48.04 and 34.05 RCW.

(6) If the actual loss ratio for the preceding calendar year is less than the loss ratio standard established in subsection (7) of this section, a remittance is due and the following shall apply:

(a) The health care service contractor shall calculate a percentage of premium to be remitted to the Washington state health insurance pool by subtracting the actual loss ratio for the preceding year from the loss ratio established in subsection (7) of this section.

(b) The remittance to the Washington state health insurance pool is the percentage calculated in (a) of this subsection, multiplied by the premium earned from each enrollee in the previous calendar year. Interest shall be added to the remittance due at a five percent annual rate calculated from the end of the calendar year for which the remittance is due to the date the remittance is made.

(c) All remittances shall be aggregated and such amounts shall be remitted to the Washington state high risk pool to be used as directed by the pool board of directors.

(d) Any remittance required to be issued under this section shall be issued within thirty days after the actual loss ratio is deemed approved under subsection (5)(a) of this section or the determination by an administrative law judge under subsection (5)(c) of this section.

(7) The loss ratio applicable to this section shall be seventy-four percent minus the premium tax rate applicable to the health care service contractor's individual health benefit plans under RCW 48.14.0201.

Sec. 30. RCW 48.44.022 and 1997 c 231 s 208 are each amended to read as follows:

(1)(((~~(a) A health care service contractor offering any health benefit plan to any individual shall offer and actively market to all individuals a health benefit plan providing benefits identical to the schedule of covered health benefits that are required to be delivered to an individual enrolled in the basic health plan, subject to the provisions in RCW 48.43.025 and 48.43.035. Nothing in this subsection shall preclude a contractor from offering, or an individual from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. A contractor offering a health benefit plan that does not include benefits provided in the basic health plan shall clearly disclose these differences to the individual in a brochure approved by the commissioner.~~

~~(b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460 if the health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan.~~

~~(2)~~))) Premium rates for health benefit plans for individuals shall be subject to the following provisions:

(a) The health care service contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

(i) Geographic area;

(ii) Family size;

(iii) Age;

(iv) Tenure discounts; and

(v) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The health care service contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

(i) Changes to the family composition;

(ii) Changes to the health benefit plan requested by the individual; or

(iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(((~~(3)~~))) (2) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.44.023.

(((~~(4)~~))) (3) As used in this section and RCW 48.44.023 "health benefit plan," "small employer," ((~~"basic health plan,"~~)) "adjusted community rates," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 31. RCW 48.46.060 and 1989 c 10 s 10 are each amended to read as follows:

(1) Any health maintenance organization may enter into agreements with or for the benefit of persons or groups of persons, which require prepayment for health care services by or for such persons in consideration of the health maintenance organization providing health care services to such persons. Such activity is not subject to the laws relating to insurance if the health care services are rendered directly by the health maintenance organization or by any provider which has a contract or other arrangement with the health maintenance organization to render health services to enrolled participants.

(2) All forms of health maintenance agreements issued by the organization to enrolled participants or other marketing documents purporting to describe the organization's comprehensive health care services shall comply with such minimum standards as the commissioner deems reasonable and necessary in order to carry out the purposes and provisions of this chapter, and which fully inform enrolled participants of the health care services to which they are entitled, including any limitations or exclusions thereof, and such other rights, responsibilities and duties required of the contracting health maintenance organization.

(3) Subject to the right of the health maintenance organization to demand and receive a hearing under chapters 48.04 and 34.05 RCW, the commissioner may disapprove an individual or group agreement form for any of the following grounds:

(a) If it contains or incorporates by reference any inconsistent, ambiguous, or misleading clauses, or exceptions or conditions which unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the agreement;

(b) If it has any title, heading, or other indication which is misleading;

(c) If purchase of health care services thereunder is being solicited by deceptive advertising;

(d) ((~~If the benefits provided therein are unreasonable in relation to the amount charged for the agreement;~~

~~(e)~~)) If it contains unreasonable restrictions on the treatment of patients;

(((~~(f)~~))) (e) If it is in any respect in violation of this chapter or if it fails to conform to minimum provisions or standards required by the commissioner by rule under chapter 34.05 RCW; or

(((~~g~~))) (f) If any agreement for health care services with any state agency, division, subdivision, board, or commission or with any political subdivision, municipal corporation, or quasi-municipal corporation fails to comply with state law.

(4) In addition to the grounds listed in subsection (2) of this section, the commissioner may disapprove any group agreement if the benefits provided therein are unreasonable in relation to the amount charged for the agreement.

(5) No health maintenance organization authorized under this chapter shall cancel or fail to renew the enrollment on any basis of an enrolled participant or refuse to transfer an enrolled participant from a group to an individual basis for reasons relating solely to age, sex, race, or health status((~~: PROVIDED HOWEVER, That~~)). Nothing contained herein shall prevent cancellation of an agreement with enrolled participants (a) who violate any published policies of the organization which have been approved by the commissioner, or (b) who are entitled to become eligible for medicare benefits and fail to enroll for a medicare supplement plan offered by the health maintenance organization and approved by the commissioner, or (c) for failure of such enrolled participant to pay the approved charge, including cost-sharing, required under such contract, or (d) for a material breach of the health maintenance agreement.

(((~~5~~))) (6) No agreement form or amendment to an approved agreement form shall be used unless it is first filed with the commissioner.

NEW SECTION. **Sec. 32.** A new section is added to chapter 48.46 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Claims" means the cost to the health maintenance organization of health care services, as defined in RCW 48.43.005, provided to an enrollee or paid to or on behalf of the enrollee in accordance with the terms of a health benefit plan, as defined in RCW 48.43.005. This includes capitation payments or other similar payments made to providers for the purpose of paying for health care services for an enrollee.

(b) "Claims reserves" means: (i) The liability for claims which have been reported but not paid; (ii) the liability for claims which have not been reported but which may reasonably be expected; (iii) active life reserves; and (iv) additional claims reserves whether for a specific liability purpose or not.

(c) "Earned premiums" means premiums, as defined in RCW 48.43.005, plus any rate credits or recoupments less any refunds, for the applicable period, whether received before, during, or after the applicable period.

(d) "Incurred claims expense" means claims paid during the applicable period plus any increase, or less any decrease, in the claims reserves.

(e) "Loss ratio" means incurred claims expense as a percentage of earned premiums.

(f) "Reserves" means: (i) Active life reserves; and (ii) additional reserves whether for a specific liability purpose or not.

(2) A health maintenance organization shall file, for informational purposes only, a notice of its schedule of rates for its individual agreements with the commissioner prior to use.

(3) A health maintenance organization shall file with the notice required under subsection (2) of this section supporting documentation of its method of determining the rates charged. The commissioner may request only the following supporting documentation:

(a) A description of the health maintenance organization's rate-making methodology;

(b) An actuarially determined estimate of incurred claims which includes the experience data, assumptions, and justifications of the health maintenance organization's projection;

(c) The percentage of premium attributable in aggregate for nonclaims expenses used to determine the adjusted community rates charged; and

(d) A certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the adjusted community rate charged can be reasonably expected to result in a loss ratio that meets or exceeds the loss ratio standard established in subsection (7) of this section.

(4) The commissioner may not disapprove or otherwise impede the implementation of the filed rates.

(5) By the last day of May each year any health maintenance organization providing individual health benefit plans in this state shall file for review by the commissioner supporting documentation of its actual loss ratio for its individual health benefit plans offered in the state in aggregate for the preceding calendar year. The filing shall include a certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the actual loss ratio has been calculated in accordance with accepted actuarial principles.

(a) At the expiration of a thirty-day period beginning with the date the filing is delivered to the commissioner, the filing shall be deemed approved unless prior thereto the commissioner contests the calculation of the actual loss ratio.

(b) If the commissioner contests the calculation of the actual loss ratio, the commissioner shall state in writing the grounds for contesting the calculation to the health maintenance organization.

(c) Any dispute regarding the calculation of the actual loss ratio shall, upon written demand of either the commissioner or the health maintenance organization, be submitted to hearing under chapters 48.04 and 34.05 RCW.

(6) If the actual loss ratio for the preceding calendar year is less than the loss ratio standard established in subsection (7) of this section, a remittance is due and the following shall apply:

(a) The health maintenance organization shall calculate a percentage of premium to be remitted to the Washington state health insurance pool by subtracting the actual loss ratio for the preceding year from the loss ratio established in subsection (7) of this section.

(b) The remittance to the Washington state health insurance pool is the percentage calculated in (a) of this subsection, multiplied by the premium earned from each enrollee in the previous calendar year. Interest shall be added to the remittance due at a five percent annual rate calculated from the end of the calendar year for which the remittance is due to the date the remittance is made.

(c) All remittances shall be aggregated and such amounts shall be remitted to the Washington state high risk pool to be used as directed by the pool board of directors.

(d) Any remittance required to be issued under this section shall be issued within thirty days after the actual loss ratio is deemed approved under subsection (5)(a) of this section or the determination by an administrative law judge under subsection (5)(c) of this section.

(7) The loss ratio applicable to this section shall be seventy-four percent minus the premium tax rate applicable to the health maintenance organization's individual health benefit plans under RCW 48.14.0201.

Sec. 33. RCW 48.46.064 and 1997 c 231 s 209 are each amended to read as follows:

(1)(((~~(a) A health maintenance organization offering any health benefit plan to any individual shall offer and actively market to all individuals a health benefit plan providing benefits identical to the schedule of covered health benefits that are required to be delivered to an individual enrolled in the basic health plan, subject to the provisions in RCW 48.43.025 and 48.43.035. Nothing in this subsection shall preclude a health maintenance organization from offering, or an individual from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. A health maintenance organization offering a health benefit plan that does not include benefits provided in the basic health plan shall clearly disclose these differences to the individual in a brochure approved by the commissioner.~~

~~(b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530 if the health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan.~~

~~(2)~~))) Premium rates for health benefit plans for individuals shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

(i) Geographic area;

(ii) Family size;

(iii) Age;

(iv) Tenure discounts; and

(v) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

(i) Changes to the family composition;

(ii) Changes to the health benefit plan requested by the individual; or

(iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits

to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(((~~(3)~~))) (2) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.46.066.

(((~~(4)~~))) (3) As used in this section and RCW 48.46.066, "health benefit plan," ((~~"basic health plan,"~~)) "adjusted community rate," "small employer," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 34. RCW 70.47.060 and 1998 c 314 s 17 and 1998 c 148 s 1 are each reenacted and amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care. In addition, the administrator may, to the extent that funds are available, offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management. All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive covered basic health care services in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for ((~~groups of~~)) subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.47.030, and such other factors as the administrator deems appropriate.

((~~However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that the services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider.~~))

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (9) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (10) of this section.

(b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.

(c) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator.

(((~~(d) To develop, as an offering by every health carrier providing coverage identical to the basic health plan, as configured on January 1, 1996, a basic health plan model plan with uniformity in enrollee cost-sharing requirements.~~)))

(3) To design and implement a structure of enrollee cost-sharing due a managed health care system from subsidized and nonsubsidized enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(4) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

(5) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020. The level of subsidy provided to persons who qualify may be based on the lowest cost plans, as defined by the administrator.

(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

(7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan for either subsidized enrollees, or nonsubsidized enrollees, or both. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(8) To receive periodic premiums from or on behalf of subsidized and nonsubsidized enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized or nonsubsidized enrollees, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. Funds received by a family as part of participation in the adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 shall not be counted toward a family's current gross family income for the purposes of this chapter. When an enrollee fails to report income or income changes accurately, the administrator shall have the authority either to bill the enrollee for the amounts overpaid by the state or to impose civil penalties of up to two hundred percent of the amount of subsidy overpaid due to the enrollee incorrectly reporting income. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to reenroll in the plan.

(10) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator may require that a business owner pay at least an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same or actuarially equivalent for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting

requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

(13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(15) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color.

(16) In consultation with appropriate state and local government agencies, to establish criteria defining eligibility for persons confined or residing in government-operated institutions.

(17) To administer the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii) pursuant to a contract with the Washington state health insurance pool.

Sec. 35. RCW 70.47.100 and 1987 1st ex.s. c 5 s 12 are each amended to read as follows:

(1) A managed health care ((~~systems~~)) system participating in the plan shall do so by contract with the administrator and shall provide, directly or by contract with other health care providers, covered basic health care services to each enrollee covered by its contract with the administrator as long as payments from the administrator on behalf of the enrollee are current. A participating managed health care system may offer, without additional cost, health care benefits or services not included in the schedule of covered services under the plan. A participating managed health care system shall not give preference in enrollment to enrollees who accept such additional health care benefits or services. Managed health care systems participating in the plan shall not discriminate against any potential or current enrollee based upon health status, sex, race, ethnicity, or religion. The administrator may receive and act upon complaints from enrollees regarding failure to provide covered services or efforts to obtain payment, other than authorized copayments, for covered services directly from enrollees, but nothing in this chapter empowers the administrator to impose any sanctions under Title 18 RCW or any other professional or facility licensing statute.

(2) The plan shall allow, at least annually, an opportunity for enrollees to transfer their enrollments among participating managed health care systems serving their respective areas. The administrator shall establish a period of at least twenty days in a given year when this opportunity is afforded enrollees, and in those areas served by more than one participating managed health care system the administrator shall endeavor to establish a uniform period for such opportunity. The plan shall allow enrollees to transfer their enrollment to another participating managed health care system at any time upon a showing of good cause for the transfer.

((~~Any contract between a hospital and a participating managed health care system under this chapter is subject to the requirements of RCW 70.39.140(1) regarding negotiated rates.~~))

(3) Prior to negotiating with any managed health care system, the administrator shall determine, on an actuarially sound basis, the reasonable cost of providing the schedule of basic health care services, expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different areas of the state.

(4) In negotiating with managed health care systems for participation in the plan, the administrator shall adopt a uniform procedure that includes at least the following:

(((~~(1)~~))) (a) The administrator shall issue a request for proposals, including standards regarding the quality of services to be provided; financial integrity of the responding systems; and responsiveness to the unmet health care needs of the local communities or populations that may be served;

(((~~(2)~~))) (b) The administrator shall then review responsive proposals and may negotiate with respondents to the extent necessary to refine any proposals;

(((~~(3)~~))) (c) The administrator may then select one or more systems to provide the covered services within a local area; and

(((~~(4)~~))) (d) The administrator may adopt a policy that gives preference to respondents, such as nonprofit community health clinics, that have a history of providing quality health care services to low-income persons.

(5) The administrator may contract with a managed health care system to provide covered basic health care services to either subsidized enrollees, or nonsubsidized enrollees, or both.

(6) The administrator may establish procedures and policies to further negotiate and contract with managed health care systems following completion of the request for proposal process in subsection (4) of this section, upon a determination by the administrator that it is necessary to provide access, as defined in the request for proposal documents, to covered basic health care services for enrollees.

(7)(a) The administrator shall implement a self-funded or self-insured method of providing insurance coverage to subsidized enrollees, as provided under RCW 41.05.140, if one of the following conditions is met:

(i) The authority determines that no managed health care system other than the authority is willing and able to provide access, as defined in the request for proposal documents, to covered basic health care services for all subsidized enrollees in an area; or

(ii) The authority determines that no other managed health care system is willing to provide access, as defined in the request for proposal documents, for one hundred thirty-three percent of the state-wide benchmark price or less, and the authority is able to offer such coverage at a price that is less than the lowest price at which any other managed health care system is willing to provide such access in an area.

(b) The authority shall initiate steps to provide the coverage described in (a) of this subsection within ninety days of making its determination that the conditions for providing a self-funded or self-insured method of providing insurance have been met.

(c) The administrator may not implement a self-funded or self-insured method of providing insurance in an area unless the administrator has received a certification from a member of the American academy of actuaries that the funding available in the basic health plan self-insurance reserve account is sufficient for the self-funded or self-insured risk assumed, or expected to be assumed, by the administrator.

NEW SECTION. **Sec. 36.** A new section is added to chapter 48.41 RCW to read as follows:

The Washington state health insurance pool account is created in the custody of the state treasurer. All receipts from moneys specifically appropriated to the account must be deposited in the account. Expenditures from this account shall be used to cover deficits incurred by the Washington state health insurance pool under this chapter in excess of the threshold established in this section. To the extent funds are available in the account, funds shall be expended from the account to offset that portion of the deficit that would otherwise have to be recovered by imposing an assessment on members in excess of a threshold of seventy cents per insured person per month. The commissioner shall authorize expenditures from the account, to the extent that funds are available in the account, upon certification by the pool board that assessments will exceed the threshold level established in this section. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 37. RCW 43.84.092 and 1999 c 380 s 8, 1999 c 309 s 928, 1999 c 268 s 4, and 1999 c 94 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local

real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system plan 2 account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system plan 2 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal ((~~account~~)) fund, the volunteer fire fighters' ((~~relief and pension~~)) and reserve officers' administrative ((~~account~~)) fund, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the marine operating fund, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 38. RCW 43.84.092 and 1999 c 380 s 8, 1999 c 309 s 928, 1999 c 268 s 4, 1999 c 94 s 3, and 1999 c 94 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the

deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system plan 2 account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system plan 2 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal ((~~account~~)) fund, the volunteer fire fighters' ((~~relief and pension~~)) and reserve officers' administrative ((~~account~~)) fund, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 39. RCW 43.84.092 and 1999 c 380 s 9, 1999 c 309 s 929, 1999 c 268 s 5, and 1999 c 94 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system plan 2 account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal ((~~account~~)) fund, the volunteer fire fighters' ((~~relief and pension~~)) and reserve officers' administrative ((~~account~~)) fund, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 40.** A new section is added to chapter 48.01 RCW to read as follows:

(1) Except as required in RCW 48.21.045, 48.44.023, and 48.46.066, nothing in this title shall be construed to require a carrier, as defined in RCW 48.43.005, to offer any health benefit plan for sale.

(2) Nothing in this title shall prohibit a carrier as defined in RCW 48.43.005 from ceasing sale of any or all health benefit plans to new applicants if the closed plans are closed to all new applicants.

(3) This section is intended to clarify, and not modify, existing law.

NEW SECTION. **Sec. 41.** (1) The task force on health care reinsurance is created, and is composed of seven members, including: Three members appointed by the governor, one of whom shall be the chair of the Washington state health insurance pool; two members of the senate, one member of each party caucus appointed by the president of the senate; and two members of the house of representatives, one member of each party caucus appointed by the co-speakers of the house of representatives. The chair shall be elected by the task force from among its members.

(2) The task force shall:

(a) Monitor the provisions of this act regarding its effect on:

(i) Carrier participation in the individual market, especially in areas where coverage is currently minimal or not available;

(ii) Affordability and availability of private health plan coverage;

(iii) Washington state health insurance pool operations;

(iv) The Washington basic health plan operations;

(v) The cost of the Washington state insurance pool;

(vi) Premium affordability in the individual and small group market;

(vii) The ability of consumers to purchase, renew, and change their health insurance coverage;

(viii) The availability of coverage for medical benefits such as, but not limited to, maternity and prescription drugs in the individual market; and

(ix) The number of uninsured people in the state of Washington;

(b) After studying the feasibility of reinsurance as a method of health insurance market stability, if appropriate, develop a reinsurance system implementation plan; and

(c) Seek participation from interested parties, including but not limited to consumer, carriers, health care providers, health care purchasers, and insurance brokers and agents, in an effective manner.

(3) In the conduct of its business, the task force shall have access to all health data available by statute to health-related state agencies and may, to the extent that funds are available, purchase necessary analytical and staff support.

(4) Task force members will receive no compensation for their service.

(5) The task force shall submit an interim report to the governor and the legislature in December 2000 and December 2001, and a final report no later than December 1, 2002.

(6) The task force expires December 31, 2002.

Sec. 42. RCW 70.47.010 and 1993 c 492 s 208 are each amended to read as follows:

(1)(a) The legislature finds that limitations on access to health care services for enrollees in the state, such as in rural and underserved areas, are particularly challenging for the basic health plan. Statutory restrictions have reduced the options available to the administrator to address the access needs of basic health plan enrollees. It is the intent of the legislature to authorize the administrator to develop alternative purchasing strategies to ensure access to basic health plan enrollees in all areas of the state, including: (i) The use of differential rating for managed health care systems based on geographic differences in costs; and (ii) limited use of self-insurance in areas where adequate access cannot be assured through other options.

(b) In developing alternative purchasing strategies to address health care access needs, the administrator shall consult with interested persons including health carriers, health care providers, and health facilities, and with other appropriate state agencies including the office of the insurance commissioner and the office of community and rural health. In pursuing such alternatives, the administrator shall continue to give priority to prepaid managed care as the preferred method of assuring access to basic health plan enrollees followed, in priority order, by preferred providers, fee for service, and self-funding.

(2) The legislature further finds that:

(a) A significant percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;

(b) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state; and

(c) The use of managed health care systems has significant potential to reduce the growth of health care costs incurred by the people of this state generally, and by low-income pregnant women, and at-risk children and adolescents who need greater access to managed health care.

(((~~(2)~~))) (3) The purpose of this chapter is to provide or make more readily available necessary basic health care services in an appropriate setting to working persons and others who lack coverage, at a cost to these persons that does not create barriers to the utilization of necessary health care services. To that end, this chapter establishes a program to be made available to those residents not eligible for medicare who share in a portion of the cost or who pay the full cost of receiving basic health care services from a managed health care system.

(((~~(3)~~))) (4) It is not the intent of this chapter to provide health care services for those persons who are presently covered through private employer-based health plans, nor to replace employer-based health plans. However, the legislature recognizes that cost-effective and affordable health plans may not always be available to small business employers. Further, it is the intent of the legislature to expand, wherever possible, the availability of private health care coverage and to discourage the decline of employer-based coverage.

((~~(4)~~)) (5)(a) It is the purpose of this chapter to acknowledge the initial success of this program that has (i) assisted thousands of families in their search for affordable health care; (ii) demonstrated that low-income, uninsured families are willing to pay for their own health care coverage to the extent of their ability to pay; and (iii) proved that local health care providers are willing to enter into a public-private partnership as a managed care system.

(b) As a consequence, the legislature intends to extend an option to enroll to certain citizens above two hundred percent of the federal poverty guidelines within the state who reside in communities where the plan is operational and who collectively or individually wish to exercise the opportunity to purchase health care coverage through the basic health plan if the purchase is done at no cost to the state. It is also the intent of the legislature to allow employers and other financial sponsors to financially assist such individuals to purchase health care through the program so long as such purchase does not result in a lower standard of coverage for employees.

(c) The legislature intends that, to the extent of available funds, the program be available throughout Washington state to subsidized and nonsubsidized enrollees. It is also the intent of the legislature to enroll subsidized enrollees first, to the maximum extent feasible.

(d) The legislature directs that the basic health plan administrator identify enrollees who are likely to be eligible for medical assistance and assist these individuals in applying for and receiving medical assistance. The administrator and the department of social and health services shall implement a seamless system to coordinate eligibility determinations and benefit coverage for enrollees of the basic health plan and medical assistance recipients.

Sec. 43. RCW 70.47.020 and 1997 c 335 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment ((~~on a prepaid capitated basis~~)) for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator, who also holds the position of administrator of the Washington state health care authority.

(3) "Managed health care system" means: (a) Any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, ((~~on a prepaid capitated basis~~)) to a defined patient population enrolled in the plan and in the managed health care system; or (b) a self-funded or self-insured method of providing insurance coverage to subsidized enrollees provided under RCW 41.05.140 and subject to the limitations under RCW 70.47.100(7).

(4) "Subsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children: (a) Who is not eligible for medicare; (b) who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator; (c) who resides in an area of the state served by a managed health care system participating in the plan; (d) whose gross family income at the time of enrollment does not exceed ((~~twice~~)) two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; and (e) who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan. To the extent that state funds are specifically appropriated for this purpose, with a corresponding federal match, "subsidized enrollee" also means an individual, or an individual's spouse or dependent children, who meets the requirements in (a) through (c) and (e) of this subsection and whose gross family income at the time of enrollment is more than two hundred percent, but less than two hundred fifty-one percent, of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services.

(5) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children: (a) Who is not eligible for medicare; (b) who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator; (c) who resides in an area of the state served by a managed health care system participating in the plan; (d) who chooses to obtain basic health care coverage from a particular managed health care system; and (e) who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan.

(6) "Subsidy" means the difference between the amount of periodic payment the administrator makes to a managed health care system on behalf of a subsidized enrollee plus the administrative cost to the plan of providing the plan to that subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

(7) "Premium" means a periodic payment, based upon gross family income which an individual, their employer or another financial sponsor makes to the plan as consideration for enrollment in the plan as a subsidized enrollee or a nonsubsidized enrollee.

(8) "Rate" means the ((~~per capita~~)) amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of subsidized and nonsubsidized enrollees in the plan and in that system.

Sec. 44. RCW 41.05.140 and 1994 c 153 s 10 are each amended to read as follows:

(1) Except for property and casualty insurance, the authority may self-fund, self-insure, or enter into other methods of providing insurance coverage for insurance programs under its jurisdiction ((~~except property and casualty insurance~~)), including the basic health plan as provided in chapter 70.47 RCW. The authority shall contract for payment of claims or other administrative services for programs under its jurisdiction. If a program does not require the prepayment of reserves, the authority shall establish such reserves within a reasonable period of time for the payment of claims as are normally required for that type of insurance under an insured program. The authority shall endeavor to reimburse basic health plan health care providers under this section at rates similar to the average reimbursement rates offered by the state-wide benchmark plan determined through the request for proposal process.

(2) Reserves established by the authority for employee and retiree benefit programs shall be held in a separate trust fund by the state treasurer and shall be known as the public employees' and retirees' insurance reserve fund. The state investment board shall act as the investor for the funds and, except as provided in RCW 43.33A.160, one hundred percent of all earnings from these investments shall accrue directly to the public employees' and retirees' insurance reserve fund.

(3) Any savings realized as a result of a program created for employees and retirees under this section shall not be used to increase benefits unless such use is authorized by statute.

(4) Reserves established by the authority to provide insurance coverage for the basic health plan under chapter 70.47 RCW shall be held in a separate trust account in the custody of the state treasurer and shall be known as the basic health plan self-insurance reserve account. The state investment board shall act as the investor for the funds and, except as provided in RCW 43.33A.160, one hundred percent of all earnings from these investments shall accrue directly to the basic health plan self-insurance reserve account.

(5) Any program created under this section shall be subject to the examination requirements of chapter 48.03 RCW as if the program were a domestic insurer. In conducting an examination, the commissioner shall determine the adequacy of the reserves established for the program.

(((~~(5)~~))) (6) The authority shall keep full and adequate accounts and records of the assets, obligations, transactions, and affairs of any program created under this section.

(((~~(6)~~))) (7) The authority shall file a quarterly statement of the financial condition, transactions, and affairs of any program created under this section in a form and manner prescribed by the insurance commissioner. The statement shall contain information as required by the commissioner for the type of insurance being offered under the program. A copy of the annual statement shall be filed with the speaker of the house of representatives and the president of the senate.

Sec. 45. RCW 43.79A.040 and 1999 c 384 s 8 and 1999 c 182 s 2 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility grant account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 46.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The administrator shall design and offer a plan of health care coverage as described in subsection (2) of this section, for any person eligible under subsection (3) of this section. The health care coverage shall be designed and offered only to the extent that state funds are specifically appropriated for this purpose.

(2) The plan of health care coverage shall have the following components:

(a) Services covered more limited in scope than those contained in RCW 48.41.110(3);

(b) Enrollee cost-sharing that may include but not be limited to point-of-service cost-sharing for covered services;

(c) Deductibles of three thousand dollars on a per person per calendar year basis, and four thousand dollars on a per family per calendar year basis. The deductible shall be applied to the first three thousand dollars, or four thousand dollars, of eligible expenses incurred by the covered person or family, respectively, except that the deductible shall not be applied to clinical preventive services as recommended by the United States public health service. Enrollee out-of-pocket expenses required to be paid under the plan for cost-sharing and deductibles shall not exceed five thousand dollars per person, or six thousand dollars per family;

(d) Payment methodologies for network providers may include but are not limited to resource-based relative value fee schedules, capitation payments, diagnostic related group fee schedules, and other similar strategies including risk-sharing arrangements; and

(e) Other appropriate care management and cost-containment measures determined appropriate by the administrator, including but not limited to care coordination, provider network limitations, preadmission certification, and utilization review.

(3) Any person is eligible for coverage in the plan who resides in a county of the state where no carrier, as defined in RCW 48.43.005, or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan as defined in RCW 48.43.005 other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the administrator. Such eligibility may terminate pursuant to subsection (7) of this section.

(4) The administrator may not reject an individual for coverage based upon preexisting conditions of the individual or deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that it shall impose a nine-month benefit waiting period for preexisting conditions for which medical advice was given, or for which a health care provider recommended or provided treatment, or for which a prudent layperson would have sought advice or treatment, within six months before the effective date of coverage. The preexisting condition waiting period shall not apply to prenatal care services. Credit against the waiting period shall be provided pursuant to subsection (5) of this section.

(5) The administrator shall credit any preexisting condition waiting period in the plan for a person who was enrolled at any time during the sixty-three day period immediately preceding the date of application for the plan in a group health benefit plan or an individual health benefit plan other than a catastrophic health plan. The administrator must credit the period of coverage the person was continuously covered under the immediately preceding health plan toward the waiting period of the new health plan. For the purposes of this subsection, a preceding health plan includes an employer-provided self-funded health plan.

(6) The administrator shall set the rates to be charged plan enrollees.

(7) When a carrier, as defined in RCW 48.43.005, or an insurer regulated under chapter 48.15 RCW, begins to offer an individual health benefit plan as defined in RCW 48.43.005 in a county where no carrier or insurer had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in the plan under subsection (3) of this section in that county shall no longer be eligible;

(b) The administrator shall provide written notice to any person who is no longer eligible for coverage under the plan within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options available to the person; and (iii) describe the enrollment process for the available options.

NEW SECTION. **Sec. 47.** RCW 48.41.180 (Offer of coverage to eligible persons) and 1987 c 431 s 18 are each repealed.

NEW SECTION. **Sec. 48.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 49.** Sections 37 and 38 of this act expire September 1, 2000.

NEW SECTION. **Sec. 50.** (1) Section 38 of this act takes effect July 1, 2000.

(2) Section 39 of this act takes effect September 1, 2000.

(3) Section 26 of this act takes effect on the first day of the month following the expiration of a one hundred eighty-day period beginning on the effective date of section 25 of this act.

NEW SECTION. **Sec. 51.** Except for sections 26, 38, and 39 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTION

Senator Snyder moved that the following amendments to the striking amendment by Senators Thibaudeau and Deccio be considered simultaneously and be adopted:

On page 31, line 5, after "group" strike "other than a small group" and insert "of more than five persons"

On page 31, line 21, before ", every" strike "small group" and insert "group of one to five persons"

On page 34, line 23, after "groups" strike "other than small groups" and insert "of more than five persons"

On page 34, line 36, before ", no" strike "small groups" and insert "groups of one to five persons"

Debate ensued.

Senator Snyder demanded a roll call and the demand was sustained.

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Snyder on page 31, lines 5 and 21, and page 34, lines 23 and 36, to the striking amendment by Senators Thibaudeau and Deccio to Second Substitute Senate Bill No. 6067.

ROLL CALL

The Secretary called the roll and the amendments to the striking amendment were not adopted by the following vote: Yeas, 20; Nays, 27; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Fairley, Franklin, Fraser, Gardner, Goings, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Sheldon, B., Snyder, Spanel, Thibaudeau and Wojahn - 20.

Voting nay: Senators Benton, Deccio, Eide, Finkbeiner, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 27.

Absent: Senator Haugen - 1.

Excused: Senator Sellar - 1.

MOTION

Senator Patterson moved that the following amendment by Senators Patterson and Fairley to the striking amendment by Senators Thibaudeau and Deccio be adopted:

On page 78, after line 12, insert the following:

"NEW SECTION. **Sec. 52.** If, one year from the effective date of this section, the Insurance Commissioner determines that no health benefit plan, as defined in RCW 48.43.005, is available for sale to new individual enrollees in twenty-five counties or more in this state, this act shall expire."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption amendment by Senators Patterson and Fairley on page 78, after line 12, to the striking amendment by Senators Thibaudeau and Deccio to Second Substitute Senate Bill No. 6067.

The motion by Senator Patterson failed and the amendment to the striking amendment was not adopted on a rising vote.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Thibaudeau and Deccio to Second Substitute Senate Bill No. 6067.

Debate ensued.

DEMAND FOR THE PREVIOUS QUESTION

Senators Snyder, Betti Sheldon and Spanel demanded the previous question and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Thibaudeau and Deccio to Second Substitute Senate Bill No. 6067.

The motion by Senator Thibaudeau carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 1 of the title, after "coverage;" strike the remainder of the title and insert "amending RCW 48.04.010, 48.18.110, 48.20.028, 48.41.020, 48.41.030, 48.41.040, 48.41.060, 48.41.080, 48.41.090, 48.41.100, 48.41.110, 48.41.120, 48.41.130, 48.41.140, 48.41.200, 48.43.015, 48.43.025, 48.43.035, 48.44.020, 48.44.022, 48.46.060, 48.46.064, 70.47.100, 70.47.010, 70.47.020, and 41.05.140; reenacting and amending RCW 48.43.005, 70.47.060, 43.84.092, 43.84.092, 43.84.092, and 43.79A.040; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.41 RCW; adding new sections to chapter 48.43 RCW; adding new sections to chapter 48.46 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.01 RCW; adding a new section to chapter 41.05 RCW; creating new sections; repealing RCW 48.41.180; providing effective dates; providing an expiration date; and declaring an emergency."

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6067 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6067.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6067 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senators Costa, Fairley, Kline, Kohl-Welles and Snyder - 5.

Excused: Senator Sellar - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Hochstatter was excused.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4022, by Representatives Delvin, Hankins, G. Chandler, B. Chandler, Mastin, Lisk, Grant, Linville and Mitchell

Requesting full funding for a vitrification treatment plant at the Hanford site.

The joint memorial was read the second time.

MOTION

On motion of Senator Goings, the rules were suspended, House Joint Memorial No. 4022 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4022.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4022 and the joint memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Hochstatter and Sellar - 2.

HOUSE JOINT MEMORIAL NO. 4022, having received the constitutional majority, was declared passed

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2423, by House Committee on Natural Resources (originally sponsored by Representatives Pennington, Hatfield, Boldt and Haigh)

Allowing for the disposal of Mt. St. Helen's dredge spoils from public or private lands.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 2423 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2423.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2423 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Hochstatter and Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 2423, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Zarelli was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2493, by House Committee on Finance (originally sponsored by Representatives Ruderman, Cox, Dunshee, Thomas and Kenney) (by request of Department of Revenue)

Simplifying implementation of sales and use tax rate changes.

The bill was read the second time.

MOTION

On motion of Senator Loveland, the rules were suspended, Substitute House Bill No. 2493 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2493.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2493 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 46.

Excused: Senators Hochstatter, Sellar and Zarelli - 3.

SUBSTITUTE HOUSE BILL NO. 2493, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2607, by Representatives Delvin, H. Sommers, Lambert, Alexander, Doumit, Carlson, Schoesler, Pflug, Talcott, Clements, Ruderman, Wolfe, Bush, Morris and Rockefeller (by request of Joint Committee on Pension Policy)

Decreasing the employee contribution rate for the Washington state patrol retirement system.

The bill was read the second time.

MOTION

On motion of Senator Loveland, the rules were suspended, Substitute House Bill No. 2607 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2607.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2607 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45.

Absent: Senator Franklin - 1.

Excused: Senators Hochstatter, Sellar and Zarelli - 3.

SUBSTITUTE HOUSE BILL NO. 2607, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Thibaudeau was excused.

SECOND READING

HOUSE BILL NO. 2684, by Representatives D. Sommers and Tokuda (by request of Department of Social and Health Services)

Clarifying what records are available to the department of social and health services.

The bill was read the second time.

MOTION

On motion of Senator Hargrove, the following Committee on Human Services and Corrections striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.150 RCW to read as follows:

In order to effectively serve students who are under the jurisdiction of the juvenile justice system as dependent pursuant to chapter 13.34 RCW, education records shall be released upon request to the department of social and health services provided that the department of social and health services certifies that it will not disclose to any other party the education records without prior written consent of the parent or student unless authorized to disclose the records under state law. The department of social and health services is authorized to disclose education records it obtains pursuant to this section to a foster parent, guardian, or other entity authorized by the department of social and health services to provide residential care to the student.

Sec. 2. RCW 74.13.285 and 1997 c 272 s 5 are each amended to read as follows:

(1) Within available resources, the department shall prepare a passport containing all known and available information concerning the mental, physical, health, and educational status of the child for any child who has been in a foster home for ninety consecutive days or more. The passport shall contain education records obtained pursuant to section 1 of this act. The passport shall be provided to a foster parent at any placement of a child covered by this section. The department shall update the passport during the regularly scheduled court reviews required under chapter 13.34 RCW.

New placements after July 1, 1997, shall have first priority in the preparation of passports. Within available resources, the department may prepare passports for any child in a foster home on July 1, 1997, provided that no time spent in a foster home before July 1, 1997, shall be included in the computation of the ninety days.

(2) In addition to the requirements of subsection (1) of this section, the department shall, within available resources, notify a foster parent before placement of a child of any known health conditions that pose a serious threat to the child and any known behavioral history that presents a serious risk of harm to the child or others.

(3) The department shall hold harmless the provider for any unauthorized disclosures caused by the department."

MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 74.13.285; and adding a new section to chapter 28A.150 RCW."

On motion of Senator Hargrove, the rules were suspended, House Bill No. 2684, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2684, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2684, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Wojahn - 45.

Excused: Senators Hochstatter, Sellar, Thibaudeau and Zarelli - 4.

HOUSE BILL NO. 2684, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Kline was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2358, by House Committee on Commerce and Labor (originally sponsored by Representatives Wood, McMorris, Clements, Conway and Radcliff)

Allowing charitable organizations to hire vendors to conduct fund raising events.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2358 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2358.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2358 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 17; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Finkbeiner, Fraser, Gardner, Goings, Hale, Heavey, Honeyford, Horn, Jacobsen, Kohl-Welles, Loveland, McAuliffe, McCaslin, Patterson, Prentice, Roach, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel and West - 27.

Voting nay: Senators Eide, Fairley, Franklin, Hargrove, Haugen, Johnson, Long, McDonald, Morton, Oke, Rasmussen, Rossi, Sheahan, Stevens, Swecker, Winsley and Wojahn - 17.

Excused: Senators Hochstatter, Kline, Sellar, Thibaudeau and Zarelli - 5.

SUBSTITUTE HOUSE BILL NO. 2358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2328, by Representatives Lantz, Constantine, Ogden, Edmonds, Stensen, Regala, O'Brien, Kagi, Dickerson, Cody, Keiser, Kessler, Schual-Berke, Hurst, Santos and Kenney

Decreasing filing fees for petition for unlawful harassment.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, House Bill No. 2328 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2328.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2328 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Wojahn - 44.

Excused: Senators Hochstatter, Kline, Sellar, Thibaudeau and Zarelli - 5.

HOUSE BILL NO. 2328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2589 and the pending amendments by Senators Morton on page 1, lines 12 and 13 deferred earlier today.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "In ruling upon the point of order raised by Senator Jacobsen to the scope and object of the amendments by Senator Morton on page 1, lines 12 and 13, the President finds that Engrossed Substitute House Bill No. 2589 is a measure which relates only to expanding the class of recipients eligible for funds allocated by the salmon recovery board. Specifically, the measure would make eligible those landowners who are required to perform habitat recovery projects under local, state or federal law.

"The amendments on page 1, lines 12 and 13 would change the substantive criteria used by the board to allocate funds. Current law provides that allocations should address salmon habitat protection and restoration. The amendments would provide that allocations also address effective predator control.

"The President, therefore, finds that the amendments do change the scope and object of the bill and the point of order is well taken."

The amendments by Senator Morton on page 1, lines 12 and 13, to Engrossed Substitute House Bill No. 2589 were ruled out of order.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute House Bill No. 2589 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2589.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2589 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald,

Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45.

Excused: Senators Hochstatter, Kline, Sellar and Zarelli - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2589, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Hargrove was excused.

SECOND READING

HOUSE BILL NO. 2630, by Representatives Schoesler, Mastin, Linville and Anderson (by request of Commissioner of Public Lands Belcher)

Changing warehouse receipts.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 2630 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2630.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2630 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45.

Excused: Senators Hargrove, Hochstatter, Sellar and Zarelli - 4.

HOUSE BILL NO. 2630, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2344, by Representatives Huff, McIntire, Linville, Alexander, Kenney and Parlette (by request of Caseload Forecast Council)

Authorizing the caseload forecast council to forecast community corrections caseloads.

The bill was read the second time.

MOTION

On motion of Senator Loveland, the following Committee on Ways and Means striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.88C.010 and 1997 c 168 s 1 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A council member who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means the number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support.

(8) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

NEW SECTION. **Sec. 2.** This act takes effect July 1, 2000."

MOTIONS

On motion of Senator Loveland, the following title amendment was adopted:

On page 1, line 1 of the title, after "forecasting;" strike the remainder of the title and insert "amending RCW 43.88C.010; and providing an effective date."

On motion of Senator Loveland, the rules were suspended, House Bill No. 2344, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2344, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2344, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45.

Excused: Senators Hargrove, Hochstatter, Sellar and Zarelli - 4.

HOUSE BILL NO. 2344, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2031, by Representatives Ruderman, Dunn, Dickerson, Fortunato, Conway, Boldt, Kessler, Murray, O'Brien, Romero, Cairnes, Ogden, Rockefeller, Linville, Kenney, Edmonds, Schual-Berke, Kagi, Tokuda, McIntire, Keiser, Cooper, Lantz, Santos and Miloscia

Including midwives in women's health care services.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, House Bill No. 2031 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2031.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2031 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45.

Absent: Senator Loveland - 1.

Excused: Senators Hochstatter, Sellar and Zarelli - 3.

HOUSE BILL NO. 2031, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, Senator Loveland was excused.

SECOND READING

HOUSE BILL NO. 2532, by Representatives Fisher, Mitchell, Cairnes, Ogden, Dunn and Hurst (by request of Department of Transportation)

Allowing the department of transportation to recognize volunteer pilots.

The bill was read the second time.

MOTION

On motion of Senator Goings, the rules were suspended, House Bill No. 2532 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2532.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2532 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 44.

Absent: Senator McCaslin - 1.

Excused: Senators Hochstatter, Loveland, Sellar and Zarelli - 4.

HOUSE BILL NO. 2532, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator McCaslin was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2528, by House Committee on Local Government (originally sponsored by Representatives Cairnes, Cooper, G. Chandler, Dunshee, Tokuda, Linville, Stensen, Lovick, Esser, Kenney, Barlean, Constantine, Murray and Keiser)

Regulating capacity charges for sewage facilities by metropolitan municipal corporations.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 2528 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2528.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2528 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley and Wojahn - 41.

Voting nay: Senators Benton, Morton and Swecker - 3.

Excused: Senators Hochstatter, Loveland, McCaslin, Sellar and Zarelli - 5.

SUBSTITUTE HOUSE BILL NO. 2528, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Roach served notice to reconsider the vote by which Substitute House Bill No. 2528 passed the Senate.

SECOND READING

HOUSE BILL NO. 2496, by Representatives Delvin, Wood, Clements, Conway and B. Chandler

Creating an exemption for out-of-state certificate of approval holders that furnish wine or beer to nonprofit charitable organizations.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2496 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2496.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2496 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45.

Excused: Senators Hochstatter, McCaslin, Sellar and Zarelli - 4.

HOUSE BILL NO. 2496, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2519, by Representatives Lovick, Fortunato, Dunshee, Thomas, Haigh and Kenney (by request of Department of Revenue)

Simplifying the excise tax code.

The bill was read the second time.

MOTION

On motion of Senator Loveland, the rules were suspended, House Bill No. 2519 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2519.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2519 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45.

Excused: Senators Hochstatter, McCaslin, Sellar and Zarelli - 4.

HOUSE BILL NO. 2519, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1070, by Representatives Romero and D. Schmidt (by request of Alternative Public Works Methods Oversight Committee)

Authorizing the general contractor/construction manager contracting procedure for school district capital projects.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the following Committee on State and Local Government striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 39.10.020 and 1997 c 376 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative public works contracting procedure" means the design-build and the general contractor/construction manager contracting procedures authorized in RCW 39.10.050 and 39.10.060, respectively.

(2) "Public body" means the state department of general administration; the University of Washington; Washington State University; every city with a population greater than one hundred fifty thousand; every city authorized to use the design-build procedure for a water system demonstration project under RCW 39.10.065(3); every county with a population greater than four hundred fifty thousand; ((~~and~~)) every port district with a population greater than five hundred thousand; and those school districts proposing projects that are considered and approved by the school district project review board under section 4 of this act.

(3) "Public works project" means any work for a public body within the definition of the term public work in RCW 39.04.010.

Sec. 2. RCW 39.10.060 and 1997 c 376 s 4 are each amended to read as follows:

(1) Notwithstanding any other provision of law, and after complying with RCW 39.10.030, the following public bodies may utilize the general contractor/construction manager procedure of public works contracting for public works projects authorized under subsection (2) of this section: The state department of general administration; the University of Washington; Washington State University; every city with a population greater than one hundred fifty thousand; every county with a population greater than four hundred fifty thousand; ((~~and~~)) every port district with a population greater than five hundred thousand; and those school districts proposing projects that are considered and approved by the school district project review board under section 4 of this act. For the purposes of this section, "general contractor/construction manager" means a firm with which a public body has selected and negotiated a maximum allowable construction cost to be guaranteed by the firm, after competitive selection through formal advertisement and competitive bids, to provide services during the design phase that may include life-cycle cost design considerations, value engineering, scheduling, cost estimating, constructability, alternative construction options for cost savings, and sequencing of work, and to act as the construction manager and general contractor during the construction phase.

(2) Except those school districts proposing projects that are considered and approved by the school district project review board public bodies authorized under this section may utilize the general contractor/construction manager procedure for public works projects valued over ten million dollars where:

(a) Implementation of the project involves complex scheduling requirements;

(b) The project involves construction at an existing facility which must continue to operate during construction; or

(c) The involvement of the general contractor/construction manager during the design stage is critical to the success of the project.

(3) Public bodies should select general contractor/construction managers early in the life of public works projects, and in most situations no later than the completion of schematic design.

(4) Contracts for the services of a general contractor/construction manager under this section shall be awarded through a competitive process requiring the public solicitation of proposals for general contractor/construction manager services. The public solicitation of proposals shall include: A description of the project, including programmatic, performance, and technical requirements and specifications when available; the reasons for using the general contractor/construction manager procedure; a description of the qualifications to be required of the proposer, including submission of the proposer's accident prevention program; a description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors; the form of the contract to be awarded; the estimated maximum allowable construction cost; minority and women business enterprise total project goals, where applicable; and the bid instructions to be used by the general contractor/construction manager finalists. Evaluation factors shall include, but not be limited to: Ability of professional personnel, past performance in negotiated and complex projects, and ability to meet time and budget requirements; location; recent, current, and projected work loads of the firm; and the concept of their proposal. A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, these finalists shall submit final proposals, including sealed bids for the percent fee, which is the percentage amount to be earned by the general contractor/construction manager as overhead and profit, on the estimated

maximum allowable construction cost and the fixed amount for the detailed specified general conditions work. The public body shall select the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public solicitation of proposals.

(5) The maximum allowable construction cost may be negotiated between the public body and the selected firm after the scope of the project is adequately determined to establish a guaranteed contract cost for which the general contractor/construction manager will provide a performance and payment bond. The guaranteed contract cost includes the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, the percent fee on the negotiated maximum allowable construction cost, and sales tax. If the public body is unable to negotiate a satisfactory maximum allowable construction cost with the firm selected that the public body determines to be fair, reasonable, and within the available funds, negotiations with that firm shall be formally terminated and the public body shall negotiate with the next highest scored firm and continue until an agreement is reached or the process is terminated. If the maximum allowable construction cost varies more than fifteen percent from the bid estimated maximum allowable construction cost due to requested and approved changes in the scope by the public body, the percent fee shall be renegotiated.

(6) All subcontract work shall be competitively bid with public bid openings. Subcontract work shall not be issued for bid until the public body has approved, in consultation with the office of minority and women's business enterprises or the equivalent local agency, a plan prepared by the general contractor/construction manager for attaining applicable minority and women business enterprise total project goals that equitably spreads women and minority enterprise opportunities to as many firms in as many bid packages as is practicable. When critical to the successful completion of a subcontractor bid package the owner and general contractor/construction manager may evaluate for bidding eligibility a subcontractor's ability, time, budget, and specification requirements based on the subcontractor's performance of those items on previous projects. Subcontract bid packages shall be awarded to the responsible bidder submitting the low responsive bid. The requirements of RCW 39.30.060 apply to each subcontract bid package. All subcontractors who bid work over three hundred thousand dollars shall post a bid bond and all subcontractors who are awarded a contract over three hundred thousand dollars shall provide a performance and payment bond for their contract amount. All other subcontractors shall provide a performance and payment bond if required by the general contractor/construction manager. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project. Except as provided for under subsection (7) of this section, bidding on subcontract work by the general contractor/construction manager or its subsidiaries is prohibited. The general contractor/construction manager may negotiate with the low-responsive bidder in accordance with RCW 39.10.080 or, if unsuccessful in such negotiations, rebid.

(7) The general contractor/construction manager, or its subsidiaries, may bid on subcontract work on projects valued over twenty million dollars if:

(a) The work within the subcontract bid package is customarily performed by the general contractor/construction manager;

(b) The bid opening is managed by the public body; and

(c) Notification of the general contractor/construction manager's intention to bid is included in the public solicitation of bids for the bid package.

In no event may the value of subcontract work performed by the general contractor/construction manager exceed twenty percent of the negotiated maximum allowable construction cost.

(8) A public body may include an incentive clause in any contract awarded under this section for savings of either time or cost or both from that originally negotiated. No incentives granted may exceed five percent of the maximum allowable construction cost. If the project is completed for less than the agreed upon maximum allowable construction cost, any savings not otherwise negotiated as part of an incentive clause shall accrue to the public body. If the project is completed for more than the agreed upon maximum allowable construction cost, excepting increases due to any contract change orders approved by the public body, the additional cost shall be the responsibility of the general contractor/construction manager.

NEW SECTION. **Sec. 3.** A new section is added to chapter 39.10 RCW to read as follows:

In addition to the projects authorized in RCW 39.10.060, public bodies may also use the general contractor/construction manager contracting procedure for the construction of school district capital demonstration projects, subject to the following conditions:

(1) The project must receive approval from the school district project review board established under section 4 of this act.

(2) The school district project review board may not authorize more than two demonstration projects valued over ten million dollars and two demonstration projects valued between five and ten million dollars.

(3) The school district project review board may not approve more than one demonstration project under this section for each school district.

NEW SECTION. **Sec. 4.** A new section is added to chapter 39.10 RCW to read as follows:

(1) The school district project review board is established to review school district proposals submitted by school districts to use alternative public works contracting procedures. The board shall select and approve qualified projects based upon an evaluation of the information submitted by the school district under subsection (2) of this section. The membership of the board shall be selected by the independent oversight committee as established under RCW 39.10.110 and shall include the following representatives, each having experience with public works or commercial construction: One representative from the office of the superintendent of public instruction; one representative from the office of financial management; two representatives from the construction industry, one of whom works for a construction company with gross annual revenues of twenty million dollars or less; one representative from the specialty contracting industry; one representative from organized labor; one representative from the design industry; one representative from a public body previously authorized under this chapter to use an alternative public works contracting procedure who has experience using such alternative contracting procedures; one representative from school districts with ten thousand or more annual average full-time equivalent pupils; and one representative from school districts with fewer than ten thousand average full-time equivalent pupils. Each member shall be appointed for a term of three years, with the first three-year term commencing after the effective date of this section. Any member of the school district project review board who is directly affiliated with any applicant before the board must recuse him or herself from consideration of the application.

(2) A school district seeking to use alternative contracting procedures authorized under this chapter shall file an application with the school district project review board. The application form shall require the district to submit a detailed statement of the proposed project, including the school district's name; student population based upon October full-time equivalents; the current projected total budget for the project, including the estimated construction costs, costs for professional services, equipment and furnishing costs, off-site costs, contract administration costs, and other related project costs; the anticipated project design and construction schedule; a summary of the school district's construction activity for the preceding six years; and an explanation of why the school district believes the use of an alternative contracting procedure is in the public interest and why the school district is qualified to use an alternative contracting procedure, including a summary of the relevant experience of the school district's management team. The applicant shall also provide in a timely manner any other information concerning implementation of projects under this chapter requested by the school district project review board to assist in its consideration.

(3) Any school district whose application is approved by the school district project review board shall comply with the public notification and review requirements in RCW 39.10.030.

(4) Any school district whose application is approved by the school district project review board shall not use as an evaluation factor whether a contractor submitting a bid for the approved project has had prior general contractor/construction manager procedure experience.

(5) The school district project review board shall prepare and issue a report reviewing the use of the alternative public works contracting procedures by school districts. The board shall report to the independent oversight committee at least sixty days before the oversight committee is required to report to the legislature under RCW 39.10.110(4)."

MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 39.10.020 and 39.10.060; and adding new sections to chapter 39.10 RCW."

On motion of Senator Patterson, the rules were suspended, House Bill No. 1070, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Spanel, Senator Franklin was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1070, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1070, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 5; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 39.

Voting nay: Senators Finkbeiner, Heavey, Johnson, Sheldon, T. and Wojahn - 5.

Excused: Senators Franklin, Hochstatter, McCaslin, Sellar and Zarelli - 5.

HOUSE BILL NO. 1070, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 5:09 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Wednesday, March 1, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-FIRST DAY, FEBRUARY 29, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIFTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 1, 2000

The Senate was called to order at 9:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bauer, Benton, Costa, Gardner, Hargrove, Loveland, Sellar and Thibaudeau. On motion of Senator Franklin, Senators Loveland and Thibaudeau were excused. On motion of Senator Honeyford, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Pages Jamie Arellano and Emily Kruschke, presented the Colors. Reverend Tim Robinson, pastor of the Life Stream Christian Fellowship in Puyallup, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

INTRODUCTION AND FIRST READING

SCR 8429 by Senator Prentice

Developing a strategy to preserve federally assisted low-income housing units.

MOTION

On motion of Senator Betti Sheldon, Senate Concurrent Resolution No. 8429 was held at the desk.

MOTION

On motion of Senator Betti Sheldon, the following resolution was adopted:

SENATE RESOLUTION 2000-8727

By Senator Sheldon, B., Goings, Franklin, Eide, McAuliffe, Loveland, Spanel, Kohl-Welles, Sheldon, T., Brown, Gardner, Rasmussen, Fairley, Snyder, Patterson, Heavey, Costa, Hargrove

WHEREAS, It is the policy of the Washington State Legislature to recognize and honor individuals whose contributions to their communities enhance the well-being and lives of the citizens of the state of Washington; and

WHEREAS, Pauline Gregg Deschamps, born on August 12, 1920, in St. Mares, Idaho, was active in numerous civic and cultural organizations in her adopted home of Bainbridge Island; and

WHEREAS, Pauline Deschamps founded her own real estate business more than forty-four years ago; and

WHEREAS, Pauline Deschamps was the first woman to serve as president of the Bainbridge Island Chamber of Commerce and served on the Bainbridge Island Economic Development Council; and

WHEREAS, Pauline Deschamps instigated the first Grand Old Fourth Celebration on Bainbridge Island and served as president of the Bainbridge Island Garden Club and was past president of the Music and Arts Foundation; and

WHEREAS, Pauline Deschamps was a member of the Ferry Advisory Committee for more than twenty years, served on the State Ferry Productivity Council and the City of Bainbridge Transportation Committee;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the many achievements and contributions of Pauline Deschamps to her community, and pay tribute to a remarkable woman who made the effort to make a difference.

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to her husband, Robert; her son, Paul; her two daughters, Jeanne Stanton and Suzanne Kelly; and her two grandchildren.

MOTION

On motion of Senator Goings, the following resolution was adopted:

SENATE RESOLUTION 2000-8738

By Senators Goings, Rasmussen and McAuliffe

WHEREAS, the Puyallup School District plans to open its newest high school in September; and

WHEREAS, the new and aptly named Emerald Ridge High School will be unique, and is deserving of special recognition; and

WHEREAS, Emerald Ridge is the first school in Washington actually designed with the state's new standards of academic achievement in mind; and

WHEREAS, the school's classrooms will all include project areas, where students can work and demonstrate their knowledge of subjects, thus furthering the goals of education reform, and preparing them for the achievement standards expected under the new Washington Assessment of Student Learning; and

WHEREAS, Emerald Ridge graduates will be considered successful when they become effective communicators, knowledgeable people, good problem solvers, healthy individuals, productive workers, and active citizens; and

WHEREAS, the new school's goals for education, its commitment to demonstrated knowledge, and its concept of success and ideas for how to help students attain it are the embodiment of education reform and are shared by the members of the Washington State Senate; and

WHEREAS, staff members at Emerald Ridge have the special responsibility that comes from opening a new school, and will have many opportunities to design programs, establish school traditions, and help shape the future of the South Hill community; and

WHEREAS, the voters in the Puyallup School District deserve recognition for demonstrating civic leadership by choosing to undertake this important project for the sake of their children's future; and

WHEREAS, Emerald Ridge High School will begin a new era in education in September under the able leadership of Principal Linda Quinn; and

WHEREAS, Emerald Ridge will be a crowning jewel for the community of South Hill and for public education in Washington;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Washington State Senate do hereby recognize and honor the new and unique Emerald Ridge High School, and the overall goal and mission of education for the twenty-first century that represents, and we wish them all the best as they begin classes for the first time later this year; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted immediately by the Secretary of the Senate to Emerald Ridge High School, in care of Principal Linda Quinn.

Senators Goings, Rasmussen and McAuliffe spoke to Senate Resolution 2000-8738.

MOTION

On motion of Senator Gardner, the following resolution was adopted:

SENATE RESOLUTION 2000-8742

By Senator Gardner

WHEREAS, On January 18, 1904, Doris Shields was born in Blaine, Washington, becoming a leading role model for women in government, passed away February 20, 2000; and

WHEREAS, It is the policy of the Washington State Legislature to honor pioneers in leadership and commitment to community service; and

WHEREAS, Doris Shields served well in an era where women who were politically involved, and in elected positions, were extremely uncommon; and

WHEREAS, Doris Shields actively contributed to community, city, county, and state affairs, was active in state issues, a frequent visitor to these halls, and continued to be an active participant until her death at the age of 96 years; and

WHEREAS, Doris Shields is survived by her son, Art Lawrenson, plus six grandchildren, and five great grandchildren; and

WHEREAS, Doris Shields will be tremendously missed by her family, friends, and community;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and honor the talents and leadership of Doris Shields, and all that she has done for those around her; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Art Lawrenson, son of Doris Shields.

MOTION

At 9:20 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 10:24 a.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9250, David K. Hamry, as a member of the Board of Trustees for Pierce Community College District No. 11, was confirmed.

APPOINTMENT OF DAVID K. HAMRY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 5; Excused, 3.

Voting yea: Senators Brown, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 41.

Absent: Senators Bauer, Benton, Costa, Gardner and Hargrove - 5.

Excused: Senators Loveland, Sellar and Thibaudeau - 3.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed the 62nd Airlift Command Support Group and Colonel Darrell Jones from McChord Airforce Base, who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Rasmussen: "A point of personal privilege. In recognition of the Airlift Command Support Group from McChord Airforce Base, I am very pleased that they are here today and that all of the Senate has been able to recognize them. My point of personal privilege is that my son is with the Four Forty Sixth and these men and women support what he does and he supports what they do in this wonderful country and they are such a success because of the men and women of the Airlift Command Support Group. I really want to take this time to be able to say 'thank you.'"

MOTION

On motion of Senator Eide, Senator Hargrove was excused.

SECOND READING

HOUSE BILL NO. 2531, by Representatives Doumit, Huff, Morris, Schoesler, Linville, Cox, Grant, Haigh, Anderson, McMorris, Quall, Mulliken, Murray, Talcott, Ruderman, Mastin, Schindler, Lambert, Reardon, Hatfield, Kenney, Carlson, Alexander, D. Schmidt, Lovick, Mitchell, Keiser, Stensen and Rockefeller

Providing statutory support for career and technical student organizations.

The bill was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 2531 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2531.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2531 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Snyder - 1.

Excused: Senators Hargrove, Loveland and Sellar - 3.

HOUSE BILL NO. 2531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Rasmussen, the following resolution was adopted:

SENATE RESOLUTION 2000-8747

By Senators Rasmussen, Deccio, Loveland, McCaslin, Haugen, Morton, Fairley, Benton, Honeyford, Franklin, Winsley, Goings, Prentice, Heavey, Gardner, Shin, Bauer, Roach, Long, Sheldon, B., Swecker, Oke, Brown, Eide, Snyder, Jacobsen, Bauer, Johnson, Sheldon, T., Spanel and Hargrove

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in service and contribution to the great state of Washington; and

WHEREAS, Washington State veterans have demonstrated excellence in serving and contributing to the citizens of the great state of Washington by their principled and unsparing efforts on our behalf; and

WHEREAS, Washington State veterans selflessly pledged their lives to defend the Stars and Stripes, the flag of these United States of America, and all that the flag represents--a constitutional, representative, democratic republic, the rule of law, free enterprise, family, and faith--fundamental values and ideals that make this country the greatest nation in the world; and

WHEREAS, Washington State veterans proudly and boldly protected and promoted the blessings of Divine Providence, the unwavering strength of representative government, the radiant light of freedom, the resounding ring of justice, and the perennial promise of liberty for all; and

WHEREAS, Washington State veterans as valiant and courageous American men and women serving in our Armed Forces guaranteed the things we hold dear even forfeiting the very breath of life itself in battles both far and near, in recent times and long ago; and

WHEREAS, the Washington State American Legion generously provided the American Flags that are prominently installed and displayed alongside our State Flag in all Senate hearing rooms. Washington State Veterans generously provided the American Flags in other public places of the Legislature, and in the House of Representatives, as a testament to the ideals it embodies and to honor the sacrifices that have ensured our legislative process wherein elected representatives doing the "People's work" may continue;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honor all the veterans of Washington State and express gratitude to the Washington State Ex-POW's, American Legion, Veterans of Foreign Wars, Northwest Chapter of The Chosen Few, Disabled American Veterans, Kitsap County Veterans Coalition, Retired Officers Association, Military Order of Purple Hearts, Paralyzed Veterans of America, and Military Order of World Wars, and their respective members, for their sacrifices, for the example of inspiration they have set for others, and for providing the Senate of the great state of Washington with American Flags; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to each of the distinctive organizations indicated in this resolution.

Senators Rasmussen, Benton, Betti Sheldon, and Swecker spoke to Senate Resolution 2000-8747.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of the Washington State veterans groups being honored today, who were seated in the gallery.

MOTION

On motion of Senator McCaslin, Senator Hale was excused.

MOTION

On motion of Senator Spanel, the following resolution was adopted:

SENATE RESOLUTION 2000-8744

By Senators Spanel and Haugen

WHEREAS, The beautiful Skagit Valley is the tulip capital of the Northwest; and

WHEREAS, Every April, the tulips are in bloom, celebrating the beginning of spring; and

WHEREAS, The Skagit Valley Tulip Festival begins the festival season in Washington State; and

WHEREAS, This year's seventeenth annual event will run from March 31 through April 16, focusing on the communities of Sedro-Woolley, Burlington, Anacortes, La Conner, Mount Vernon, Concrete and Conway; and

WHEREAS, this year's Tulip Festival Ambassadors will ably and personably perform their responsibilities as representatives of this festival; and

WHEREAS, more than half a million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of this annual event, and contributing to the economy of the Skagit Valley; and

WHEREAS, This year's visitors will be greeted by more than one thousand five hundred acres of tulips reflecting all the colors of the rainbow, by the fullness of life in the valley and its wonderful people; and

WHEREAS, Highlights of the event include the Kiwanis Annual Salmon Barbeque, the Tulip Pedal Bike Ride, the Tulip 10k Slug Run/Walk, the Downtown Mount Vernon Street Fair, and much more;

NOW, THEREFORE, BE IT RESOLVED, That the Senate salute the seven communities of the Skagit Valley, their Chambers of Commerce, Skagit Valley Tulip Festival Ambassadors, and the Tulip Festival Committee for their Skagit Valley Tulip Festival; and

BE IT FURTHER RESOLVED, That the Senate commend the community leaders and corporate sponsors for the success of this important event and encourage citizens from across Washington State to take the time to enjoy this spectacular display; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Audrey Smith, Tulip Festival Executive Director, and the Skagit Valley Tulip Festival Ambassadors.

Senators Spanel and Haugen spoke to Senate Resolution 2000-8744.

MOTION

On motion of Senator Spanel, the following resolution was adopted:

SENATE RESOLUTION 2000-8693

By Senators Spanel and Gardner

WHEREAS, A tragic gasoline-pipeline leak and explosion last summer claimed the lives of two boys and a young man who were playing and fishing in Whatcom Falls Park in Bellingham; and

WHEREAS, Four other young people -- Jereme Bounds, Tyrome Francisco, Andrew Tsiorvas, and Akilah Williams -- put aside their own fear, safety, and comfort to do everything they possibly could to help the two boys who were victims of the nightmarish pipeline explosion; and

WHEREAS, In rightful commemoration of their fearless, quick-minded actions, Jereme, Tyrome, Andrew, and Akilah are all very deserving recipients of the prestigious 1999 Youth Good Samaritan Special Group Award; and

WHEREAS, This Good Samaritan recognition, which is sponsored by Puget Sound Energy and Western Washington University, salutes the spirit, bravery, and determination of these four friends, including Andrew, whose younger brother was one of the lives lost in the tragedy; and

WHEREAS, For their tremendous courage, these four wonderful friends were also very appropriately praised at the 1999 Real Heroes Breakfast sponsored by the American Red Cross; and

WHEREAS, Immediately following the pipeline explosion, the four friends knew what had to be done -- Jereme, Tyrome, and Andrew searching the creek area near which the two boys had been playing, and Akilah keeping the situation calm in her parents' home where the friends, like that day, so often gather; and

WHEREAS, Their heart and their heroism in the face of indescribable horror stand as authentic testament to the power of one's unflagging fidelity to one's family, one's friends, and one's community;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honor and commend the moving courage and the inspiring presence of mind of four of Washington's very finest -- Jereme Bounds, Tyrome Francisco, Andrew Tsiorvas, and Akilah Williams; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the families of these four very special young people.

Senators Spanel and Gardner spoke to Senate Resolution 2000-8693.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the sixth order of business.

MOTION

On motion of Senator Honeyford, Senator McDonald was excused.

MOTION

On motion of Senator Deccio, Senator West was excused.

SECOND READING

HOUSE BILL NO. 2861, by Representatives O'Brien, Cody, Miloscia, Parlette, Ballasiotes, Morris, Alexander, Anderson, Santos, Edmonds, Murray, Kastama, Schual-Berke, Scott, Thomas, Barlean, Quall, Dickerson, Mitchell, Delvin, Kenney, Edwards, Rockefeller and McIntire

Modifying the definition of health care information.

The bill was read the second time.

MOTION

Senator Hargrove moved that the following Committee on Human Services and Corrections striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.02.010 and 1993 c 448 s 1 are each amended to read as follows:

((~~As used in this chapter, unless the context otherwise requires:~~)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

(a) Statutory, regulatory, fiscal, medical, or scientific standards;

(b) A private or public program of payments to a health care provider; or

(c) Requirements for licensing, accreditation, or certification.

(2) "Directory information" means information disclosing the presence, and for the purpose of identification, the name, residence, sex, and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

(3) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

(4) "Health care" means any care, service, or procedure provided by a health care provider:

(a) To diagnose, treat, or maintain a patient's physical or mental condition; or

(b) That affects the structure or any function of the human body.

(5) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

(6) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care. The term includes any record of disclosures of health care information. The term includes genetic test information in a person's DNA and a person's DNA.

(7) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

(8) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

(9) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

(10) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

(11) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(12) "Reasonable fee" means the charges for duplicating or searching the record, but shall not exceed sixty-five cents per page for the first thirty pages and fifty cents per page for all other pages. In addition, a clerical fee for searching and handling may be charged not to exceed fifteen dollars. These amounts shall be adjusted biennially in accordance with changes in the consumer price index, all consumers, for Seattle-Tacoma metropolitan statistical area as determined by the secretary of health. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

(13) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction, including a health care service contractor, and health maintenance organization; or an employee welfare benefit plan; or a state or federal health benefit program.

NEW SECTION. **Sec. 2.** A new section is added to chapter 70.02 RCW to read as follows:

Genetic information in the form of deoxyribonucleic acid is health care information subject to the following provisions:

(1) Any entity, including any person, isolating a person's deoxyribonucleic acid in a form that identifies an individual person for purposes of genetic testing must have the person's informed consent.

(2) Informed consent requires:

(a) An explanation of the purpose for which the deoxyribonucleic acid is being obtained, and whether it will be converted into a computerized individual sequence of chemical base pairs or other form for interpretation;

(b) Identification of the entity obtaining the deoxyribonucleic acid and individual sequence;

(c) Disclosure of any entity with whom the deoxyribonucleic acid and individual sequence may be shared, including disclosure that the deoxyribonucleic acid or individual sequence may be shared in the future with an unknown entity;

(d) A statement of the expected duration that the deoxyribonucleic acid and individual sequence may be kept;

(e) A description of reasonably foreseeable risks or harm associated with providing the deoxyribonucleic acid and individual sequence;

(f) An explanation of how the deoxyribonucleic acid will be maintained, whether the physical sample will be destroyed or stored, including how and where it will be stored, and how the individual sequence information will be destroyed or stored, including how and where it will be stored;

(g) A statement describing any reasonably expected benefits or advantages associated with providing the deoxyribonucleic acid and individual sequence;

(h) A statement describing any confidentiality or privacy protections for the deoxyribonucleic acid and individual sequence;

(i) Identification of an individual contact and contact information from whom further information may be obtained or reported relative to the deoxyribonucleic acid and individual sequence;

(j) Provisions explaining whether the deoxyribonucleic acid and the individual sequence can be expunged or removed from the entity that obtained it and the method to do it;

(k) The exclusion of any exculpatory provisions from liability against the entity obtaining the deoxyribonucleic acid and individual sequence;

(l) A disclosure that providing deoxyribonucleic acid and an individual sequence is voluntary; and

(m) Compliance with the federal informed consent requirements, when applicable, which are more protective of individual privacy.

(3) A person's informed consent is not required:

(a) In criminal matters if the deoxyribonucleic acid is obtained or used during a criminal investigation, trial, appeal, or pursuant to specific common law or statutory authority, or a lawfully issued court order. Once a criminal conviction is final, a report that was not admitted

into evidence, identifying a specific person by analysis of DNA obtained in the course of an investigation, shall be destroyed if the person is found to be uninvolved in the commission of the criminal act or acts;

(b) In situations where the person requires emergency medical care as long as the person, or his or her representative in death cases, is informed in a timely manner after the emergency that the deoxyribonucleic acid was obtained;

(c) In situations where a person's bodily fluids are obtained without consent pursuant to specific statutory requirement mandating testing;

(d) In situations where the individual is deceased and the entity requesting the deoxyribonucleic acid establishes in a court of law that obtaining individually identifiable deoxyribonucleic acid for genetic testing purposes benefits public health, safety, and welfare, and outweighs the harm to individual privacy interests, or the person requesting the deoxyribonucleic acid is a next of kin requesting the deoxyribonucleic acid for purposes of health care or other purpose that outweighs the harm to the individual's privacy interests, or the entity requesting the deoxyribonucleic acid has been authorized by an institutional review board to use the deoxyribonucleic acid pursuant to an approved protocol;

(e) Pursuant to the provisions of this section, if the entity or person is a health care provider or facility under chapter 70.02 RCW who is acting according to the provisions of that chapter, and who is subject to the provisions of chapter 7.70 RCW;

(f) Pursuant to provisions of this section, if the entity or person obtains an individual's deoxyribonucleic acid, or computerized information that provides the sequence of that individual's deoxyribonucleic acid, in a form that does not identify that individual;

(g) Pursuant to provisions of this section, if the entity or person who obtains deoxyribonucleic acid, or computerized information that provides the sequence of that deoxyribonucleic acid, is acting according to the provisions of an institutional review board established under federal law; and

(h) In death investigations for purposes of identifying the decedent.

NEW SECTION. **Sec. 3.** A new section is added to chapter 48.01 RCW to read as follows:

A person's individual health care information in the form of deoxyribonucleic acid shall not be screened in any insurance transaction. For purposes of this section, "screened" means obtaining a person's deoxyribonucleic acid and identifying the sequence of chemical base pairs. This section must not be interpreted to deny payment of claims.

Sec. 4. RCW 49.60.030 and 1997 c 271 s 2 are each amended to read as follows:

(1) The right to be free from discrimination because of race, creed, color, national origin, sex, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person is recognized as and declared to be a civil right. This right shall include, but not be limited to:

(a) The right to obtain and hold employment without discrimination, including the right to prohibit an employer from screening a person's individual health care information in the form of deoxyribonucleic acid. For purposes of this subsection, "screening" means obtaining a person's deoxyribonucleic acid and identifying a sequence of chemical base pairs;

(b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement;

(c) The right to engage in real estate transactions without discrimination, including discrimination against families with children;

(d) The right to engage in credit transactions without discrimination;

(e) The right to engage in insurance transactions or transactions with health maintenance organizations without discrimination: PROVIDED, That a practice which is not unlawful under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an unfair practice for the purposes of this subparagraph; and

(f) The right to engage in commerce free from any discriminatory boycotts or blacklists. Discriminatory boycotts or blacklists for purposes of this section shall be defined as the formation or execution of any express or implied agreement, understanding, policy or contractual arrangement for economic benefit between any persons which is not specifically authorized by the laws of the United States and which is required or imposed, either directly or indirectly, overtly or covertly, by a foreign government or foreign person in order to restrict, condition, prohibit, or interfere with or in order to exclude any person or persons from any business relationship on the basis of race, color, creed, religion, sex, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, or national origin or lawful business relationship: PROVIDED HOWEVER, That nothing herein contained shall prohibit the use of boycotts as authorized by law pertaining to labor disputes and unfair labor practices.

(2) Any person deeming himself or herself injured by any act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations, or to recover the actual damages sustained by the person, or both, together with the cost of suit including reasonable attorneys' fees or any other appropriate remedy authorized by this chapter or the United States Civil Rights Act of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. Sec. 3601 et seq.).

(3) Except for any unfair practice committed by an employer against an employee or a prospective employee, or any unfair practice in a real estate transaction which is the basis for relief specified in the amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any unfair practice prohibited by this chapter which is committed in the course of trade or commerce as defined in the Consumer Protection

Act, chapter 19.86 RCW, is, for the purpose of applying that chapter, a matter affecting the public interest, is not reasonable in relation to the development and preservation of business, and is an unfair or deceptive act in trade or commerce.

Sec. 5. RCW 70.83.050 and 1967 c 82 s 5 are each amended to read as follows:

The state board of health shall adopt rules and regulations necessary to carry out the intent of this chapter. Rules adopted by the state board of health must protect an individual's confidentiality of his or her genetic health care information obtained under this chapter.

NEW SECTION. **Sec. 6.** The legislature finds that:

(1) Deoxyribonucleic acid (DNA) is a unique form of health care information;

(2) The technology of DNA identification is of great potential benefit to the citizens of this state in many fields, including human services and health care, scientific research, criminal justice, and corrections;

(3) Technology is changing and improving at an ever-increasing rate;

(4) DNA technology is particularly important in assisting law enforcement in identifying and apprehending repeat criminal offenders as well as exonerating those people convicted and incarcerated for a crime they did not commit;

(5) There are legitimate concerns for privacy rights in the creation, collection, maintenance, disclosure, identification, and use of DNA;

(6) Protections of citizens' civil rights and individual privileges necessitate policy development of protections preventing the unauthorized use of DNA and the use of DNA for discriminatory purposes; and

(7) There is a need to address the potential future uses of DNA that may benefit citizens of this state, for purposes of the health, safety, and welfare of its citizens.

NEW SECTION. **Sec. 7.** A DNA commission is established to consist of twenty-four members selected as follows:

(1)(a) Two members of the senate, appointed by the president of the senate, one from each of the two largest caucuses; and

(b) Two members of the house of representatives, appointed by the co-speakers of the house of representatives, one from each of the two largest caucuses;

(2) The following members shall be appointed by the governor:

(a) Two members representing local public health;

(b) One member representing genetic counselors;

(c) One member representing clinical research;

(d) One member representing epidemiological research;

(e) One member representing the Human Genome project;

(f) One member representing genetic ethics;

(g) One member representing institutional review boards;

(h) Two members representing geneticists, one clinical and one research;

(i) One member representing research institutions;

(j) One member representing civil rights advocates;

(k) Two members representing criminal justice and corrections;

(l) Two members representing privacy advocates;

(m) One member representing citizens who have undergone genetic testing;

(n) One member representing hospitals;

(o) One member representing pathologists or laboratory medicine; and

(p) One member representing biotechnologists.

The commission shall be appointed within forty-five days from the effective date of this act. Staffing shall be provided by the legislature. Members shall serve without remuneration, except costs may be provided according to the provisions of RCW 43.03.050 and 43.03.060.

NEW SECTION. **Sec. 8.** The DNA commission shall:

(1) Develop a state-wide strategy for evaluating and recommending public policies relating to the use of DNA;

(2) Conduct a survey and produce a resource guide for citizens relating to the use of DNA;

(3) Evaluate methods for protecting an individual's privacy interests in his or her DNA;

(4) Analyze the incidence of discriminatory actions state-wide based upon genetic information;

(5) Develop recommendations relative to civil rights' protections as they relate to genetic information;

(6) Analyze available remedies to compensate individuals for the inappropriate use of their genetic information;

(7) Identify appropriate disincentives to improper use of DNA;

(8) Identify incentives for further research and development in the area of DNA that promotes public health, safety, and welfare; and

(9) An initial report of its findings and recommendations shall be provided to the appropriate committees of the legislature by July 1, 2001.

NEW SECTION. **Sec. 9.** A new section is added to chapter 43.131 RCW to read as follows:

The DNA commission and its powers and duties shall be terminated on June 30, 2005, as provided in section 10 of this act.

NEW SECTION. **Sec. 10.** A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2006.

(1) Section 6 of this act;

(2) Section 7 of this act; and

(3) Section 8 of this act."

MOTION

On motion of Senator Costa, the following amendment by Senators Costa, Thibaudeau, Hargrove and Long to the Committee on Human Service and Corrections striking amendment was adopted:

On page 9, after line 29 of the amendment, insert the following:

"**Sec. 11.** RCW 70.24.084 and 1999 c 391 s 4 are each amended to read as follows:

(1) Any person aggrieved by a violation of this chapter shall have a right of action in superior court and may recover for each violation:

(a) Against any person who negligently violates a provision of this chapter, one thousand dollars, or actual damages, whichever is greater, for each violation.

(b) Against any person who intentionally or recklessly violates a provision of this chapter, ten thousand dollars, or actual damages, whichever is greater, for each violation.

(c) Reasonable attorneys' fees and costs.

(d) Such other relief, including an injunction, as the court may deem appropriate.

(2) Any action under this chapter is barred unless the action is commenced within three years after the cause of action accrues.

(3) Nothing in this chapter limits the rights of the subject of a test for a sexually transmitted disease to recover damages or other relief under any other applicable law.

(4) Nothing in this chapter may be construed to impose civil liability or criminal sanction for disclosure of a test result for a sexually transmitted disease in accordance with any reporting requirement for a diagnosed case of sexually transmitted disease by the department or the centers for disease control of the United States public health service.

(5) It is a negligent violation of this chapter to cause an unauthorized communication of confidential sexually transmitted disease information by facsimile transmission or otherwise communicating the information to an unauthorized recipient when the sender knew or had reason to know the facsimile transmission telephone number or other transmittal information was incorrect or outdated.

Sec. 12. RCW 70.02.150 and 1991 c 335 s 701 are each amended to read as follows:

A health care provider shall effect reasonable safeguards for the security of all health care information it maintains.

Reasonable safeguards shall include affirmative action to delete outdated and incorrect facsimile transmission or other telephone transmittal numbers from computer, facsimile, or other data bases."

The President declared the question before the Senate to be the adoption of the Committee on Human Services and Corrections striking amendment, as amended, to House Bill No. 2861.

The motion by Senator Hargrove carried and the committee striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Hargrove the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "information;" strike the remainder of the title and insert "amending RCW 70.02.010, 49.60.030, and 70.83.050; adding a new section to chapter 70.02 RCW; adding a new section to chapter 48.01 RCW; adding new sections to chapter 43.131 RCW; and creating new sections."

On page 9, at the beginning of line 35 of the title amendment, strike "and 70.83.050" and insert "70.83.050, 70.24.084, and 70.02.150"

On motion of Senator Hargrove, the rules were suspended, House Bill No. 2861, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2861, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2861, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Hale, Loveland, McDonald, Sellar and West - 5.

HOUSE BILL NO. 2861, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Winsley, the following resolution was adopted:

SENATE RESOLUTION 2000-8736

By Senators Winsley, Deccio and Honeyford

WHEREAS, It is the policy of the Washington State Legislature to recognize and honor the contributions of individuals who reflect standards of excellence that advance the well-being and quality of lives of the citizens of the state of Washington; and

WHEREAS, The National Endowment for the Arts and the Mid-Atlantic Arts Foundation have developed a program known as "Artists and Communities: America Creates for the Millennium"; and

WHEREAS, The Allied Arts Council of Yakima Valley and the entire Yakima Valley join a select group in receiving the millennium project designation, which is awarded to only one community in each state, with the Yakima Valley project representing the entire state of Washington; and

WHEREAS, The Yakima Valley is where prominent and recognized Artist-in-Residence, Wen-ti Tsen, of Cambridge, Massachusetts, will live and work for much of the Year 2000, bringing his extraordinary talents and having a significant impact on the people of the Yakima Valley and the whole state of Washington; and

WHEREAS, Artist-in-Residence Wen-ti Tsen is a Chinese-American educator, sculptor, muralist, and mixed media artist, who has orchestrated community art projects from Boston, USA to Moscow, Russia; and

WHEREAS, Artist-in-Residence Wen-ti Tsen began using art to study society; then, more and more, began doing community and public art projects and using oral history, painting, and installations to integrate personal and community expression, centering on cultural diversity; and

WHEREAS, Artist-in-Residence Wen-ti Tsen will use local stories to create works of public art that will celebrate our peoples' experience of creating and sustaining a community; and

WHEREAS, Artist-in-Residence Wen-ti Tsen will coordinate a Valley-wide effort to develop an art-based project using the theme of water, "The life source of the Yakima Valley and so much our state"; and

WHEREAS, Artist-in-Residence Wen-ti Tsen will bring people of all ages, cultures, and backgrounds to direct involvement in designing, developing, and implementing multiple artistic endeavors around the theme of water; and

WHEREAS, Artist-in-Residence Wen-ti Tsen believes art is an important part of everyday life, a way individuals express their experiences and aspirations, an educational tool that can help change young peoples' attitudes and provide them with a different perspective, and a bridge to support and instruct others on issues that affect their lives;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate express its sincere gratitude and appreciation to the Allied Arts Council of Yakima Valley for its successful efforts in bringing the nation-wide Millennium "Artist-in-Residence" program and internationally recognized artist, Wen-ti Tsen, as its "Artist-in-Residence" to the Yakima Valley and the state of Washington.

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Artist-in-Residence Wen-ti Tsen, the Allied Arts Council of Yakima Valley, the city of Yakima, and the Yakima County Commissioners.

Senators Winsley and Deccio spoke to Senate Resolution 2000-8736.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Wen-ti Tsen, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Mr. Tsen to address the Senate.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Allied Arts Council from the Yakima area, who were seated in the gallery.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2367, by House Committee on Children and Family Services (originally sponsored by Representatives Kenney, Carlson, Tokuda, Edmonds, Lovick, Stensen, Lantz, Veloria, Doumit, Dickerson, Kagi, Murray, Wolfe, Ogden, Schual-Berke, Kessler, Regala and Santos)

Including higher education programs in the work activity definition.

The bill was read the second time.

MOTION

Senator Swecker moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 13, after "paid", strike "or unpaid".

On page 2, line 14, after "paid", strike "or unpaid".

On page 2, line 18, after "is", insert "paid for"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Swecker on page 1, line 13, and page 2, lines 14 and 18, to Substitute House Bill No. 2367.

The motion by Senator Swecker failed and the amendments were not adopted.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 2367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued..

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2367.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2367 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 13; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 32.

Voting nay: Senators Benton, Finkbeiner, Hochstatter, Honeyford, Johnson, McCaslin, Morton, Roach, Rossi, Stevens, Swecker, West and Zarelli - 13.

Absent: Senator Deccio - 1.

Excused: Senators Hale, McDonald and Sellar - 3.

SUBSTITUTE HOUSE BILL NO. 2367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2904, by Representatives Carlson and Kenney

Expanding geographic eligibility for the border county higher education opportunity pilot project.

The bill was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 2904 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2904.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2904 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Deccio - 1.

Excused: Senators Hale, McDonald and Sellar - 3.

HOUSE BILL NO. 2904, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

WITHDRAWAL OF MOTION TO RECONSIDER SUBSTITUTE HOUSE BILL NO. 2528

On motion of Senator Roach, and there being no objection, the notice to reconsider the vote by which Substitute House Bill No. 2528 passed the Senate on March 1, 2000, was withdrawn.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2912, by House Committee on Children and Family Services (originally sponsored by Representatives Boldt and Clements)

Requiring the department of social and health services to maintain records on children in state custody who are using psychiatric medications.

The bill was read the second time.

MOTION

On motion of Senator Hargrove, the following Committee on Human Services and Corrections striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The department of social and health services shall report to the appropriate legislative committees the following information regarding children in out-of-home care during calendar year 1999:

(a) The number of children receiving medication;

(b) The number of children who were not receiving medication before entering out-of-home care, who were prescribed medication during an out-of-home care episode;

(c) The medical diagnosis for all children on prescribed medications;

(d) The number, types, and frequency of medications prescribed to children;

(e) The number of children receiving multiple medications;

(f) The number of children prescribed Ritalin; and

(g) The total number of children in out-of-home care during calendar year 1999, and the number of those children receiving medication.

(2) For purposes of this section, "medication" means psychotropic medication or other medication prescribed to address psychiatric or other behavioral issues.

(3) The report is due to the legislature on or before December 15, 2000."

MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 2 of the title, after "custody;" strike the remainder of the title and insert "and creating a new section."

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2912, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2912, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2912, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Hale, McDonald and Sellar - 3.

SUBSTITUTE HOUSE BILL NO. 2912, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1711, by Representatives Campbell, Cody, Boldt and Parlette

Concerning the public disclosure of department of health information received through the hospital licensing process.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Engrossed House Bill No. 1711 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Jacobsen, Senator Patterson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1711.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1711 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Hale, Patterson and Sellar - 3.

ENGROSSED HOUSE BILL NO. 1711, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2510, by Representatives Edmonds, D. Schmidt, Hurst and Kenney (by request of Department of Health)

Modifying home health, home care, hospice, and in-home services.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the following Committee on Health and Long-Term Care striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.127.010 and 1999 c 190 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrator" means an individual responsible for managing the operation of an agency.

(2) "Department" means the department of health.

(((~~2~~))) (3) "Director of clinical services" means an individual responsible for nursing, therapy, nutritional, social, and related services that support the plan of care provided in home health and hospice agencies.

(4) "Family" means individuals who are important to, and designated by, the patient or client and who need not be relatives.

(5) "Home care agency" means a ((~~private or public agency or organization that administers or provides~~)) person administering or providing home care services directly or through a contract arrangement to ((~~ill, disabled, or infirm persons~~)) individuals in places of temporary or permanent residence.

(((~~3~~))) (6) "Home care services" means ((~~personal care services, homemaker services, respite care services, or any other~~)) nonmedical services and assistance provided to ill, disabled, ((~~or~~)) infirm ((~~persons which services enable these persons to remain in their own residences consistent with their desires, abilities, and safety~~)), or vulnerable individuals that enable them to remain in their residences. Home care services include, but are not limited to: Personal care such as assistance with dressing, feeding, and personal hygiene to facilitate self-care; homemaker assistance with household tasks, such as housekeeping, shopping, meal planning and preparation, and transportation; respite care assistance and support provided to the family; or other nonmedical services.

(((~~4~~))) (7) "Home health agency" means a ((~~private or public agency or organization that administers or provides home health aide services or~~)) person administering or providing two or more home health services directly or through a contract arrangement to ((~~ill, disabled, or infirm persons~~)) individuals in places of temporary or permanent residence. ((~~A private or public agency or organization that administers or provides~~)) A person administering or providing nursing services only may elect to be designated a home health agency for purposes of licensure.

(((~~5~~))) (8) "Home health services" means ((~~health or medical~~)) services provided to ill, disabled, ((~~or~~)) infirm ((~~persons~~)), or vulnerable individuals. These services ((~~may be of an acute or maintenance care nature, and~~)) include but are not limited to nursing services, home health aide services, physical therapy services, occupational therapy services, speech therapy services, respiratory therapy services, nutritional services, medical social services, and home medical supplies or equipment services.

(((~~(6)~~))) (9) "Home health aide services" means services provided by a home health agency or a hospice agency under the supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist who is employed by or under contract to a home health or hospice agency. Such care includes ambulation and exercise, assistance with self-administered medications, reporting changes in patients' conditions and needs, completing appropriate records, and personal care or homemaker services.

~~(((7) "Homemaker services" means services that assist ill, disabled, or infirm persons with household tasks essential to achieving adequate household and family management.~~

~~(8)~~))) (10) "Home medical supplies" or "equipment services" means diagnostic, treatment, and monitoring equipment and supplies provided for the direct care of individuals within a plan of care.

(11) "Hospice agency" means a ((~~private or public agency or organization~~)) person administering or providing hospice ((~~care~~)) services directly or through a contract arrangement to ((~~terminally ill persons~~)) individuals in places of temporary or permanent residence ((~~by using~~)) under the direction of an interdisciplinary team composed of at least ((~~nursing~~)) a nurse, social ((~~work~~)) worker, physician, ((~~and pastoral or~~)) spiritual ((~~counseling~~)) counselor, and a volunteer.

(((~~(9)~~))) (12) "Hospice care center" means a homelike, noninstitutional facility where hospice services are provided, and that meets the requirements for operation under section 21 of this act.

(13) "Hospice ((~~care~~)) services" means((~~: (a) Palliative care~~)) symptom and pain management provided to a terminally ill ((~~person~~)) individual, and emotional, spiritual, and bereavement support for the individual and family in a place of temporary or permanent residence ((~~that alleviates physical symptoms, including pain, as well as alleviates the emotional and spiritual discomfort associated with dying; and (b) bereavement care provided to the family of a terminally ill person that alleviates the emotional and spiritual discomfort associated with the death of a family member. Hospice care~~)), and may include the provision of home health and ((~~medical services and personal care, respite, or homemaker services. Family means individuals who are important to and designated by the patient, and who need not be relatives.~~

~~(10) "Ill, disabled, or infirm persons" means persons who need home health, hospice, or home care services in order to maintain themselves in their places of temporary or permanent residence.~~

~~(11) "Personal care services" means services that assist ill, disabled, or infirm persons with dressing, feeding, and personal hygiene to facilitate self-care.~~

~~(12) "Public or private agency or organization" means an entity that employs or contracts with two or more persons who provide care in the home.~~

~~(13) "Respite care services" means services that assist or support the primary care giver on a scheduled basis~~)) home care services for the terminally ill individual.

(14) "In-home services agency" means a person licensed to administer or provide home health, home care, hospice services, or hospice care center services directly or through a contract arrangement to individuals in a place of temporary or permanent residence.

(15) "Person" means any individual, business, firm, partnership, corporation, company, association, joint stock association, public or private agency or organization, or the legal successor thereof that employs or contracts with two or more individuals.

(16) "Plan of care" means a written document based on assessment of individual needs that identifies services to meet these needs.

(17) "Quality improvement" means reviewing and evaluating appropriateness and effectiveness of services provided under this chapter.

(18) "Service area" means the geographic area in which the department has given prior approval to a licensee to provide home health, hospice, or home care services.

(19) "Survey" means an inspection conducted by the department to evaluate and monitor an agency's compliance with this chapter.

Sec. 2. RCW 70.127.020 and 1988 c 245 s 3 are each amended to read as follows:

(1) After July 1, 1990, ((~~no private or public agency or organization may~~)) a license is required for a person to advertise, operate, manage, conduct, open, or maintain ((~~a home health agency without first obtaining a home health agency license from the department~~)) an in-home services agency.

(2) ((~~After July 1, 1990, no private or public agency or organization may advertise, operate, manage, conduct, open, or maintain a hospice agency without first obtaining a hospice agency license from the department.~~

~~(3) After July 1, 1990, no public or private agency or organization may advertise, operate, manage, conduct, open, or maintain a home care agency without first obtaining a home care agency license from the department.~~)) An in-home services agency license is required for a nursing home, hospital, or other person that functions as a home health, hospice, hospice care center, or home care agency.

Sec. 3. RCW 70.127.030 and 1988 c 245 s 4 are each amended to read as follows:

It is unlawful for any person to use the words:

(1) ((~~No person may use the words~~)) "Home health agency," "home health care services," ((~~or~~)) "visiting nurse services," "home health," or "home health services" in its corporate or business name, or advertise using such words unless licensed ((~~as a home health agency~~)) to provide those services under this chapter((~~.~~)):

(2) ((~~No person may use the words~~)) "Hospice agency," ((~~or~~)) "hospice," "hospice services," "hospice care," or "hospice care center" in its corporate or business name, or advertise using such words unless licensed ((~~as a hospice agency~~)) to provide those services under this chapter((~~.~~));

(3) ((~~No person may use the words~~)) "Home care agency," ((~~or~~)) "home care services," or "home care" in its corporate or business name, or advertise using such words unless licensed ((~~as a home care agency~~)) to provide those services under this chapter((~~.~~)); or

(4) "In-home services agency," "in-home services," or any similar term to indicate that a person is a home health, home care, hospice care center, or hospice agency in its corporate or business name, or advertise using such words unless licensed to provide those services under this chapter.

Sec. 4. RCW 70.127.040 and 1993 c 42 s 2 are each amended to read as follows:

The following are not subject to regulation for the purposes of this chapter:

(1) A family member providing home health, hospice, or home care services;

(2) ((~~An organization that~~)) A person who provides only meal services in ((~~a person's~~)) an individual's permanent or temporary residence;

(3) ((~~Entities~~)) An individual providing home care through a direct agreement with a recipient of care in an individual's permanent or temporary residence;

(4) A person furnishing ((~~durable~~)) or delivering home medical supplies or equipment that does not involve the ((~~delivery~~)) provision of ((~~professional~~)) services beyond those necessary to deliver, set up, and monitor the proper functioning of the equipment and educate the user on its proper use;

(((~~4~~))) (5) A person who provides services through a contract with a licensed agency;

(((~~5~~))) (6) An employee or volunteer of a licensed agency who provides services only as an employee or volunteer;

(((~~6~~))) (7) Facilities and institutions, including but not limited to nursing homes under chapter 18.51 RCW, hospitals under chapter 70.41 RCW, adult family homes under chapter 70.128 RCW, boarding homes under chapter 18.20 RCW, developmental disability residential programs under chapter 71.12 RCW, other entities licensed under chapter 71.12 RCW, or other licensed facilities and institutions, only when providing services to persons residing within the facility or institution ((~~if the delivery of the services is regulated by the state;~~

~~(7) Persons~~));

(8) Local and combined city-county health departments providing services under chapters 70.05 and 70.08 RCW;

(9) An individual providing care to ill, disabled ((~~persons~~)), infirm, or vulnerable individuals through a contract with the department of social and health services;

(((~~8~~))) (10) Nursing homes, hospitals, or other institutions, agencies, organizations, or persons that contract with licensed home health, hospice, or home care agencies for the delivery of services;

(((~~9~~))) (11) In-home assessments of an ill, disabled, vulnerable, or infirm ((~~person's ability to adapt to the home environment~~)) individual that does not result in regular ongoing care at home;

(((~~10~~))) (12) Services conducted by and for the adherents of a church or religious denomination that rely upon spiritual means alone through prayer for healing in accordance with the tenets and practices of such church or religious denomination and the bona fide religious beliefs genuinely held by such adherents;

(((~~11~~))) (13) A medicare-approved dialysis center operating a medicare-approved home dialysis program;

(((~~12~~))) (14) A person providing case management services ((~~which do not include the direct delivery of home health, hospice, or home care services~~)). For the purposes of this subsection, "case management" means the assessment, coordination, authorization, planning, training, and monitoring of home health, hospice, and home care, and does not include the direct provision of care to an individual;

(((~~13~~))) (15) Pharmacies licensed under RCW 18.64.043 that deliver prescription drugs and durable medical equipment that does not involve the use of professional services beyond those authorized to be performed by licensed pharmacists pursuant to chapter 18.64 RCW and those necessary to set up and monitor the proper functioning of the equipment and educate the person on its proper use;

(16) A volunteer hospice complying with the requirements of RCW 70.127.050; and

(17) A person who provides home care services without compensation.

Sec. 5. RCW 70.127.050 and 1993 c 42 s 3 are each amended to read as follows:

(1) An entity that provides hospice care without receiving compensation for delivery of any of its services is exempt from licensure pursuant to RCW 70.127.020(((~~2~~))) (1) if it notifies the department, on forms provided by the department, of its name, address, name of owner, and a statement affirming that it provides hospice care without receiving compensation for delivery of any of its services. This form must be filed with the department ((~~within sixty days after June 30, 1993, or~~)) within sixty days after being informed in writing by the department of this requirement for obtaining exemption from licensure under this chapter.

(2) For the purposes of this section, it is not relevant if the entity compensates its staff. For the purposes of this section, the word "compensation" does not include donations.

(3) Notwithstanding the provisions of RCW 70.127.030(2), an entity that provides hospice care without receiving compensation for delivery of any of its services is allowed to use the phrase "volunteer hospice."

(4) Nothing in this chapter precludes an entity providing hospice care without receiving compensation for delivery of any of its services from obtaining a hospice license if it so chooses, but that entity would be exempt from the requirements set forth in RCW 70.127.080(1)(d) ((~~and (e)~~)).

Sec. 6. RCW 70.127.080 and 1999 c 190 s 2 are each amended to read as follows:

(1) An applicant for ((~~a home health, hospice, or home care~~)) an in-home services agency license shall:

(a) File a written application on a form provided by the department;

(b) Demonstrate ability to comply with this chapter and the rules adopted under this chapter;

(c) Cooperate with on-site ((~~review~~)) survey conducted by the department ((~~prior to licensure or renewal~~)) except as provided in RCW 70.127.085;

(d) Provide evidence of and maintain professional liability, public liability, and property damage insurance ((~~in the amount of one hundred thousand dollars per occurrence or adequate self-insurance as approved by the department~~)) in an amount established by the department, based on industry standards. This subsection shall not apply to hospice agency applicants that provide hospice care without receiving compensation for delivery of services;

(e) ((~~Provide evidence of and maintain public liability and property damage insurance coverage in the sum of fifty thousand dollars for injury or damage to property per occurrence and fifty thousand dollars for injury or damage, including death, to any one person and one hundred thousand dollars for injury or damage, including death, to more than one person, or evidence of adequate self-insurance for public liability and property damage as approved by the department. This subsection shall not apply to hospice agency applicants that provide hospice care without receiving compensation for delivery of services;~~

~~(f)~~)) Provide ((~~such proof as the department may require concerning~~)) documentation of an organizational structure, and the identity of the applicant, officers, administrator, directors of clinical services, partners, managing employees, or owners of ten percent or more of the applicant's assets;

(((~~g~~))) (f) File with the department for approval a description of the service area in which the applicant will operate and a description of how the applicant intends to provide management and supervision of services throughout the service area. The department shall adopt rules necessary to establish criteria for approval that are related to appropriate management and supervision of services throughout the service area. In developing the rules, the department may not establish criteria that:

(i) Limit the number or type of agencies in any service area; or

(ii) Limit the number of persons any agency may serve within its service area unless the criteria are related to the need for trained and available staff to provide services within the service area;

(((~~h~~))) (g) File with the department a list of the home health, hospice, and home care services ((~~offered~~)) provided directly and under contract;

(((~~i~~))) (h) Pay to the department a license fee as provided in RCW 70.127.090; ((~~and~~

~~(j)~~))) (i) Comply with RCW 43.43.830 through 43.43.842 for criminal background checks; and

(j) Provide any other information that the department may reasonably require.

(2) A certificate of need under chapter 70.38 RCW is not required for licensure except for the operation of a hospice care center.

(((~~(3) A license or renewal shall not be granted pursuant to this chapter if the applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets, within the last five years have been found in a civil or criminal proceeding to have committed any act which reasonably relates to the person's fitness to establish, maintain, or administer an agency or to provide care in the home of another.~~))

Sec. 7. RCW 70.127.085 and 1993 c 42 s 11 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 70.127.080(1)(c), ((~~a home health or hospice agency~~)) an in-home services agency that is certified by the federal medicare program, or accredited by the community health accreditation program, or the joint commission on accreditation of health care organizations as a home health or hospice agency ((~~shall be granted the applicable renewal license, without necessity of~~)) is not subject to a state licensure ((~~on-site~~)) survey if:

(a) The department determines that the applicable survey standards of the certification or accreditation program are substantially equivalent to those required by this chapter;

(b) An on-site survey has been conducted for the purposes of certification or accreditation during the previous twenty-four months; and

(c) The department receives directly from the certifying or accrediting entity or from the licensee applicant copies of the initial and subsequent survey reports and other relevant reports or findings that indicate compliance with licensure requirements.

(2) Notwithstanding the provisions of RCW 70.127.080(1)(c), ((~~a home care agency~~)) an in-home services agency providing services under contract with the department of social and health services or area agency on aging to provide home care services and that is monitored by the department of social and health services or area agency on aging ((~~shall be granted a renewal license, without necessity of an on-site~~)) is not subject to a state licensure survey by the department of health if:

(a) The department determines that the department of social and health services or an area agency on aging monitoring standards are substantially equivalent to those required by this chapter;

(b) An on-site monitoring has been conducted by the department of social and health services or an area agency on aging during the previous twenty-four months;

(c) The department of social and health services or an area agency on aging includes in its monitoring a sample of private pay clients, if applicable; and

(d) The department receives directly from the department of social and health services copies of monitoring reports and other relevant reports or findings that indicate compliance with licensure requirements.

(3) The department retains authority to survey those services areas not addressed by the national accrediting body, department of social and health services, or an area agency on aging.

(4) In reviewing the federal, the joint commission on accreditation of health care organizations, the community health accreditation program, or the department of social and health services survey standards for substantial equivalency to those set forth in this chapter, the department is directed to provide the most liberal interpretation consistent with the intent of this chapter. In the event the department determines at any time that the survey standards are not substantially equivalent to those required by this chapter, the department is directed to notify the affected licensees. The notification shall contain a detailed description of the deficiencies in the alternative survey process, as well as an explanation concerning the risk to the consumer. The determination of substantial equivalency for alternative survey process and lack of substantial equivalency are agency actions and subject to RCW 34.05.210 through 34.05.395 and 34.05.510 through ((~~34.05.680~~)) 34.05.675.

(((~~(4) Agencies receiving a license without necessity of an on-site survey by the department under this chapter shall pay the same licensure or transfer fee as other agencies in their licensure category. It is the intent of this section that the licensure fees for all agencies will be lowered by the elimination of the duplication that currently exists.~~)))

(5) ((~~In order to avoid unnecessary costs,~~)) The department is ((~~not~~)) authorized to perform a validation survey ((~~if it is also the agency performing the certification or accreditation survey. Where this is not the case,~~)) on in-home services agencies who previously received a survey through accreditation or contracts with the department of social and health services or an area agency on aging under subsection (2) of this section. The department is authorized to perform a validation survey on no greater than ((~~five~~)) ten percent of each type of certification or accreditation survey.

(6) This section does not affect the department's enforcement authority for licensed agencies.

Sec. 8. RCW 70.127.090 and 1999 c 190 s 3 are each amended to read as follows:

(1) Application and renewal fee: An application for a license or any renewal shall be accompanied by a fee as established by the department under RCW 43.70.250. The department shall adopt by rule licensure fees based on a sliding scale using such factors as the number of agency full-time equivalents, geographic area served, number of locations, or type and volume of services provided. For agencies receiving a licensure survey that requires more than two on-site ((~~reviews~~)) surveys by the department per licensure period, an additional fee as determined by the department by rule shall be charged for each additional on-site ((~~review~~)) survey. ((~~The department shall charge a reasonable fee for processing changes in ownership.~~)) The department may set different licensure fees for each licensure category. Agencies receiving a license without necessity of an on-site survey by the department under this chapter shall pay the same licensure or transfer fee as other agencies in their licensure category.

(2) Change of ownership fee: The department shall charge a reasonable fee for processing changes in ownership. The fee for transfer of ownership may not exceed fifty percent of the base licensure fee.

(3) Late fee: The department may establish a late fee for failure to apply for licensure or renewal as required by this chapter.

Sec. 9. RCW 70.127.100 and 1993 c 42 s 6 are each amended to read as follows:

Upon receipt of an application under RCW 70.127.080 for a license and the license fee, the department shall issue a license if the applicant meets the requirements established under this chapter. A license issued under this chapter shall not be transferred or assigned without thirty days prior notice to the department and the department's approval. A license, unless suspended or revoked, is effective for a period of two years, however an initial license is only effective for twelve months. The department shall conduct ((~~an on-site review~~)) a survey within each licensure period((~~. The department~~)) and may conduct a licensure survey after ownership transfer. ((~~The fee for this survey may not exceed fifty percent of the base licensure fee. The department may establish penalty fees for failure to apply for licensure or renewal as required by this chapter.~~))

Sec. 10. RCW 70.127.120 and 1993 c 42 s 8 are each amended to read as follows:

The department shall adopt rules consistent with RCW 70.127.005 necessary to implement this chapter under chapter 34.05 RCW. In order to ensure safe and adequate care, the rules shall address at a minimum the following:

(1) Maintenance and preservation of all records relating directly to the care and treatment of ((~~persons~~)) individuals by licensees;

(2) Establishment and implementation of a procedure for the receipt, investigation, and disposition of complaints ((~~by the department~~)) regarding services provided ((~~by licensees~~));

(3) Establishment and implementation of a plan for ((~~on-going~~)) ongoing care of ((~~persons~~)) individuals and preservation of records if the licensee ceases operations;

(4) Supervision of services;

(5) ((~~Maintenance~~)) Establishment and implementation of written policies regarding response to referrals and access to services ((~~at all times~~));

(6) ((~~Maintenance~~)) Establishment and implementation of written personnel policies ((~~and~~)), procedures and personnel records for paid staff that provide for ((~~rehire~~)) prehire screening, minimum qualifications, regular performance evaluations, including observation in the home, participation in orientation and in-service training, and involvement in quality ((~~assurance~~)) improvement activities. The department may not establish experience or other qualifications for agency personnel or contractors beyond that required by state law;

(7) ((~~Maintenance~~)) Establishment and implementation of written policies and procedures for volunteers ((~~that~~)) who have direct patient/client contact and that provide for background and health screening, orientation, and supervision; ((~~and~~))

(8) ((~~Maintenance~~)) Establishment and implementation of written policies ((~~on~~)) for obtaining regular reports on patient satisfaction;

(9) Establishment and implementation of a quality improvement process; and

(10) Establishment and implementation of policies related to the delivery of care including:

(a) Plan of care for each individual served;

(b) Periodic review of the plan of care;

(c) Supervision of care and clinical consultation as necessary;

(d) Care consistent with the plan;

(e) Admission, transfer, and discharge from care; and

(f) For hospice services:

(i) Availability of twenty-four hour seven days a week hospice registered nurse consultation and in-home services as appropriate;

(ii) Interdisciplinary team communication as appropriate and necessary; and

(iii) The use and availability of volunteers to provide family support and respite care.

Sec. 11. RCW 70.127.125 and 1993 c 42 s 7 are each amended to read as follows:

The department is directed to continue to develop, with opportunity for comment from licensees, interpretive guidelines that are specific to each type of ((~~license~~)) service and consistent with legislative intent.

Sec. 12. RCW 70.127.140 and 1988 c 245 s 15 are each amended to read as follows:

(1) ((~~A licensee~~)) An in-home services agency shall provide each ((~~person~~)) individual or designated representative with a written bill of rights affirming each ((~~person's~~)) individual's right to:

(a) A listing of the in-home services offered by the in-home services agency and those being provided;

(b) The name of the ((~~person~~)) individual supervising the care and the manner in which that ((~~person~~)) individual may be contacted;

(c) A description of the process for submitting and addressing complaints;

(d) Submit complaints without retaliation and to have the complaint addressed by the agency;

(e) Be informed of the state complaint hotline number;

(f) A statement advising the ((~~person~~)) individual or representative of the right to ((~~participate~~)) ongoing participation in the development of the plan of care;

(((~~e~~))) (g) A statement providing that the ((~~person~~)) individual or representative is entitled to information regarding access to the department's ((~~registry~~)) listing of providers and to select any licensee to provide care, subject to the ((~~patient's~~)) individual's reimbursement mechanism or other relevant contractual obligations;

(((~~f~~))) (h) Be treated with courtesy, respect, privacy, and freedom from abuse and discrimination;

(((~~g~~))) (i) Refuse treatment or services;

(((~~(h) Have patient records be confidential; and~~

~~(i) Have~~)) (j) Have property treated with respect;

(k) Privacy of personal information and confidentiality of health care records;

(l) Be cared for by properly trained staff ((~~and~~)) with coordination of services;

(m) A fully itemized billing statement upon request, including the date of each service and the charge. Licensees providing services through a managed care plan shall not be required to provide itemized billing statements; and

(n) Be informed about advanced directives and the agency's responsibility to implement them.

(2) ((~~Upon request, a licensee shall provide each person or designated representative with a fully itemized billing statement at least monthly, including the date of each service and the charge. Licensees providing services through a managed care plan shall not be required to provide itemized billing statements.~~)) An in-home services agency shall ensure rights under this section are implemented and updated as appropriate.

Sec. 13. RCW 70.127.150 and 1988 c 245 s 16 are each amended to read as follows:

No licensee, contractee, or employee may hold a durable power of attorney on behalf of any ((~~person~~)) individual who is receiving care from the licensee.

Sec. 14. RCW 70.127.170 and 1988 c 245 s 18 are each amended to read as follows:

Pursuant to chapter 34.05 RCW and RCW 70.127.180(3), the department may deny, restrict, condition, modify, suspend, or revoke a license under this chapter or, in lieu thereof or in addition thereto, assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, or require a refund of any amounts billed to, and collected from, the consumer or third-party payor in any case in which it finds that the licensee, or any applicant, officer, director, partner, managing employee, or owner of ten percent or more of the applicant's or licensee's assets:

(1) Failed or refused to comply with the requirements of this chapter or the standards or rules adopted under this chapter;

(2) Was the holder of a license issued pursuant to this chapter that was revoked for cause and never reissued by the department, or that was suspended for cause and the terms of the suspension have not been fulfilled and the licensee has continued to operate;

(3) Has knowingly or with reason to know made a misrepresentation of, false statement of, or failed to disclose, a material fact to the department in ((~~the~~)) an application for the license or any data attached thereto or in any record required by this chapter or matter under investigation by the department, or during a survey, or concerning information requested by the department;

(4) Refused to allow representatives of the department to inspect any book, record, or file required by this chapter to be maintained or any portion of the licensee's premises;

(5) Willfully prevented, interfered with, or attempted to impede in any way the work of any representative of the department and the lawful enforcement of any provision of this chapter. This includes but is not limited to: Willful misrepresentation of facts during a survey, investigation, or administrative proceeding or any other legal action; or use of threats or harassment against any patient, client, or witness, or use of financial inducements to any patient, client, or witness to prevent or attempt to prevent him or her from providing evidence during a survey or investigation, in an administrative proceeding, or any other legal action involving the department;

(6) Willfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of this chapter or the rules adopted under this chapter;

(7) Failed to pay any civil monetary penalty assessed by the department pursuant to this chapter within ten days after the assessment becomes final;

(8) Used advertising that is false, fraudulent, or misleading;

(9) Has repeated incidents of personnel performing services beyond their authorized scope of practice; ((~~or~~))

(10) Misrepresented or was fraudulent in any aspect of the conduct of the licensee's business;

(11) Within the last five years, has been found in a civil or criminal proceeding to have committed any act that reasonably relates to the person's fitness to establish, maintain, or administer an agency or to provide care in the home of another;

(12) Was the holder of a license to provide care or treatment to ill, disabled, infirm, or vulnerable individuals that was denied, restricted, not renewed, surrendered, suspended, or revoked by a competent authority in any state, federal, or foreign jurisdiction. A certified copy of the order, stipulation, or agreement is conclusive evidence of the denial, restriction, nonrenewal, surrender, suspension, or revocation;

(13) Violated any state or federal statute, or administrative rule regulating the operation of the agency;

(14) Failed to comply with an order issued by the secretary or designee;

(15) Aided or abetted the unlicensed operation of an in-home services agency;

(16) Operated beyond the scope of the in-home services agency license;

(17) Failed to adequately supervise staff to the extent that the health or safety of a patient or client was at risk;

(18) Compromised the health or safety of a patient or client, including, but not limited to, the individual performing services beyond their authorized scope of practice;

(19) Continued to operate after license revocation, suspension, or expiration, or operating outside the parameters of a modified, conditioned, or restricted license;

(20) Failed or refused to comply with chapter 70.02 RCW;

(21) Abused, neglected, abandoned, or financially exploited a patient or client as these terms are defined in RCW 74.34.020;

(22) Misappropriated the property of an individual;

(23) Is unqualified or unable to operate or direct the operation of the agency according to this chapter and the rules adopted under this chapter;

(24) Obtained or attempted to obtain a license by fraudulent means or misrepresentation; or

(25) Failed to report abuse or neglect of a patient or client in violation of chapter 74.34 RCW.

Sec. 15. RCW 70.127.180 and 1988 c 245 s 19 are each amended to read as follows:

(1) The department may at any time conduct ((~~an on-site review~~)) a survey of all records and operations of a licensee ((~~or conduct in-home visits~~)) in order to determine compliance with this chapter. The department may ((~~also examine and audit records necessary to determine compliance with this chapter~~)) conduct in-home visits to observe patient/client care and services. The right to conduct ((~~an on-site review and audit and examination of records~~)) a survey shall extend to any premises and records of persons whom the department has reason to believe are providing home health, hospice, or home care services without a license.

(2) Following ((~~an on-site review, in-home visit, or audit~~)) a survey, the department shall give written notice of any violation of this chapter or the rules adopted under this chapter. The notice shall describe the reasons for noncompliance ((~~and inform the licensee that it must~~

~~comply within a specified reasonable time, not to exceed sixty days. If the licensee fails to comply, the licensee is subject to disciplinary action under RCW 70.127.170~~)).

(3) The licensee may be subject to formal enforcement action under RCW 70.127.170 if the department determines: (a) The licensee has previously been subject to a formal enforcement action for the same or similar type of violation of the same statute or rule, or has been given previous notice of the same or similar type of violation of the same statute or rule; (b) the licensee failed to achieve compliance with a statute, rule, or order by the date established in a previously issued notice or order; (c) the violation resulted in actual serious physical or emotional harm or immediate threat to the health, safety, welfare, or rights of one or more individuals; or (d) the violation has a potential for serious physical or emotional harm or immediate threat to the health, safety, welfare, or rights of one or more individuals.

Sec. 16. RCW 70.127.190 and 1988 c 245 s 20 are each amended to read as follows:

All information received by the department through filed reports, ((~~audits, on-site reviews,~~)) surveys, and in-home visits((~~, or as otherwise authorized~~)) conducted under this chapter shall not be disclosed publicly in any manner that would identify ((~~persons~~)) individuals receiving care under this chapter.

Sec. 17. RCW 70.127.200 and 1988 c 245 s 21 are each amended to read as follows:

(1) Notwithstanding the existence or use of any other remedy, the department may, in the manner provided by law and upon the advice of the attorney general, who shall represent the department in the proceedings, maintain an action in the name of the state for an injunction or other process against any person to restrain or prevent the advertising, operating, maintaining, managing, or opening of a home health, hospice, hospice care center, or home care agency without ((~~a~~)) an in-home services agency license under this chapter.

(2) The injunction shall not relieve the person operating an in-home services agency without a license from criminal prosecution, or the imposition of a civil fine under section 19(2) of this act, but the remedy by injunction shall be in addition to any criminal liability or civil fine. A person that violates an injunction issued under this chapter shall pay a civil penalty, as determined by the court, of not more than twenty-five thousand dollars, which shall be deposited in the department's local fee account. For the purpose of this section, the superior court issuing any injunction shall retain jurisdiction and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties. All fines, forfeitures, and penalties collected or assessed by a court because of a violation of RCW 70.127.020 shall be deposited in the department's local fee account.

Sec. 18. RCW 70.127.210 and 1988 c 245 s 22 are each amended to read as follows:

(1) Any person violating RCW 70.127.020 is guilty of a misdemeanor. Each day of a continuing violation is a separate violation.

(2) If any corporation conducts any activity for which a license is required by this chapter without the required license, it may be punished by forfeiture of its corporate charter. All fines, forfeitures, and penalties collected or assessed by a court because of a violation of RCW 70.127.020 shall be deposited in the department's local fee account.

NEW SECTION. **Sec. 19.** A new section is added to chapter 70.127 RCW to read as follows:

(1) The department may issue a notice of intention to issue a cease and desist order to any person whom the department has reason to believe is engaged in the unlicensed operation of an in-home services agency. The person to whom the notice of intent is issued may request an adjudicative proceeding to contest the charges. The request for hearing must be filed within twenty days after service of the notice of intent to issue a cease and desist order. The failure to request a hearing constitutes a default, whereupon the department may enter a permanent cease and desist order, which may include a civil fine. All proceedings shall be conducted in accordance with chapter 34.05 RCW.

(2) If the department makes a final determination that a person has engaged or is engaging in unlicensed operation of an in-home services agency, the department may issue a cease and desist order. In addition, the department may impose a civil fine in an amount not exceeding one thousand dollars for each day upon which the person engaged in unlicensed operation of an in-home services agency. The proceeds of such fines shall be deposited in the department's local fee account.

(3) If the department makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the department may issue a temporary cease and desist order. The person receiving a temporary cease and desist order shall be provided an opportunity for a prompt hearing. The temporary cease and desist order shall remain in effect until further order of the department. The failure to request a prompt or regularly scheduled hearing constitutes a default, whereupon the department may enter a permanent cease and desist order, which may include a civil fine.

(4) Neither the issuance of a cease and desist order nor payment of a civil fine shall relieve the person so operating an in-home services agency without a license from criminal prosecution, but the remedy of a cease and desist order or civil fine shall be in addition to any criminal liability. The cease and desist order is conclusive proof of unlicensed operation and may be enforced under RCW 7.21.060. This method of enforcement of the cease and desist order or civil fine may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders set out in chapter 34.05 RCW.

NEW SECTION. **Sec. 20.** A new section is added to chapter 70.127 RCW to read as follows:

The legislature finds that the operation of an in-home services agency without a license in violation of this chapter is a matter vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Operation of an in-home services agency without a license in violation of this chapter is not reasonable in relation to the development and preservation of business. Such a

violation is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. **Sec. 21.** A new section is added to chapter 70.127 RCW to read as follows:

(1) Applicants desiring to operate a hospice care center are subject to the following:

(a) The application may only be made by a licensed hospice agency. The agency shall list which of the following service categories will be provided:

(i) General inpatient care;

(ii) Continuous home care;

(iii) Routine home care; or

(iv) Inpatient respite care;

(b) A certificate of need is required under chapter 70.38 RCW;

(c) A hospice agency may operate more than one hospice care center in its service area;

(d) For hospice agencies that operate a hospice care center, no more than forty-nine percent of patient care days, in the aggregate on a biennial basis, may be provided in the hospice care center;

(e) The maximum number of beds in a hospice care center is twenty;

(f) The maximum number of individuals per room is one, unless the individual requests a roommate;

(g) A hospice care center may either be owned or leased by a hospice agency. If the agency leases space, all delivery of interdisciplinary services, to include staffing and management, shall be done by the hospice agency; and

(h) A hospice care center may either be freestanding or a separate portion of another building.

(2) The department is authorized to develop rules to implement this section. The rules shall be specific to each hospice care center service category provided. The rules shall at least specifically address the following:

(a) Adequate space for family members to visit, meet, cook, share meals, and stay overnight with patients or clients;

(b) A separate external entrance, clearly identifiable to the public when part of an existing structure;

(c) Construction, maintenance, and operation of a hospice care center;

(d) Means to inform the public which hospice care center service categories are provided; and

(e) A registered nurse present twenty-four hours a day, seven days a week for hospice care centers delivering general inpatient services.

(3) Hospice agencies which as of January 1, 2000, operate the functional equivalent of a hospice care center through licensure as a hospital, under chapter 70.41 RCW, shall be exempt from the certificate of need requirement for hospice care centers if they apply for and receive a license as an in-home services agency to operate a hospice home care center by July 1, 2002.

Sec. 22. RCW 70.38.025 and 1997 c 210 s 2 are each amended to read as follows:

When used in this chapter, the terms defined in this section shall have the meanings indicated.

(1) "Board of health" means the state board of health created pursuant to chapter 43.20 RCW.

(2) "Capital expenditure" is an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a nursing home facility as its own contractor) which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required review if the acquisition had been made by purchase, such expenditure shall be deemed a capital expenditure. Capital expenditures include donations of equipment or facilities to a nursing home facility which if acquired directly by such facility would be subject to certificate of need review under the provisions of this chapter and transfer of equipment or facilities for less than fair market value if a transfer of the equipment or facilities at fair market value would be subject to such review. The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which such expenditure is made shall be included in determining the amount of the expenditure.

(3) "Continuing care retirement community" means an entity which provides shelter and services under continuing care contracts with its members and which sponsors or includes a health care facility or a health service. A "continuing care contract" means a contract to provide a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services, which is conditioned upon the transfer of property, the payment of an entrance fee to the provider of such services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

(4) "Department" means the department of health.

(5) "Expenditure minimum" means, for the purposes of the certificate of need program, one million dollars adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule.

(6) "Health care facility" means hospices, hospice care centers, hospitals, psychiatric hospitals, nursing homes, kidney disease treatment centers, ambulatory surgical facilities, and home health agencies, and includes such facilities when owned and operated by a political

subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include any health facility or institution conducted by and for those who rely exclusively upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination, or any health facility or institution operated for the exclusive care of members of a convent as defined in RCW 84.36.800 or rectory, monastery, or other institution operated for the care of members of the clergy. In addition, the term does not include any nonprofit hospital: (a) Which is operated exclusively to provide health care services for children; (b) which does not charge fees for such services; and (c) if not contrary to federal law as necessary to the receipt of federal funds by the state.

(7) "Health maintenance organization" means a public or private organization, organized under the laws of the state, which:

(a) Is a qualified health maintenance organization under Title XIII, section 1310(d) of the Public Health Services Act; or

(b)(i) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency, and preventive services, and out-of-area coverage; (ii) is compensated (except for copayments) for the provision of the basic health care services listed in (b)(i) to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and (iii) provides physicians' services primarily (A) directly through physicians who are either employees or partners of such organization, or (B) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(8) "Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services and as defined in federal law.

(9) "Health service area" means a geographic region appropriate for effective health planning which includes a broad range of health services.

(10) "Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

(11) "Provider" generally means a health care professional or an organization, institution, or other entity providing health care but the precise definition for this term shall be established by rule of the department, consistent with federal law.

(12) "Public health" means the level of well-being of the general population; those actions in a community necessary to preserve, protect, and promote the health of the people for which government is responsible; and the governmental system developed to guarantee the preservation of the health of the people.

(13) "Secretary" means the secretary of health or the secretary's designee.

(14) "Tertiary health service" means a specialized service that meets complicated medical needs of people and requires sufficient patient volume to optimize provider effectiveness, quality of service, and improved outcomes of care.

(15) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW.

NEW SECTION. **Sec. 23.** A new section is added to chapter 70.38 RCW to read as follows:

All certificate of need applications submitted by hospice agencies for the construction, development, or other establishment of a facility to be licensed as either a hospital under chapter 70.41 RCW or as a nursing home under chapter 18.51 RCW, for the purpose of operating the functional equivalent of a hospice care center shall not require a separate certificate of need for a hospice care center provided the certificate of need application was declared complete prior to July 1, 2001, the applicant has been issued a certificate of need, and has applied for and received an in-home services agency license by July 1, 2002.

Sec. 24. RCW 74.39A.050 and 1999 c 336 s 5 are each amended to read as follows:

The department's system of quality improvement for long-term care services shall use the following principles, consistent with applicable federal laws and regulations:

(1) The system shall be client-centered and promote privacy, independence, dignity, choice, and a home or home-like environment for consumers consistent with chapter 392, Laws of 1997.

(2) The goal of the system is continuous quality improvement with the focus on consumer satisfaction and outcomes for consumers. This includes that when conducting licensing inspections, the department shall interview an appropriate percentage of residents, family members, resident managers, and advocates in addition to interviewing providers and staff.

(3) Providers should be supported in their efforts to improve quality and address identified problems initially through training, consultation, technical assistance, and case management.

(4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of service.

(5) Monitoring should be outcome based and responsive to consumer complaints and a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to providers.

(6) Prompt and specific enforcement remedies shall also be implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160, chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or

more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a contract or license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(7) To the extent funding is available, all long-term care staff directly responsible for the care, supervision, or treatment of vulnerable persons should be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis according to law and rules adopted by the department.

(8) No provider or staff, or prospective provider or staff, with a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

(9) The department shall establish, by rule, a state registry which contains identifying information about personal care aides identified under this chapter who have substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information.

(10) The department shall by rule develop training requirements for individual providers and home care agency providers. Effective March 1, 2002, individual providers and home care agency providers must satisfactorily complete department-approved orientation, basic training, and continuing education within the time period specified by the department in rule. The department shall adopt rules by March 1, 2002, for the implementation of this section in collaboration with providers, consumers, caregivers, advocates, family members, educators, and other interested parties, in the rule-making process, or the community long-term care training and education steering committee, if enacted. The department shall deny payment to an individual provider or a home care provider who does not complete the training requirements within the time limit specified by the department by rule.

(11) In an effort to improve access to training and education, the coordinated system of long-term care training and education must include flexible and innovative learning strategies that accomplish the training goals, such as competency and outcome-based models and distance learning.

(12) The department shall create an approval system by March 1, 2002, for those seeking to conduct department-approved training.

(13) The department shall establish, by rule, training, background checks, and other quality assurance requirements for personal aides who provide in-home services funded by medicaid personal care as described in RCW 74.09.520, community options program entry system waiver services as described in RCW 74.39A.030, or chore services as described in RCW 74.39A.110 that are equivalent to requirements for individual providers.

(((~~(12)~~))) (14) Under existing funds the department shall establish internally a quality improvement standards committee to monitor the development of standards and to suggest modifications.

(((~~(13)~~))) (15) Within existing funds, the department shall design, develop, and implement a long-term care training program that is flexible, relevant, and qualifies towards the requirements for a nursing assistant certificate as established under chapter 18.88A RCW. This subsection does not require completion of the nursing assistant certificate training program by providers or their staff. The long-term care teaching curriculum must consist of a fundamental module, or modules, and a range of other available relevant training modules that provide the caregiver with appropriate options that assist in meeting the resident's care needs. Some of the training modules may include, but are not limited to, specific training on the special care needs of persons with developmental disabilities, dementia, mental illness, and the care needs of the elderly. No less than one training module must be dedicated to workplace violence prevention. The nursing care quality assurance commission shall work together with the department to develop the curriculum modules. The nursing care quality assurance commission shall direct the nursing assistant training programs to accept some or all of the skills and competencies from the curriculum modules towards meeting the requirements for a nursing assistant certificate as defined in chapter 18.88A RCW. A process may be developed to test persons completing modules from a caregiver's class to verify that they have the transferable skills and competencies for entry into a nursing assistant training program. The department may review whether facilities can develop their own related long-term care training programs. The department may develop a review process for determining what previous experience and training may be used to waive some or all of the mandatory training. The department of social and health services and the nursing care quality assurance commission shall work together to develop an implementation plan by December 12, 1998.

NEW SECTION. **Sec. 25.** A new section is added to chapter 74.39A RCW to read as follows:

All training curricula and material, except competency testing material, developed by the department and used in part or in whole to improve provider and caregiver knowledge and skill are in the public domain and are subject to public disclosure under chapter 42.17 RCW. Any training curricula and material developed by a private entity and used under contract or by agreement with the department are also considered part of the public domain and shall be shared subject to any copyright restrictions. It is department's responsibility when making training materials available to the public, to identify which material has copyright or other legal restrictions on its use, and which does not.

Any proprietary curricula and material developed by a private entity for training purposes in facilities licensed under chapter 18.20 or 70.128 RCW or individual providers and home care agency providers under this chapter and approved for training by the department are not part of the public domain.

NEW SECTION. **Sec. 26.** This act takes effect January 1, 2002.

NEW SECTION. **Sec. 27.** The following acts or parts of acts are each repealed:

(1) RCW 70.127.060 (Nursing homes--Application of chapter) and 1988 c 245 s 7;

(2) RCW 70.127.070 (Hospitals--Application of chapter) and 1988 c 245 s 8;

(3) RCW 70.127.110 (Licenses--Combination--Rules--Fees) and 1999 c 190 s 4 & 1988 c 245 s 12;

(4) RCW 70.127.220 (Agency registry) and 1988 c 245 s 23;

(5) RCW 70.127.230 (Hospice agencies--Exemption for certain activities) and 1988 c 245 s 24;

(6) RCW 70.127.240 (Home health or hospice agencies--Exemption for certain activities) and 1988 c 245 s 27;

(7) RCW 70.127.250 (Home health agencies--Patient care and treatment--Rules--Definitions) and 1994 sp.s. c 9 s 745, 1993 c 42 s 10, & 1988 c 245 s 25;

(8) RCW 70.127.260 (Hospice agencies--Rules) and 1988 c 245 s 26; and

(9) RCW 70.127.270 (Home care agencies--Rules) and 1988 c 245 s 28."

MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 70.127.010, 70.127.020, 70.127.030, 70.127.040, 70.127.050, 70.127.080, 70.127.085, 70.127.090, 70.127.100, 70.127.120, 70.127.125, 70.127.140, 70.127.150, 70.127.170, 70.127.180, 70.127.190, 70.127.200, 70.127.210, 70.38.025, and 74.39A.050; adding new sections to chapter 70.127 RCW; adding a new section to chapter 70.38 RCW; adding a new section to chapter 74.39A RCW; repealing RCW 70.127.060, 70.127.070, 70.127.110, 70.127.220, 70.127.230, 70.127.240, 70.127.250, 70.127.260, and 70.127.270; prescribing penalties; and providing an effective date."

On motion of Senator Thibaudeau, the rules were suspended, House Bill No. 2510, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Franklin, Senator Loveland was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2510, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2510, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Snyder - 1.

Excused: Senators Hale, Loveland and Sellar - 3.

HOUSE BILL NO. 2510, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2798, by House Committee on Health Care (originally sponsored by Representatives Lambert, Campbell, Cody, Parlette, Kagi, Benson and Haigh)

Requiring legible prescriptions.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute House Bill No. 2798 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Benton: "Senator Thibaudeau, who will determine, under the language in this bill, whether or not a prescription is legible? Is that subjective, objective? Who is going to make that determination, I guess, if we are going to make it? Is this bill a study or is this bill actually changing the law?"

Senator Thibaudeau: "No, it is not actually changing the law, except that the Department of Health will take a look at it. They have an ongoing committee to determine this. One of their agenda items will be to determine what does constitute a legible prescription. Does that answer your question, Senator?"

Senator Benton: "I am not sure. So, it is a study or it actually makes it illegal to write an illegible prescription?"

Senator Thibaudeau: "Yes, it does subject the writer of the prescription indirectly to the Uniform Disciplinary Act, which means that they will be sanctioned if they do not write legibly."

Senator Benton: "But, someone, somewhere on this board will determine, then, what is, in fact, legible and what isn't? It is not spelled out in the bill?"

Senator Thibaudeau: "That's right."

Senator Benton: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2798.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2798 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43. Voting nay: Senators Haugen, Honeyford, Morton and Roach - 4. Excused: Senators Hale and Sellar - 2. ENGROSSED SUBSTITUTE HOUSE BILL NO. 2798, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 12:04 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 1:51 p.m. by President Owen.

MOTION

On motion of Senator Morton, Senators Finkbeiner and Long were excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9260, Carolyn A. Lake, as a member of the Board of Trustees for Bates Technical College District No. 28, was confirmed.

APPOINTMENT OF CAROLYN A. LAKE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 35; Nays, 0; Absent, 10; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, McDonald, Morton, Oke, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Spanel, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 35.

Absent: Senators Bauer, Deccio, Loveland, McAuliffe, McCaslin, Patterson, Rasmussen, Shin, Snyder and Stevens - 10.

Excused: Senators Finkbeiner, Hale, Long and Sellar - 4.

MOTION

On motion of Senator Morton, Senator Deccio was excused.

MOTION

On motion of Senator Franklin, Senator Loveland was excused.

MOTION

On motion of Senator Franklin, Gubernatorial Appointment No. 9292, Jack G. Skanes, as a member of the Board of Trustees for Bates Technical College District No. 28, was confirmed.

APPOINTMENT OF JACK G. SKANES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senator Bauer - 1.

Excused: Senators Deccio, Finkbeiner, Hale, Loveland and Sellar - 5.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced The Honorable Sohn Hoon, Consul General of the Republic of Korea, who was seated in the gallery.

PERSONAL PRIVILEGE

Senator Shin: "A point of personal privilege, Mr. President. Consul General Sohn, who is in the gallery, represents our state and this region on behalf of the Republic of Korea. May I call to your attention that in the sixteenth century, a Dutch lawyer said that an ambassador is the highest educated person who represents this country. Consul General Sohn has been more than an ambassador. Not only did he become the spokesman for our state, he helped us to defray the trade office in Korea. He also promoted the trade offices; he also traveled around the state and many of the states on behalf of encouraging trade activities. So, I would rather say that he is more than an ambassador representing his country. Therefore, I take this opportunity to thank him personally. On our behalf, in the state of Washington, he not only represented his country well, but also represented Washington State that has a population of over 90,000 people. I thank you so much for the time."

PERSONAL PRIVILEGE

Senator Rasmussen: "I rise to a point of personal privilege. I rise to the same reason as our good Senator, the previous speaker. Consul General Sohn has been a wonderful, wonderful liaison--a bridge between Korea and the state of

Washington. I rise to say ‘thank you.’ "He will be soley missed; I just hope that this bridge that we have built goes back and forth all the time. He is just a wonderful good friend and he has been so kind to all of us and has helped all our trade relations. I really want to say, ‘thank you.’"

President Pro Tempore Wojahn assumed the Chair.

SECOND READING

SENATE BILL NO. 6399, by Senators Eide, Haugen, Swecker and Winsley (by request of Office of Financial Management)

Modifying the commute trip reduction tax credit.

MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 6399 was substituted for Senate Bill No. 6399 and the substitute bill was placed on second reading and read the second time.

Senator Benton moved that the following amendments by Senators Benton, Rossi, Johnson and Finkbeiner, be considered simultaneously and be adopted:

On page 1, line 10, after "transportation," insert "for telecommuting,"

On page 1, line 10, after "commuting" insert "including walking to work"

On page 2, line 2, after "transportation," insert "for telecommuting,"

On page 2, line 2, after "commuting" insert "including walking to work"

On page 2, line 19, after "transportation," insert "for telecommuting,"

On page 2, line 20, after "commuting" insert "including walking to work"

On page 3, line 22, after "transportation," insert "for telecommuting,"

On page 3, line 23, after "commuting" insert "including walking to work"

On page 3, line 33, after "transportation," insert "for telecommuting,"

On page 3, line 33, after "commuting" insert "including walking to work"

On page 4, line 13, after "transportation," insert "for telecommuting,"

On page 4, line 14 after "commuting" insert "including walking to work"

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Johnson demanded a roll all and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Benton, Rossi, Johnson and Finkbeiner on pages 1, 2, 3, and 4, to Substitute Senate Bill No. 6399.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 17; Nays, 28; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Deccio, Hochstatter, Honeyford, Horn, Johnson, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, West and Zarelli - 17.

Voting nay: Senators Bauer, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 28.

Excused: Senators Finkbeiner, Hale, Loveland and Sellar - 4.

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Madame President. Earlier today, we must have spent thirty minutes talking about a doctor’s handwriting on a prescription. Now, you look at some of these amendments. That last amendment--the first name is Dan something or other; something Rossi; and then some squiggly lines and then some more squiggly lines. It seems to me that if we are going to send amendments out--now you look at this one--I think we practiced this

in Junior High School--with the loops and the mountains and stuff. I think it should be a rule in the Senate, Madam President, that when you sign anything you send out, it should legible. Then you know who put the amendment in, whether it is good or bad. Funny, that is the first time I got applause.

"I saw a movie the other night, since this is a personal privilege, which I would see again and they applauded at the end. Anytime that you see a movie and the theater applauds, that means it is a good movie. It was *Cider House Rules,* which I recommend to all of you.

"At least you understand what I am saying, you may not be able to read my writing, so I am quite serious, Madam President, we should be able to discern who is sending these out and now you can't. Look at this, can you tell me who that is? You see, and he is a learned man. Anyway, thank you very much, Madam President."

PERSONAL PRIVILEGE

Senator Roach: "A point of personal privilege. I just want you to know that I write very legibly and you can all read my hand writing."

MOTION

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 6399 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6399.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6399 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 7; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 37.

Voting nay: Senators Benton, Hochstatter, Honeyford, Roach, Sheahan, Stevens and Zarelli - 7.

Absent: Senator West - 1.

Excused: Senators Finkbeiner, Hale, Loveland and Sellar - 4.

SUBSTITUTE SENATE BILL NO. 6399, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675, by House Committee on Transportation (originally sponsored by Representatives Skinner, Schual-Berke, Mitchell, Fisher, McDonald, Ruderman, O'Brien and Hurst)

Updating requirements for child passenger restraint systems.

The bill was read the second time.

MOTION

Senator Costa moved that the following Committee on Transportation striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature recognizes that fewer than five percent of all drivers use child booster seats for children over the age of four years. The legislature also recognizes that seventy-one percent of deaths resulting from car accidents could be eliminated if every child under the age of sixteen used an appropriate child safety seat, booster seat, or seat belt. The legislature further recognizes the

National Transportation Safety Board's recommendations that promote the use of booster seats to increase the safety of children under eight years of age. Therefore, it is the legislature's intent to decrease deaths and injuries to children by promoting safety education and injury prevention measures, as well as increasing public awareness on ways to maximize the protection of children in vehicles.

Sec. 2. RCW 46.61.687 and 1994 c 100 s 1 are each amended to read as follows:

(1) Whenever a child who is less than ((~~ten~~)) sixteen years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, the driver of the vehicle shall keep the child properly restrained in a child restraint system that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system as follows:

(a) If the child is less than one year of age or weighs less than twenty pounds, the child shall be properly restrained in a rear-facing infant seat;

(b) If the child is more than one but less than ((~~three~~)) four years of age and/or weighs less than forty pounds but at least twenty pounds, the child shall be properly restrained in a forward facing child safety seat restraint system ((~~that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system~~));

(((~~(b)~~))) (c) If the child is less than ((~~ten~~)) eight years of age and/or eighty pounds but at least ((~~three~~)) four years of age, the child shall be properly restrained ((~~either as specified in (a) of this subsection or with a safety belt properly adjusted and fastened around the child's body.~~)) in a child booster seat;

(d) If the child is eight years of age or older or weighs more than eighty pounds, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body; and

(e) Enforcement of (a) through (d) of this subsection is subject to a visual inspection by law enforcement to determine if the child restraint system in use is appropriate for the child's individual height, weight, and age. The visual inspection for usage of a forward facing child safety seat must ensure that the seat in use is equipped with a four-point shoulder harness system. The visual inspection for usage of a booster seat must ensure that the seat belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. The visual inspection for the usage of a seat belt by a child must ensure that the lap belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. In determining violations, consideration to the above criteria must be given in conjunction with the provisions of (a) through (d) of this subsection.

(f) The driver of a vehicle transporting a child under the age of eight years old and/or eighty pounds, when the vehicle is equipped with a passenger side air bag supplemental restraint system, shall transport the child in the back seat positions in the vehicle where it is practical to do so.

(2) A person violating subsection (1)(a) through (c) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system within seven days to the jurisdiction issuing the notice and the person has not previously had a violation of this section dismissed, the jurisdiction shall dismiss the notice of traffic infraction.

(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.

(4) This section does not apply to: (a) For hire vehicles, (b) vehicles designed to transport sixteen or less passengers, including the driver, operated by auto transportation companies, as defined in RCW 81.68.010, ((~~and~~)) (c) vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals, and (d) school buses.

(5) The requirements of subsection (1)(a) through (c) of this section do not apply in any seating position where there is only a lap belt available and the child weighs more than forty pounds.

Sec. 3. RCW 46.61.688 and 1990 c 250 s 58 are each amended to read as follows:

(1) For the purposes of this section, the term "motor vehicle" includes:

(a) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;

(b) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;

(c) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and

(d) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(2) This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicle safety standard 208. This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required by federal motor vehicle safety standard 208 are occupied.

(3) Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

(4) No person may operate a motor vehicle unless all child passengers under the age of sixteen years are either wearing a safety belt assembly or are securely fastened into an approved child restraint device under RCW 46.61.687.

(5) A person violating this section shall be issued a notice of traffic infraction under chapter 46.63 RCW. A finding that a person has committed a traffic infraction under this section shall be contained in the driver's abstract but shall not be available to insurance companies or employers.

(6) Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(7)(a) Enforcement of subsection (4) of this section by law enforcement officers may be accomplished as a primary action.

(b) Enforcement of subsections (1) through (3) and (5) through (9) of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of Title 46 RCW or an equivalent local ordinance or some other offense.

(8) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(9) The state patrol may adopt rules exempting operators or occupants of farm vehicles, construction equipment, and vehicles that are required to make frequent stops from the requirement of wearing safety belts.

NEW SECTION. **Sec. 4.** A new section is added to chapter 46.61 RCW to read as follows:

The traffic safety commission shall conduct an educational campaign using all available methods to raise public awareness of the importance of properly restraining child passengers and the value of seatbelts to adult motorists. The traffic safety commission shall report to the transportation committees of the legislature on the campaign and results observed on the highways. The first report is due December 1, 2000, and annually thereafter.

NEW SECTION. **Sec. 5.** A new section is added to chapter 46.61 RCW to read as follows:

This act may be known and cited as the Anton Skeen act.

NEW SECTION. **Sec. 6.** This act takes effect January 1, 2001."

MOTION

On motion of Senator Costa, the following amendments by Senators Costa, Haugen and Oke to the Committee on Transportation striking amendment were considered simultaneously and were adopted:

On page 1, beginning on line 25 of the amendment, after "restrained" strike all material through "system" on line 28 of the amendment

On page 1, line 29 of the amendment, after "(a)" insert "If the child is less than eight years old and/or eighty pounds and the passenger seating position equipped with a safety belt system allows sufficient space for installation, then the child will be restrained in a child restraint system that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system;

(b)"

On page 1, at the beginning of line 32 of the amendment, strike "(b)" and insert "(c)"

On page 2, line 4 of the amendment, after "(((~~b~~)))" strike "(c)" and insert "(d)"

On page 2, at the beginning of line 9 of the amendment, strike "(d)" and insert "(e)"

On page 2, at the beginning of line 13 of the amendment, strike "(e)" and insert "(f)"

On page 2, line 13 of the amendment, after "through" strike "(d)" and insert "(e)"

On page 2, line 25 of the amendment, after "through" strike "(d)" and insert "(e)"

On page 2, at the beginning of line 27 of the amendment, strike "(f)" and insert "(g)"

On page 2, line 32 of the amendment, after "through" strike "(c)" and insert "(d)"

On page 3, line 11 of the amendment, after "through" strike "(c)" and insert "(d)"

MOTION

Senator Benton moved that the following amendment to the Committee on Transportation striking amendment be adopted:

On page 4, after line 36 of the amendment, insert the following:

"NEW SECTION. **Sec. 5.** The sum of $250,000 shall be allocated to the traffic safety commission for the sole purpose of implementing the public awareness campaign described in section 4 of this act. If this funding is not provided by June 30, 2000, section 3 of this act is null and void."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Benton on page 4, after line 36, to the Committee on Transportation striking amendment to Engrossed Substitute House Bill No. 2675.

The motion by Senator Benton failed and the amendment to the committee striking amendment was not adopted.

The President declared the question before the Senate to be adoption of the Committee on Transportation striking amendment, as amended, to Engrossed Substitute House Bill No. 2675.

The motion by Senator Costa carried and the committee striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 46.61.687 and 46.61.688; adding new sections to chapter 46.61 RCW; creating a new section; and providing an effective date."

On motion of Senator Costa, the rules were suspended, Engrossed Substitute House Bill No. 2675, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2675, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2675, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 8; Absent, 2; Excused, 4.

Voting yea: Senators Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 35.

Voting nay: Senators Benton, Hochstatter, McCaslin, Morton, Roach, Stevens, West and Zarelli - 8.

Absent: Senators Bauer and Snyder - 2.

Excused: Senators Finkbeiner, Hale, Loveland and Sellar - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

February 29, 2000

MR. PRESIDENT:

The House has passed:

ENGROSSED SENATE BILL NO. 5152,
SUBSTITUTE SENATE BILL NO. 5408,
ENGROSSED SENATE BILL NO. 5667,
SENATE BILL NO. 6138,
SENATE BILL NO. 6139,
SENATE BILL NO. 6140,
SUBSTITUTE SENATE BILL NO. 6147,
SUBSTITUTE SENATE BILL NO. 6182,
SUBSTITUTE SENATE BILL NO. 6186,
SENATE BILL NO. 6206,
SENATE BILL NO. 6223,
SUBSTITUTE SENATE BILL NO. 6276,
SENATE BILL NO. 6307,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6347, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5152,
SUBSTITUTE SENATE BILL NO. 5408,
ENGROSSED SENATE BILL NO. 5667,
SENATE BILL NO. 6138,
SENATE BILL NO. 6139,
SENATE BILL NO. 6140,
SUBSTITUTE SENATE BILL NO. 6147,
SUBSTITUTE SENATE BILL NO. 6182,
SUBSTITUTE SENATE BILL NO. 6186,
SENATE BILL NO. 6206,
SENATE BILL NO. 6223,
SUBSTITUTE SENATE BILL NO. 6276,
SENATE BILL NO. 6307,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6347.

There being no objection, the President advanced the Senate to the sixth order of business.

MOTION

On motion of Senator Eide, Senator Hargrove was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2392, by House Committee on Local Government (originally sponsored by Representatives Doumit, Mulliken, Scott, Mielke, Miloscia, Hatfield, Fortunato, Fisher, Kenney, Edwards and Wolfe)

Creating the joint task force on local governments.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the following Committee on State and Local Government striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that while government services are provided to the citizens of the state of Washington through many mechanisms, the most prevalent delivery of services occurs through city, county, or state government actions. Increased demand for these services and limited revenue to meet those services have led to unproductive competition between cities, counties, and the state for the revenue that is collected and shared between cities, counties, and the state.

Therefore, the legislature finds that there is a need to evaluate the delivery of government services, the allotment of revenues, and the collection and distribution of various fines and forfeitures through the establishment of a joint task force on local governments.

NEW SECTION. **Sec. 2.** (1) The joint task force on local governments is created, to consist of seventeen members including:

(a) The following four members of the house of representatives or their designees: (i) The chair and ranking minority member or the cochairs of the committee on appropriations; and (ii) the chair and ranking minority member or the cochairs of the committee on local government;

(b) The following four members of the senate or their designees: (i) The chair and the ranking minority member of the committee on ways and means; and (ii) the chair and ranking minority member of the committee on state and local government;

(c) One member from the office of the governor;

(d) Four members from the association of Washington cities;

(e) Two members from the Washington state association of counties; and

(f) Two members from the Washington association of county officials.

(2) The nonlegislative members of the task force shall serve without compensation, but will be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members of the task force will be reimbursed for travel expenses as provided in RCW 44.04.120. The staff of senate committee services and the office of program research of the house of representatives shall provide support to the task force.

(3) The task force must be cochaired by one senator, chosen by the task force, and one state representative, chosen by the task force, from opposite political parties. The cochairs shall appoint experts and advisors as nonvoting members of the task force to provide information on various subjects, including but not limited to special purpose districts and public employee unions. The task force shall establish rules of procedure at its first meeting.

NEW SECTION. **Sec. 3.** The joint task force on local governments shall:

(1) Complete a thorough study of the delivery of government services, allotment of revenues, and collection and distribution of various fines and forfeitures; and

(2) Commence the study by July 1, 2000, present an interim report of its findings and any recommendations to the legislature by January 30, 2001, and present a final report, including proposed legislation, addressing its recommendations to the legislature by January 1, 2002.

NEW SECTION. **Sec. 4.** This act expires March 30, 2002."

MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 2392, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2392, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2392, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senator Goings - 1.

Excused: Senators Finkbeiner, Hale, Hargrove, Loveland and Sellar - 5.

SUBSTITUTE HOUSE BILL NO. 2392, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, Senator Kline was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2418, by House Committee on Education (originally sponsored by Representatives Woods, Conway, Talcott, D. Schmidt, Koster, Bush, Wensman, Carlson, Rockefeller, Kenney, Cody, Barlean, Schoesler, Sump, Cairnes, Thomas, Huff, Haigh, Mastin, McDonald, Lantz, Santos, Skinner, Ogden and McIntire)

Establishing a World War II oral history project.

The bill was read the second time.

MOTION

On motion of Senator McAuliffe, the following Committee on Education amendments were considered simultaneously and adopted:

On page 2, line 20, after "(2)" strike "The" and insert "To the extent funds are appropriated or donated, the"

On page 3, line 11, after "funding" strike "through the appropriations act"

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 2418, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2418, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2418, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Finkbeiner, Hale, Hargrove, Kline, Loveland and Sellar - 6.

SUBSTITUTE HOUSE BILL NO. 2418, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2750, by Representatives D. Schmidt, Haigh and Romero (by request of Department of Community, Trade, and Economic Development)

Including prevention for potential victims of sexual assault as a core treatment service for victims of sexual assault.

The bill was read the second time.

MOTION

On motion of Senator Costa, the rules were suspended, House Bill No. 2750 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2750.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2750 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senator Deccio - 1.

Excused: Senators Finkbeiner, Hale, Kline, Loveland and Sellar - 5.

HOUSE BILL NO. 2750, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2637, by House Committee on Appropriations (originally sponsored by Representatives Tokuda, Conway, Cody, Schual-Berke, McIntire, Campbell, Rockefeller, Kenney, Haigh, O'Brien, Kagi, Hurst, Anderson and Van Luven) (by request of Department of Social and Health Services)

Requiring background checks on persons who will be in contact with vulnerable adults.

The bill was read the second time.

MOTION

Senator Costa moved that the following Committee on Human Services and Corrections striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.43.832 and 1997 c 392 s 524 are each amended to read as follows:

(1) The legislature finds that businesses and organizations providing services to children, developmentally disabled persons, and vulnerable adults need adequate information to determine which employees or licensees to hire or engage. The legislature further finds that many developmentally disabled individuals and vulnerable adults desire to hire their own employees directly and also need adequate information to determine which employees or licensees to hire or engage. Therefore, the Washington state patrol criminal identification system shall disclose, upon the request of a business or organization as defined in RCW 43.43.830, a developmentally disabled person, or a vulnerable adult as defined in RCW 43.43.830 or his or her guardian, an applicant's record for convictions of offenses against children or other persons, convictions for crimes relating to financial exploitation, but only if the victim was a vulnerable adult, adjudications of child abuse in a civil action, the issuance of a protection order against the respondent under chapter 74.34 RCW, and disciplinary board final decisions and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision.

(2) The legislature also finds that the state board of education may request of the Washington state patrol criminal identification system information regarding a certificate applicant's record for convictions under subsection (1) of this section.

(3) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse.

(4) The legislature further finds that the department of social and health services must consider the information listed in subsection (1) of this section in the following circumstances:

(a) When considering persons for state ((~~positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults~~)) employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with mental illness or developmental disabilities;

(b) When considering persons for state positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(c) When licensing agencies or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities licensed under chapter 74.15 or 18.51 RCW;

(((~~(c)~~))) (d) When contracting with individuals or businesses or organizations for the care, supervision, case management, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 18.48, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;

(e) When individual providers are paid by the state or providers are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.

(5) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a volunteer or independent

contractor on a conditional basis pending completion of the national check. The Washington personnel resources board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

(6)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of requests made under this section, recognizing that certain health care providers change employment frequently, health care facilities may, upon request from another health care facility, share copies of completed criminal background inquiry information.

(b) Completed criminal background inquiry information may be shared by a willing health care facility only if the following conditions are satisfied: The licensed health care facility sharing the criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the person was last employed at a licensed health care facility to the date of their current employment application, and the criminal background information is no more than two years old.

(c) If criminal background inquiry information is shared, the health care facility employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's criminal background inquiry information. A new criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) Health care facilities that share criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) Health care facilities shall transmit and receive the criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

(g) For the purposes of this subsection, "health care facility" means a nursing home licensed under chapter 18.51 RCW, a boarding home licensed under chapter 18.20 RCW, or an adult family home licensed under chapter 70.128 RCW.

(7) If a federal bureau of investigation check is required in addition to the state background check, an applicant who is not disqualified based on the results of the state background check shall be eligible for a one hundred twenty day provisional approval to hire, pending the outcome of the federal bureau of investigation check. The department may extend the provisional approval until receipt of the federal bureau of investigation check. If the federal bureau of investigation check disqualifies an applicant, the department shall notify the requestor that the provisional approval to hire is withdrawn and the applicant may be terminated.

Sec. 2. RCW 43.20A.710 and 1999 c 336 s 7 are each amended to read as follows:

(1) The secretary shall investigate the conviction records, pending charges or disciplinary board final decisions of:

(a) Persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with mental illness or developmental disabilities; ((~~and~~))

(b) Persons being considered for state employment in positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(c) Individual providers who are paid by the state ((~~for~~)) and providers who are paid by home care agencies to provide in-home services ((~~and hired by individuals~~)) involving unsupervised access to persons with physical ((~~disabilities~~)), mental, or developmental disabilities((~~,~~)) or mental illness, or ((~~mental impairment~~)) to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW; and

(d) Individuals or businesses or organizations for the care, supervision, case management, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 18.48, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW.

(2) The investigation may include an examination of state and national criminal identification data. The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants.

(3) An individual provider or home care agency provider who has resided in the state less than three years before applying for employment involving unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must be fingerprinted for the purpose of investigating conviction records both through the Washington state patrol and the federal bureau of investigation. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110. However, this subsection does not supersede RCW 74.15.030(2)(b).

(4) An individual provider or home care agency provider hired to provide in-home care for and having unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must have no conviction for a disqualifying crime under RCW 43.43.830 and 43.43.842. An individual or home care agency provider must also have no conviction for a crime relating to drugs as defined in RCW 43.43.830. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110.

(5) The secretary shall provide the results of the ((~~state~~)) background check on individual providers to the ((~~individuals with physical disabilities, developmental disabilities, mental illness, or mental impairment~~)) persons hiring them or to their legal guardians, if any, for their determination of the character, suitability, and competence of the applicants. If ((~~an individual~~)) the person elects to hire or retain an individual provider after receiving notice from the department that the applicant has a conviction for an offense that would disqualify the applicant from ((~~employment with the department~~)) having unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, then the secretary shall deny payment for any subsequent services rendered by the disqualified individual provider.

(((~~4~~))) (6) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

Sec. 3. RCW 74.39A.050 and 1999 c 336 s 5 are each amended to read as follows:

The department's system of quality improvement for long-term care services shall use the following principles, consistent with applicable federal laws and regulations:

(1) The system shall be client-centered and promote privacy, independence, dignity, choice, and a home or home-like environment for consumers consistent with chapter 392, Laws of 1997.

(2) The goal of the system is continuous quality improvement with the focus on consumer satisfaction and outcomes for consumers. This includes that when conducting licensing inspections, the department shall interview an appropriate percentage of residents, family members, resident managers, and advocates in addition to interviewing providers and staff.

(3) Providers should be supported in their efforts to improve quality and address identified problems initially through training, consultation, technical assistance, and case management.

(4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of service.

(5) Monitoring should be outcome based and responsive to consumer complaints and a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to providers.

(6) Prompt and specific enforcement remedies shall also be implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160, chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a contract or license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(7) To the extent funding is available, all long-term care staff directly responsible for the care, supervision, or treatment of vulnerable persons should be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis according to law and rules adopted by the department.

(8) No provider or staff, or prospective provider or staff, with a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

(9) ((~~The department shall establish, by rule, a state registry which contains identifying information about personal care aides identified under this chapter who have substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information.~~

(~~10~~))) The department shall by rule develop training requirements for individual providers and home care agency providers. The department shall deny payment to an individual provider or a home care provider who does not complete the training requirement within the time limit specified by the department by rule.

(((~~11~~))) (10) The department shall establish, by rule, training, background checks, and other quality assurance requirements for personal aides who provide in-home services funded by medicaid personal care as described in RCW 74.09.520, community options program entry system waiver services as described in RCW 74.39A.030, or chore services as described in RCW 74.39A.110 that are equivalent to requirements for individual providers.

(((~~12~~))) (11) Under existing funds the department shall establish internally a quality improvement standards committee to monitor the development of standards and to suggest modifications.

(((~~13~~))) (12) Within existing funds, the department shall design, develop, and implement a long-term care training program that is flexible, relevant, and qualifies towards the requirements for a nursing assistant certificate as established under chapter 18.88A RCW. This subsection does not require completion of the nursing assistant certificate training program by providers or their staff. The long-term care teaching curriculum must consist of a fundamental module, or modules, and a range of other available relevant training modules that provide

the caregiver with appropriate options that assist in meeting the resident's care needs. Some of the training modules may include, but are not limited to, specific training on the special care needs of persons with developmental disabilities, dementia, mental illness, and the care needs of the elderly. No less than one training module must be dedicated to workplace violence prevention. The nursing care quality assurance commission shall work together with the department to develop the curriculum modules. The nursing care quality assurance commission shall direct the nursing assistant training programs to accept some or all of the skills and competencies from the curriculum modules towards meeting the requirements for a nursing assistant certificate as defined in chapter 18.88A RCW. A process may be developed to test persons completing modules from a caregiver's class to verify that they have the transferable skills and competencies for entry into a nursing assistant training program. The department may review whether facilities can develop their own related long-term care training programs. The department may develop a review process for determining what previous experience and training may be used to waive some or all of the mandatory training. The department of social and health services and the nursing care quality assurance commission shall work together to develop an implementation plan by December 12, 1998.

Sec. 4. RCW 74.34.095 and 1999 c 176 s 17 are each amended to read as follows:

(1) The following information is confidential and not subject to disclosure, except as provided in this section:

(a) A report of abandonment, abuse, financial exploitation, or neglect made under this chapter;

(b) The identity of the person making the report; and

(c) All files, reports, records, communications, and working papers used or developed in the investigation or provision of protective services.

(2) Information considered confidential may be disclosed only for a purpose consistent with this chapter or as authorized by chapter 18.20, 18.51, or 74.39A RCW, or as authorized by the long-term care ombudsman programs under federal law or state law, chapter 43.190 RCW.

(3) A court or presiding officer in an administrative proceeding may order disclosure of confidential information only if the court, or presiding officer in an administrative proceeding, determines that disclosure is essential to the administration of justice and will not endanger the life or safety of the vulnerable adult or individual who made the report. The court or presiding officer in an administrative hearing may place restrictions on such disclosure as the court or presiding officer deems proper.

Sec. 5. RCW 74.39A.095 and 1999 c 175 s 3 are each amended to read as follows:

(1) In carrying out case management responsibilities established under RCW 74.39A.090 for consumers who are receiving services under the medicaid personal care, community options programs entry system or chore services program through an individual provider, each area agency on aging shall provide adequate oversight of the care being provided to consumers receiving services under this section. Such oversight shall include, but is not limited to:

(a) Verification that the individual provider has met any training requirements established by the department;

(b) Verification of a sample of worker time sheets;

(c) Home visits or telephone contacts sufficient to ensure that the plan of care is being appropriately implemented;

(d) Reassessment and reauthorization of services;

(e) Monitoring of individual provider performance; and

(f) Conducting criminal background checks or verifying that criminal background checks have been conducted.

(2) The area agency on aging case manager shall work with each consumer to develop a plan of care under this section that identifies and ensures coordination of health and long-term care services that meet the consumer's needs. In developing the plan, they shall utilize, and modify as needed, any comprehensive community service plan developed by the department as provided in RCW 74.39A.040. The plan of care shall include, at a minimum:

(a) The name and telephone number of the consumer's area agency on aging case manager, and a statement as to how the case manager can be contacted about any concerns related to the consumer's well-being or the adequacy of care provided;

(b) The name and telephone numbers of the consumer's primary health care provider, and other health or long-term care providers with whom the consumer has frequent contacts;

(c) A clear description of the roles and responsibilities of the area agency on aging case manager and the consumer receiving services under this section;

(d) The duties and tasks to be performed by the area agency on aging case manager and the consumer receiving services under this section;

(e) The type of in-home services authorized, and the number of hours of services to be provided;

(f) The terms of compensation of the individual provider;

(g) A statement that the individual provider has the ability and willingness to carry out his or her responsibilities relative to the plan of care; and

(h)(i) Except as provided in (h)(ii) of this subsection, a clear statement indicating that a consumer receiving services under this section has the right to waive any of the case management services offered by the area agency on aging under this section, and a clear indication of whether the consumer has, in fact, waived any of these services.

(ii) The consumer's right to waive case management services does not include the right to waive reassessment or reauthorization of services, or verification that services are being provided in accordance with the plan of care.

(3) Each area agency on aging shall retain a record of each waiver of services included in a plan of care under this section.

(4) Each consumer has the right to direct and participate in the development of their plan of care to the maximum practicable extent of their abilities and desires, and to be provided with the time and support necessary to facilitate that participation.

(5) A copy of the plan of care must be distributed to the consumer's primary care provider, individual provider, and other relevant providers with whom the consumer has frequent contact, as authorized by the consumer.

(6) The consumer's plan of care shall be an attachment to the contract between the department, or their designee, and the individual provider.

(7) If the department or area agency on aging case manager finds that an individual provider's inadequate performance or inability to deliver quality care is jeopardizing the health, safety, or well-being of a consumer receiving service under this section, the department or the area agency on aging may take action to terminate the contract between the department and the individual provider. If the department or the area agency on aging has a reasonable, good faith belief that the health, safety, or well-being of a consumer is in imminent jeopardy, the department or area agency on aging may summarily suspend the contract pending a fair hearing. The consumer may request a fair hearing to contest the planned action of the case manager, as provided in chapter 34.05 RCW. The department may by rule adopt guidelines for implementing this subsection.

(8) The department or area agency on aging may reject a request by ((~~an [a]~~)) a consumer receiving services under this section to have a family member or other person serve as his or her individual provider if the case manager has a reasonable, good faith belief that the family member or other person will be unable to appropriately meet the care needs of the consumer. The consumer may request a fair hearing to contest the decision of the case manager, as provided in chapter 34.05 RCW. The department may by rule adopt guidelines for implementing this subsection."

MOTION

On motion of Senator Hargrove, the following amendment by Senators Hargrove and Long to the Committee on Human and Services and Corrections striking amendment was adopted:

On page 4, line 4 of the amendment, after "check" insert "by the department of social and health services"

The President declared the question before the Senate to be adoption of the Committee on Human Services and Corrections striking amendment, as amended, to Second Substitute House Bill No. 2637.

The motion by Senator Costa carried and the committee striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 2 of the title, after "adults;" strike the remainder of the title and insert "amending RCW 43.43.832, 43.20A.710, 74.39A.050, 74.34.095, and 74.39A.095."

On motion of Senator Costa, the rules were suspended, Second Substitute House Bill No. 2637, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 2637, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2637, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senator Brown - 1.

Excused: Senators Finkbeiner, Hale, Kline, Loveland and Sellar - 5.

SECOND SUBSTITUTE HOUSE BILL NO. 2637, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2424, by Representatives Ballasiotes and O'Brien (by request of Department of Community, Trade, and Economic Development and Department of Corrections)

Changing provisions to comply with federal standards for monitoring sex offenders.

The bill was read the second time.

MOTION

Senator Hargrove moved that the following Committee on Human Services and Corrections striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.44.135 and 1999 c 196 s 15 are each amended to read as follows:

(1) When an offender registers with the county sheriff pursuant to RCW 9A.44.130, the county sheriff shall notify the police chief or town marshal of the jurisdiction in which the offender has registered to live. If the offender registers to live in an unincorporated area of the county, the sheriff shall make reasonable attempts to verify that the offender is residing at the registered address. If the offender registers to live in an incorporated city or town, the police chief or town marshal shall make reasonable attempts to verify that the offender is residing at the registered address. Reasonable attempts at verifying an address shall include at a minimum:

(a) For offenders who have not been previously designated sexually violent predators under chapter 71.09 RCW or an equivalent procedure in another jurisdiction, each year the chief law enforcement officer of the jurisdiction where the offender is registered to live shall send by certified mail, with return receipt requested, a nonforwardable verification form to the offender at the offender's last registered address.

(b) For offenders who have been previously designated sexually violent predators under chapter 71.09 RCW or the equivalent procedure in another jurisdiction, even if the designation has subsequently been removed, every ninety days the county sheriff shall send by certified mail, with return receipt requested, a nonforwardable verification form to the offender at the offender's last registered address.

(c) The offender must sign the verification form, state on the form whether he or she still resides at the last registered address, and return the form to the chief law enforcement officer of the jurisdiction where the offender is registered to live within ten days after receipt of the form.

(2) The chief law enforcement officer of the jurisdiction where the offender has registered to live shall make reasonable attempts to locate any sex offender who fails to return the verification form or who cannot be located at the registered address. If the offender fails to return the verification form or the offender is not at the last registered address, the chief law enforcement officer of the jurisdiction where the offender has registered to live shall promptly forward this information to the county sheriff and to the Washington state patrol for inclusion in the central registry of sex offenders.

(3) When an offender notifies the county sheriff of a change to his or her residence address pursuant to RCW 9A.44.130, and the new address is in a different law enforcement jurisdiction, the county sheriff shall notify the police chief or town marshal of the jurisdiction from which the offender has moved.

Sec. 2. RCW 9A.44.130 and 1999 sp.s. c 6 s 2 and 1999 c 352 s 9 are each reenacted and amended to read as follows:

(1) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person. In addition, any such adult or juvenile who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution. Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, must notify the county sheriff immediately. The sheriff shall notify the institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.500 upon the public safety department of any public or private institution of higher education.

(3)(a) The person shall provide the following information when registering: (i) Name; (ii) address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving

to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

(vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION. Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE. Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. ((~~If any person required to register pursuant to this section moves out of Washington state, the person must also send written notice within ten days of moving to the new state or a foreign country to the county sheriff with whom the person last registered in Washington state.~~)) Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving.

The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide written notice to the sheriff of the county where he or she last registered within fourteen days after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report in person to the sheriff of the county where he or she is registered. If he or she has been classified as a risk level I sex or kidnapping offender, he or she must report monthly. If he or she has been classified as a risk level II or III sex or kidnapping offender, he or she must report weekly. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within fourteen days after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means any offense defined as a sex offense by RCW 9.94A.030 and any violation of RCW 9.68A.040 (sexual exploitation of a minor), 9.68A.050 (dealing in depictions of minor engaged in sexually explicit conduct), 9.68A.060 (sending, bringing into state depictions of minor engaged in sexually explicit conduct), 9.68A.090 (communication with minor for immoral purposes), 9.68A.100 (patronizing juvenile prostitute), or 9A.44.096 (sexual misconduct with a minor in the second degree), as well as any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030.

(b) "Kidnapping offense" means the crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent.

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(10) A person who knowingly fails to register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (9)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (9)(a) of this section. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(11) A person who knowingly fails to register or who moves <u>within the state</u> without notifying the county sheriff as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (9)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (9)(b) of this section. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

Sec. 3. RCW 9A.44.140 and 1998 c 220 s 3 are each amended to read as follows:

(1) The duty to register under RCW 9A.44.130 shall end:

(a) For a person convicted of a class A felony, or a person convicted of any sex offense or kidnapping offense who has one or more prior ((~~conviction[s]~~)) <u>convictions</u> for a sex offense or kidnapping offense: Such person may only be relieved of the duty to register under subsection (3) or (4) of this section.

(b) For a person convicted of a class B felony, and the person does not have one or more prior ((~~conviction[s]~~)) convictions for a sex offense or kidnapping offense: Fifteen years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent fifteen consecutive years in the community without being convicted of any new offenses.

(c) For a person convicted of a class C felony, a violation of RCW 9.68A.090 or 9A.44.096, or an attempt, solicitation, or conspiracy to commit a class C felony, and the person does not have one or more prior ((~~conviction[s]~~)) convictions for a sex offense or kidnapping offense: Ten years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent ten consecutive years in the community without being convicted of any new offenses.

(2) The provisions of subsection (1) of this section shall apply equally to a person who has been found not guilty by reason of insanity under chapter 10.77 RCW of a sex offense or kidnapping offense.

(3)(a) Any person having a duty to register under RCW 9A.44.130 may petition the superior court to be relieved of that duty, if the person has spent ten consecutive years in the community without being convicted of any new offenses. The petition shall be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register, or, in the case of convictions in other states, a foreign country, or a federal or military court, to the court in Thurston county. The prosecuting attorney of the county shall be named and served as the respondent in any such petition. The court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after conviction, and may consider other factors. Except as provided in subsection (4) of this section, the court may relieve the petitioner of the duty to register only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

(b)(i) The court may not relieve a person of the duty to register if the person has been determined to be a sexually violent predator as defined in RCW 71.09.020, or has been convicted of a sex offense or kidnapping offense that is a class A felony and that was committed with forcible compulsion on or after the effective date of this act.

(ii) Any person subject to (b)(i) of this subsection may petition the court to be exempted from any community notification requirements that the person may be subject to fifteen years after the later of the entry of the judgment and sentence or the last date of release from confinement, including full-time residential treatment, pursuant to the conviction, if the person has spent the time in the community without being convicted of any new offense.

(4) An offender having a duty to register under RCW 9A.44.130 for a sex offense or kidnapping offense committed when the offender was a juvenile may petition the superior court to be relieved of that duty. The court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after adjudication, and may consider other factors.

(a) The court may relieve the petitioner of the duty to register for a sex offense or kidnapping offense that was committed while the petitioner was fifteen years of age or older only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

(b) The court may relieve the petitioner of the duty to register for a sex offense or kidnapping offense that was committed while the petitioner was under the age of fifteen if the petitioner (((~~(a)~~))) (i) has not been adjudicated of any additional sex offenses or kidnapping offenses during the twenty-four months following the adjudication for the offense giving rise to the duty to register, and (((~~(b) the petitioner~~)) (ii) proves by a preponderance of the evidence that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

This subsection shall not apply to juveniles prosecuted as adults.

(5) Unless relieved of the duty to register pursuant to this section, a violation of RCW 9A.44.130 is an ongoing offense for purposes of the statute of limitations under RCW 9A.04.080.

(6) Nothing in RCW 9.94A.220 relating to discharge of an offender shall be construed as operating to relieve the offender of his or her duty to register pursuant to RCW 9A.44.130.

Sec. 4. RCW 70.48.470 and 1997 c 364 s 3 and 1997 c 113 s 7 are each reenacted and amended to read as follows:

(1) A person having charge of a jail shall notify in writing any confined person who is in the custody of the jail for a conviction of a sex offense as defined in RCW 9.94A.030 or a kidnapping offense as defined in RCW 9A.44.130 of the registration requirements of RCW 9A.44.130 at the time of the inmate's release from confinement, and shall obtain written acknowledgment of such notification. The person shall also obtain from the inmate the county of the inmate's residence upon release from jail and, where applicable, the city.

(2) When a sex offender or a person convicted of a kidnapping offense as defined in RCW 9A.44.130 under local government jurisdiction will reside in a county other than the county of conviction upon discharge or release, the chief law enforcement officer of the jail or his or her designee shall give notice of the inmate's discharge or release to the sheriff of the county and, where applicable, to the police chief of the city where the offender will reside."

MOTION

On motion of Senator Hargrove, the following amendment by Senators Hargrove and Long to the Committee on Human Services and Corrections striking amendment was adopted:

On page 7, line 18 of the amendment, after "residence" insert ", or after beginning to work, carry on a vocation, or attend school"

The President declared the question before the Senate to be the adoption of the Committee on Human Services and Corrections striking amendment, as amended, to Engrossed House Bill No. 2424.

The motion by Senator Hargrove carried and the committee striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 2 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 9A.44.135 and 9A.44.140; and reenacting and amending RCW 9A.44.130 and 70.48.470."

On motion of Senator Hargrove, the rules were suspended, Engrossed House Bill No. 2424, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2424, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2424, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Finkbeiner, Hale, Kline, Loveland and Sellar - 5.

ENGROSSED HOUSE BILL NO. 2424, as amended by the Senate, having received the constitutional majority was declared passed.

There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2380, by House Committee on Health Care (originally sponsored by Representatives Cody, Parlette and Edwards) (by request of Governor Locke)

Clarifying the authority of the department of social and health services concerning boarding homes.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the following Committee on Health and Long-Tem Care striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.20.020 and 1998 c 272 s 14 are each amended to read as follows:

As used in this chapter:

(1) "Aged person" means a person of the age sixty-five years or more, or a person of less than sixty-five years who by reason of infirmity requires domiciliary care.

(2) "Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing board and domiciliary care to ((~~three~~)) seven or more aged persons not related by blood or marriage to the operator. ((~~It~~)) However, a boarding home that is licensed to provide board and domiciliary care to three to six persons on the effective date of this act may maintain its boarding home license as long as it is continually licensed as a boarding home. "Boarding home" shall not include

facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the department of housing and urban development.

(3) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(4) "Secretary" means the secretary of social and health services.

(5) "Department" means the state department of social and health services.

(((~~(6) "Authorized department" means any city, county, city-county health department or health district authorized by the secretary to carry out the provisions of this chapter.~~)))

Sec. 2. RCW 18.20.040 and 1957 c 253 s 4 are each amended to read as follows:

An application for a license shall be made to the department ((~~or authorized department~~)) upon forms provided by ((~~either of said departments~~)) the department and shall contain such information as the department reasonably requires, which shall include affirmative evidence of ability to comply with such rules ((~~and regulations~~)) as are lawfully ((~~promulgated~~)) adopted by the ((~~board~~)) department.

Sec. 3. RCW 18.20.050 and 1987 c 75 s 3 are each amended to read as follows:

Upon receipt of an application for license, if the applicant and the boarding home facilities meet the requirements established under this chapter, the department ((~~or the department and the authorized health department jointly,~~)) shall issue a license. If there is a failure to comply with the provisions of this chapter or the standards((~~,~~)) and rules((~~, and regulations promulgated~~)) adopted pursuant thereto, the department((~~, or the department and authorized health department,~~)) may in its discretion issue to an applicant for a license, or for the renewal of a license, a provisional license which will permit the operation of the boarding home for a period to be determined by the department, ((~~or the department and authorized health department,~~)) but not to exceed twelve months, which provisional license shall not be subject to renewal. At the time of the application for or renewal of a license or provisional license the licensee shall pay a license fee as established by the department under RCW 43.20B.110. ((~~When the license or provisional license is issued jointly by the department and authorized health department, the license fee shall be paid to the authorized health department.~~)) All licenses issued under the provisions of this chapter shall expire on a date to be set by the department, but no license issued pursuant to this chapter shall exceed twelve months in duration((~~: PROVIDED, That~~)). However, when the annual license renewal date of a previously licensed boarding home is set by the department on a date less than twelve months prior to the expiration date of a license in effect at the time of reissuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license. All applications for renewal of a license shall be made not later than thirty days prior to the date of expiration of the license. Each license shall be issued only for the premises and persons named in the application, and no license shall be transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

Sec. 4. RCW 18.20.110 and 1985 c 213 s 7 are each amended to read as follows:

The department ((~~or authorized health department~~)) shall make or cause to be made at least a yearly inspection and investigation of all boarding homes. Every inspection shall focus primarily on actual or potential resident outcomes, and may include an inspection of every part of the premises and an examination of all records (other than financial records), methods of administration, the general and special dietary, and the stores and methods of supply. Following such an inspection or inspections, written notice of any violation of this law or the rules ((~~and regulations promulgated~~)) adopted hereunder((~~,~~)) shall be given to the applicant or licensee and the department. The department may prescribe by ((~~regulations~~)) rule that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the ((~~department or to the authorized department~~)) agencies responsible for plan reviews for preliminary inspection and approval or recommendations with respect to compliance with the ((~~regulations~~)) rules and standards herein authorized.

Sec. 5. RCW 18.20.120 and 1994 c 214 s 25 are each amended to read as follows:

All information received by the department ((~~or authorized health department~~)) through filed reports, inspections, or as otherwise authorized under this chapter((~~,~~)) shall not be disclosed publicly in any manner as to identify individuals or boarding homes, except at the specific request of a member of the public and disclosure is consistent with RCW 42.17.260(1).

Sec. 6. RCW 18.20.130 and 1995 c 369 s 4 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all boarding homes to be licensed hereunder, shall be the responsibility of the chief of the Washington state patrol, through the director of fire protection, who shall adopt such recognized standards as may be applicable to boarding homes for the protection of life against the cause and spread of fire and fire hazards. The department, upon receipt of an application for a license, shall submit to the chief of the Washington state patrol, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make an inspection of the boarding home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire ((~~regulations~~)) rules as ((~~promulgated~~)) adopted by the chief of the Washington state patrol, through the director of fire protection, he or she shall promptly make a

written report to the boarding home and the department ((~~or authorized department~~)) as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire ((~~regulations~~)) rules. The department, ((~~authorized department,~~)) applicant, or licensee shall notify the chief of the Washington state patrol, through the director of fire protection, upon completion of any requirements made by him or her, and the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the boarding home to be licensed meets with the approval of the chief of the Washington state patrol, through the director of fire protection, he or she shall submit to the department ((~~or authorized department,~~)) a written report approving same with respect to fire protection before a full license can be issued. The chief of the Washington state patrol, through the director of fire protection, shall make or cause to be made inspections of such homes at least annually.

In cities which have in force a comprehensive building code, the provisions of which are determined by the chief of the Washington state patrol, through the director of fire protection, to be equal to the minimum standards of the code for boarding homes adopted by the chief of the Washington state patrol, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, and they shall jointly approve the premises before a full license can be issued.

Sec. 7. RCW 18.20.190 and 1998 c 272 s 15 are each amended to read as follows:

(1) The department of social and health services is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that a boarding home provider has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated a boarding home without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions:

(a) Refuse to issue a license;

(b) Impose reasonable conditions on a license, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(c) Impose civil penalties of not more than one hundred dollars per day per violation;

(d) Suspend, revoke, or refuse to renew a license; or

(e) Suspend admissions to the boarding home by imposing stop placement.

(3) When the department orders stop placement, the facility shall not admit any new resident until the stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement. The department shall terminate the stop placement when: (a) The violations necessitating the stop placement have been corrected; and (b) the provider exhibits the capacity to maintain adequate care and service.

(4) RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification. Chapter 34.05 RCW applies to department actions under this section, except that orders of the department imposing license suspension, stop placement, or conditions for continuation of a license are effective immediately upon notice and shall continue pending any hearing.

NEW SECTION. **Sec. 8.** A new section is added to chapter 18.20 RCW to read as follows:

(1) In an effort to ensure a cooperative process among the department, boarding home provider representatives, and resident and family representatives on matters pertaining to the boarding home program, the secretary, or his or her designee, shall designate an advisory board. The advisory board must include representatives of the state-wide boarding home associations, the state long-term care ombudsman program, the state-wide resident council program, consumers, and family representatives. Depending on the topic to be discussed, the department may invite other representatives in addition to the named members of the advisory board. The secretary, or his or her designee, shall periodically, but not less than quarterly, convene a meeting of the advisory board to encourage open dialogue on matters affecting the boarding home program. It is, minimally, expected that the department will discuss with the advisory board the department's inspection, enforcement, and quality improvement activities, in addition to seeking their comments and recommendations on matters described under subsection (2) of this section.

(2) The secretary, or his or her designee, shall seek comments and recommendations from the advisory board prior to the adoption of rules and standards, implementation of boarding home provider programs, or development of methods and rates of payment.

(3) For the purpose of implementing this section, "department" means either the department of health or the department of social and health services, depending on which department has the licensing authority under this chapter.

Sec. 9. 1998 c 272 s 24 (uncodified) is amended to read as follows:

(1) Section((~~s~~)) 13 ((~~through 16~~)) of this act expires July 1, 2000((~~, unless reauthorized by the legislature~~)).

(2) Section 17 of this act expires December 12, 1999.

NEW SECTION. **Sec. 10.** A new section is added to chapter 18.20 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Caregiver" includes any person who provides residents with hands-on personal care on behalf of a boarding home, except volunteers who are directly supervised.

(b) "Direct supervision" means oversight by a person who has demonstrated competency in the core areas or has been fully exempted from the training requirements pursuant to this section, is on the premises, and is quickly and easily available to the caregiver.

(2) Training must have the following components: Orientation, basic training, specialty training as appropriate, and continuing education. All boarding home employees or volunteers who routinely interact with residents shall complete orientation. Boarding home administrators, or their designees, and caregivers shall complete orientation, basic training, specialty training as appropriate, and continuing education.

(3) Orientation consists of introductory information on residents' rights, communication skills, fire and life safety, and universal precautions. Orientation must be provided at the facility by appropriate boarding home staff to all boarding home employees before the employees have routine interaction with residents.

(4) Basic training consists of modules on the core knowledge and skills that caregivers need to learn and understand to effectively and safely provide care to residents. Basic training must be outcome-based, and the effectiveness of the basic training must be measured by demonstrated competency in the core areas through the use of a competency test. Basic training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care or within one hundred twenty days of March 1, 2002, whichever is later. Until competency in the core areas has been demonstrated, caregivers shall not provide hands-on personal care to residents without direct supervision. Boarding home administrators, or their designees, must complete basic training and demonstrate competency within one hundred twenty days of employment or within one hundred twenty days of March 1, 2002, whichever is later.

(5) For boarding homes that serve residents with special needs such as dementia, developmental disabilities, or mental illness, specialty training is required of administrators, or designees, and caregivers. Specialty training consists of modules on the core knowledge and skills that caregivers need to effectively and safely provide care to residents with special needs. Specialty training should be integrated into basic training wherever appropriate. Specialty training must be outcome-based, and the effectiveness of the specialty training measured by demonstrated competency in the core specialty areas through the use of a competency test. Specialty training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care to a resident having special needs or within one hundred twenty days of March 1, 2002, whichever is later. However, if specialty training is not integrated with basic training, the specialty training must be completed within ninety days of completion of basic training. Until competency in the core specialty areas has been demonstrated, caregivers shall not provide hands-on personal care to residents with special needs without direct supervision. Boarding home administrators, or their designees, must complete specialty training and demonstrate competency within one hundred twenty days of March 1, 2002, if the boarding home serves one or more residents with special needs.

(6) Continuing education consists of ongoing delivery of information to caregivers on various topics relevant to the care setting and care needs of residents. Competency testing is not required for continuing education. Continuing education is not required during the first year following completion of the basic training. If specialty training is completed, the specialty training applies toward any continuing education requirement for up to two years following the completion of the specialty training.

(7) Persons who successfully challenge the competency test for basic training are fully exempt from the basic training requirements of this section. Persons who successfully challenge the specialty training competency test are fully exempt from the specialty training requirements of this section.

(8) Licensed persons who perform the tasks for which they are licensed are fully or partially exempt from the training requirements of this section, as specified by the department in rule.

(9) In an effort to improve access to training and education and reduce costs, especially for rural communities, the coordinated system of long-term care training and education must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges or other entities, as defined by the department.

(10) The community long-term care training and education steering committee established under section 11 of this act shall develop criteria for the approval of orientation, basic training, and specialty training programs.

(11) Boarding homes that desire to deliver facility-based training with facility designated trainers, or boarding homes that desire to pool their resources to create shared training systems, must be encouraged by the department in their efforts. The community long-term care training and education steering committee shall develop criteria for reviewing and approving trainers and training materials that are substantially similar to or better than the materials developed by the steering committee.

(12) The department shall adopt rules by March 1, 2002, for the implementation of this section based on the recommendations of the community long-term care training and education steering committee established in section 11 of this act.

(13) The orientation, basic training, specialty training, and continuing education requirements of this section take effect March 1, 2002, and shall be applied prospectively. However, nothing in this section affects the current training requirements under RCW 74.39A.010.

NEW SECTION. **Sec. 11.** A new section is added to chapter 74.39A RCW to read as follows:

(1) The secretary shall appoint a steering committee for community long-term care training and education to advise the department on the development and approval of criteria for training materials, the development of competency tests, the development of criteria for trainers, and the development of exemptions from training. The community long-term care training and education steering committee shall also review the effectiveness of the training program or programs, including the qualifications and availability of the trainers. The steering committee shall also review the appropriateness of the adopted rules implementing this section. The steering committee shall advise the department on flexible and innovative learning strategies that accomplish the training goals, such as competency and outcome-based models and distance learning. The steering committee shall review and recommend the most appropriate length of time between an employee's date of first hire and the start of the employee's basic training.

(2) The steering committee shall, at a minimum, consist of a representative from each of the following: Each of the state-wide boarding home associations, two adult family home associations, each of the state-wide home care associations, the long-term care ombudsman program, the area agencies on aging, the department of health representing the nursing care quality assurance commission, and a consumer, or their nonprovider designee, from a boarding home, adult family home, home care served by an agency, and home care served by an individual provider. A majority of the members currently serving constitute a quorum.

(3) Nothing in this chapter shall prevent the adult family home advisory committee from enhancing training requirements for adult family providers and resident managers, regulated under chapter 18.48 RCW, at the cost of those providers and resident managers.

(4) Establishment of the steering committee does not prohibit the department from utilizing other advisory activities that the department deems necessary for program development. However, when the department obtains input from other advisory sources, the department shall present the information to the steering committee for review and approval.

(5) Each member of the steering committee shall serve without compensation. Consumer representatives may be reimbursed for travel expenses as authorized in RCW 43.03.060.

(6) The steering committee recommendations must implement the intent of RCW 74.39A.050(14) to create training that includes skills and competencies that are transferable to nursing assistant training.

(7) The steering committee shall cease to exist on July 1, 2004.

NEW SECTION. **Sec. 12.** A new section is added to chapter 74.39A RCW to read as follows:

All training curricula and material, except competency testing material, developed by the department and used in part or in whole to improve provider and caregiver knowledge and skill are in the public domain and are subject to public disclosure under chapter 42.17 RCW. Any training curricula and material developed by a private entity and used under contract or by agreement with the department are also considered part of the public domain and shall be shared subject to any copyright restrictions. It is the department's responsibility when making training materials available to the public, to identify which material has copyright or other legal restrictions on its use, and which does not. Any proprietary curricula and material developed by a private entity for training purposes in facilities licensed under chapter 18.20 or 70.128 RCW or individual providers and home care agency providers under this chapter and approved for training by the department are not part of the public domain.

NEW SECTION. **Sec. 13.** The following acts or parts of acts are each repealed:

(1) RCW 18.20.060 (Actions against license) and 1991 c 3 s 35, 1989 c 175 s 60, 1985 c 213 s 5, & 1957 c 253 s 6; and

(2) RCW 18.20.100 (Enforcement by local authorities--Authorization) and 1979 c 141 s 26 & 1957 c 253 s 10.

NEW SECTION. **Sec. 14.** This act takes effect July 1, 2000."

MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 18.20.020, 18.20.040, 18.20.050, 18.20.110, 18.20.120, 18.20.130, and 18.20.190; amending 1998 c 272 s 24 (uncodified); adding new sections to chapter 18.20 RCW; adding new sections to chapter 74.39A RCW; repealing RCW 18.20.060 and 18.20.100; and providing an effective date."

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute House Bill No. 2380, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2380, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2380, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson,

Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Finkbeiner, Kline, Loveland and Sellar - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2380, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Swecker was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2320, by House Committee on Judiciary (originally sponsored by Representatives Lantz, Esser, Constantine, Hurst and Ruderman)

Authorizing and applying electronic notice and proxies.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 2320 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2320.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2320 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Finkbeiner, Kline, Loveland, Sellar and Swecker - 5.

SUBSTITUTE HOUSE BILL NO. 2320, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Haugen was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2321, by House Committee on Judiciary (originally sponsored by Representatives Esser, Lantz, Constantine, Hurst, Ruderman and D. Sommers)

Authorizing the transmission of electronic proxy appointments.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 2321 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2321.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2321 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Finkbeiner, Haugen, Kline, Loveland, Sellar and Swecker - 6.

SUBSTITUTE HOUSE BILL NO. 2321, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, Senator Thibaudeau was excused.

SECOND READING

HOUSE BILL NO. 2612, by Representatives McDonald, Constantine and Hurst

Clarifying when a defendant must appear.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, House Bill No. 2612 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2612.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2612 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, West, Winsley, Wojahn and Zarelli - 42.

Excused: Senators Finkbeiner, Haugen, Kline, Loveland, Sellar, Swecker and Thibaudeau - 7.

HOUSE BILL NO. 2612, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2604, by House Committee on Appropriations (originally sponsored by Representatives Doumit, Alexander, Wolfe, Delvin, Conway, Carlson, H. Sommers, McDonald, Schoesler, Pflug, Talcott, Clements, Bush, Keiser, Haigh, Rockefeller, Kagi and Hurst) (by request of Joint Committee on Pension Policy)

Creating additional options for payment of retirement allowances.

The bill was read the second time.

MOTION

On motion of Senator Brown, the following Committee on Ways and Means amendment was adopted:

On page 6, after line 25, insert the following:

"NEW SECTION. **Sec. 3.** No later than July 1, 2000, the department of retirement systems shall allow a member who: (1) Has attained ninety years of age, and (2) elected to receive a reduced retirement allowance under RCW 41.32.530 and designated a nonspouse as survivor beneficiary, the opportunity to remove the survivor designation and have their future benefit adjusted."

Renumber the remaining sections consecutively and correct any internal references accordingly.

MOTION

On motion of Senator Brown, the following Committee on Ways and Means amendment was adopted:

On page 16, after line 25, insert the following:

"**Sec. 8.** RCW 43.43.278 and 1999 c 74 s 4 are each amended to read as follows:

By July 1, 2000, the department of retirement systems shall adopt rules that allow a member to select((~~, in lieu of benefits under RCW 43.43.270,~~)) an actuarially equivalent retirement option that pays the member a reduced retirement allowance and upon death shall be continued throughout the life of a lawful surviving spouse. The continuing allowance to the lawful surviving spouse shall be subject to the yearly increase provided by RCW 43.43.260(5) in lieu of the annual increase provided in RCW 43.43.272. The allowance to the lawful surviving spouse under this section, and the allowance for an eligible child or children under RCW 43.43.270, shall not be subject to the limit for combined benefits under RCW 43.43.270."

Renumber the remaining section.

MOTIONS

On motion of Senator Brown, the following title amendments were considered simultaneously and were adopted:

On page 1, line 3 of the title, strike "and 41.40.660" and insert "41.40.660, and 43.43.278"

On page 1, line 3 of the title, after "41.40.660;" insert "creating a new section;"

On motion of Senator Brown, the rules were suspended, Substitute House Bill No. 2604, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2604, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2604, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senator Hargrove - 1.

Excused: Senators Finkbeiner, Kline, Loveland, Sellar and Swecker - 5.

SUBSTITUTE HOUSE BILL NO. 2604, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2867, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Linville, G. Chandler, Miloscia, Mitchell, Koster and Cooper)

Providing for the issuance of reservoir permits to store and recover water in an underground geological formation.

The bill was read the second time.

MOTION

Senator Eide moved that the following Committee on Environmental Quality and Water Resources striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 90.44 RCW to read as follows:

The legislature recognizes the importance of sound water management. In an effort to promote new and innovative methods of water storage, the legislature authorizes the department of ecology to issue reservoir permits that enable an entity to artificially store and recover water in any underground geological formation, which qualifies as a reservoir under RCW 90.03.370.

Sec. 2. RCW 90.44.035 and 1987 c 109 s 107 are each amended to read as follows:

For purposes of this chapter:

(1) "Department" means the department of ecology;

(2) "Director" means the director of ecology;

(3) "Ground waters" means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of this state, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves. There is a recognized distinction between natural ground water and artificially stored ground water;

(4) "Natural ground water" means water that exists in underground storage owing wholly to natural processes; ((~~and~~))

(5) "Artificially stored ground water" means water that is made available in underground storage artificially, either intentionally, or incidentally to irrigation and that otherwise would have been dissipated by natural ((~~waste~~)) processes; and

(6) "Underground artificial storage and recovery project" means any project in which it is intended to artificially store water in the ground through injection, surface spreading and infiltration, or other department-approved method, and to make subsequent use of the stored water. However, (a) this subsection does not apply to operational and seepage losses that occur during the irrigation of land, or to water that is artificially stored due to the construction, operation, or maintenance of an irrigation district project, or to projects involving water reclaimed in accordance with chapter 90.46 RCW; and (b) RCW 90.44.130 applies to those instances of claimed artificial recharge occurring due to the construction, operation, or maintenance of an irrigation district project or operational and seepage losses that occur during the irrigation of land, as well as other forms of claimed artificial recharge already existing at the time a ground water subarea is established.

Sec. 3. RCW 90.03.370 and 1987 c 109 s 93 are each amended to read as follows:

(1) All applications for reservoir permits shall be subject to the provisions of RCW 90.03.250 through 90.03.320. But the party or parties proposing to apply to a beneficial use the water stored in any such reservoir shall also file an application for a permit, to be known as the secondary permit, which shall be in compliance with the provisions of RCW 90.03.250 through 90.03.320. Such secondary application shall refer to such reservoir as its source of water supply and shall show documentary evidence that an agreement has been entered into with the owners of the reservoir for a permanent and sufficient interest in said reservoir to impound enough water for the purposes set forth in said application. When the beneficial use has been completed and perfected under the secondary permit, the department shall take the proof of the water users under such permit and the final certificate of appropriation shall refer to both the ditch and works described in the secondary permit and the reservoir described in the primary permit.

(2)(a) For the purposes of this section, "reservoir" includes, in addition to any surface reservoir, any naturally occurring underground geological formation where water is collected and stored for subsequent use as part of an underground artificial storage and recovery project. To qualify for issuance of a reservoir permit an underground geological formation must meet standards for review and mitigation of adverse impacts identified, for the following issues:

(i) Aquifer vulnerability and hydraulic continuity;

(ii) Potential impairment of existing water rights;

(iii) Geotechnical impacts and aquifer boundaries and characteristics;

(iv) Chemical compatibility of surface waters and ground water;

(v) Recharge and recovery treatment requirements;

(vi) System operation;

(vii) Water rights and ownership of water stored for recovery; and

(viii) Environmental impacts.

(b) Standards for review and standards for mitigation of adverse impacts for an underground artificial storage and recovery project shall be established by the department by rule. Notwithstanding the provisions of RCW 90.03.250 through 90.03.320, analysis of each

underground artificial storage and recovery project and each underground geological formation for which an applicant seeks the status of a reservoir shall be through applicant-initiated studies reviewed by the department.

(3) For the purposes of this section, "underground artificial storage and recovery project" means any project in which it is intended to artificially store water in the ground through injection, surface spreading and infiltration, or other department-approved method, and to make subsequent use of the stored water. However, (a) this subsection does not apply to operational and seepage losses that occur during the irrigation of land, or to water that is artificially stored due to the construction, operation, or maintenance of an irrigation district project, or to projects involving water reclaimed in accordance with chapter 90.46 RCW; and (b) RCW 90.44.130 applies to those instances of claimed artificial recharge occurring due to the construction, operation, or maintenance of an irrigation district project or operational and seepage losses that occur during the irrigation of land, as well as other forms of claimed artificial recharge already existing at the time a ground water subarea is established.

(4) The department shall report to the legislature by December 31, 2001, on the standards for review and standards for mitigation developed under subsection (3) of this section and on the status of any applications that have been filed with the department for underground artificial storage and recovery projects by that date."

MOTION

On motion of Senator Eide, the following amendments by Senators Eide, Sheahan and Fraser to the Committee on Environment Quality and Water Resources striking amendment were considered simultaneously and were adopted:

On page 2, line 2 of the amendment, after "to" insert "irrigation return flow, or to"

On page 3, line 21 of the amendment, after "to" insert "irrigation return flow, or to"

On page 3, line 31 of the amendment, after "(4)" insert "Nothing in this act changes the requirements of existing law governing issuance of permits to appropriate or withdraw the waters of the state.

(5)"

The President declared the question before the Senate to be the adoption of the Committee on Environmental Quality and Water Resources striking amendment, as amended, to Engrossed Second Substitute House Bill No. 2867.

The motion by Senator Eide carried and the committee striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Eide, the following title amendment was adopted:

On page 1, line 1 of the title, after "storage;" strike the remainder of the title and insert "amending RCW 90.44.035 and 90.03.370; and adding a new section to chapter 90.44 RCW."

On motion of Senator Eide, the rules were suspended, Engrossed Second Substitute House Bill No. 2867, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2867, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2867, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Finkbeiner, Sellar and Swecker - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2867, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2559, by Representatives Carlson, Kenney, Lantz and Radcliff (by request of Committee on Advanced College Tuition Payment, Higher Education Coordinating Board and State Treasurer Murphy)

Changing advanced college tuition payment program provisions.

The bill was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed House Bill No. 2559 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2559.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2559 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Finkbeiner, Sellar and Swecker - 3.

ENGROSSED HOUSE BILL NO. 2559, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5243, by Senators Kline, Winsley, Franklin, Prentice, Brown and Costa

Modifying the linked deposit program.

MOTION

On motion of Senator Kline Second Substitute Senate Bill No. 5243 was substituted for Senate Bill No. 5243 and the substitute bill was placed on the second reading calendar.

POINT OF ORDER

Senator Johnson: "A point of order, Mr. President. The consideration of Senate Bill No. 5243 is not proper at this point. Senate Concurrent Resolution No 8421, the cutoff resolution, specifically does not exempt this bill from that resolution. Consideration of Senate Bills was terminated on Tuesday, February 15, and at that time this bill was still presumedly pending in committee. There is an exception in the cutoff resolution for bills necessary to implement the budget. This linked deposit program was implemented in 1993. It has never yet appeared in the budget, so it can hardly be said that it is necessary to implement the budget. There could be a reference in the budget; there hasn't been for seven years. There could be now, but once again it wouldn't be necessary to implement the budget. Therefore, consideration of this bill at this time is out of order."

Debate ensued.

MOTION

On motion of Senator Betti Sheldon, further consideration of Second Substitute Senate Bill No. 5243 was deferred.

MOTION

On motion of Senator Eide, Senator Snyder was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2343, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Hatfield, Benson and Esser)

Allowing the redemption of vehicles by payments from financial institutions.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the following Committee on Transportation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.55.120 and 1999 c 398 s 7 and 1999 c 327 s 5 are each reenacted and amended to read as follows:

(1) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, 46.55.113, or 9A.88.140 may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, a person who is determined and verified by the operator to have the permission of the registered owner of the vehicle or other item of personal property registered or titled with the department, or one who has purchased a vehicle or item of personal property registered or titled with the department from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle or items of personal property registered or titled with the department. In addition, a vehicle impounded because the operator is in violation of RCW 46.20.342(1)(c) shall not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (e) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency. If the department's records show that the operator has been convicted of a violation of RCW 46.20.342 or a similar local ordinance within the past five years, the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. A vehicle impounded because the operator is arrested for a violation of RCW 46.20.342 may be released only pursuant to a written order from the agency that ordered the vehicle impounded or from the court having jurisdiction. An agency may issue a written order to release pursuant to a provision of an applicable state agency rule or local ordinance authorizing release on the basis of economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, including the operator's criminal history and driving record.

If a vehicle is impounded because the operator is in violation of RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. However, if the department's records show that the operator has been convicted of a violation of RCW 46.20.342(1) (a) or (b) or a similar local ordinance within the past five years, the vehicle may be held at the written direction of the agency ordering the vehicle impounded for up to sixty days, and for up to ninety days if the operator has two or more such prior offenses. If a vehicle is impounded because the operator is arrested for a violation of RCW 46.20.342, the vehicle may not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (e) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency.

(b) If the vehicle is directed to be held for a suspended license impound, a person who desires to redeem the vehicle at the end of the period of impound shall within five days of the impound at the request of the tow truck operator pay a security deposit to the tow truck operator of not more than one-half of the applicable impound storage rate for each day of the proposed suspended license impound. The tow truck operator shall credit this amount against the final bill for removal, towing, and storage upon redemption. The tow truck operator may accept other sufficient security in lieu of the security deposit. If the person desiring to redeem the vehicle does not pay the security deposit or provide other security acceptable to the tow truck operator, the tow truck operator may process and sell at auction the vehicle as an abandoned vehicle within the normal time limits set out in RCW 46.55.130(1). The security deposit required by this section may be paid and must be accepted at any time up to twenty-four hours before the beginning of the auction to sell the vehicle as abandoned. The registered owner is not eligible to purchase the vehicle at the auction, and the tow truck operator shall sell the vehicle to the highest bidder who is not the registered owner.

(c) Notwithstanding (b) of this subsection, a rental car business may immediately redeem a rental vehicle it owns by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound.

(d) Notwithstanding (b) of this subsection, a motor vehicle dealer or lender with a perfected security interest in the vehicle may redeem or lawfully repossess a vehicle immediately by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound. A motor vehicle dealer or lender with a perfected security interest in the vehicle may not knowingly and intentionally engage in collusion with a registered owner to repossess and then return or resell a vehicle to the registered owner in an attempt to avoid a suspended license impound. However, this provision does not preclude a vehicle dealer or a lender with a perfected security interest in the vehicle from repossessing the vehicle and then selling, leasing, or otherwise disposing of it in accordance with chapter 62A.9 RCW, including providing redemption rights to the debtor under RCW 62A.9-506. If the debtor is the registered owner of the vehicle, the debtor's right to redeem the vehicle under chapter 62A.9 RCW is conditioned upon the debtor obtaining and providing proof from the impounding

authority or court having jurisdiction that any fines, penalties, and forfeitures owed by the registered owner, as a result of the suspended license impound, have been paid, and proof of the payment must be tendered to the vehicle dealer or lender at the time the debtor tenders all other obligations required to redeem the vehicle. Vehicle dealers or lenders are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound.

(e) The vehicle or other item of personal property registered or titled with the department shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle, with credit being given for the amount of any security deposit paid under (b) of this subsection. In addition, if a vehicle is impounded because the operator was arrested for a violation of RCW 46.20.342 or ((~~46.20.420~~)) 46.20.345 and was being operated by the registered owner when it was impounded under local ordinance or agency rule, it must not be released to any person until the registered owner establishes with the agency that ordered the vehicle impounded or the court having jurisdiction that any penalties, fines, or forfeitures owed by him or her have been satisfied. Registered tow truck operators are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards issued by financial institutions, or personal checks drawn on ((~~in-state banks~~)) Washington state branches of financial institutions if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm ((~~can~~)) cannot determine through the customer's bank or a check verification service that the presented check would ((~~not~~)) be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2)(a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district or municipal court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. The municipal court has jurisdiction to determine the issues involving impoundments authorized by agents of the municipality. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the appropriate court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section and more than five days before the date of the auction. At the time of the filing of the hearing request, the petitioner shall pay to the court clerk a filing fee in the same amount required for the filing of a suit in district court. If the hearing request is not received by the court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled with the department, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper. The court may consider a written report made under oath by the officer who authorized the impoundment in lieu of the officer's personal appearance at the hearing.

(c) At the conclusion of the hearing, the court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle or other item of personal property registered or titled with the department shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle, or other item of personal property registered or titled with the department, for the amount of the filing fee required by law for the impound hearing petition as well as reasonable damages for loss of the use of the vehicle during

the time the same was impounded, for not less than fifty dollars per day, against the person or agency authorizing the impound. However, if an impoundment arising from an alleged violation of RCW 46.20.342 or ((~~46.20.420~~)) 46.20.345 is determined to be in violation of this chapter, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the department in ascertaining that the operator of the vehicle had a suspended or revoked driver's license. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO: . . . . . .
YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the . . . . . Court located at . . . . . in the sum of $. . . . ., in an action entitled . . . . ., Case No. . . . . YOU ARE FURTHER NOTIFIED that attorneys fees and costs will be awarded against you under RCW . . . if the judgment is not paid within 15 days of the date of this notice.
DATED this . . . . day of . . . . ., (year) . . .

Signature

Typed name and address
of party mailing notice

(4) Any impounded abandoned vehicle or item of personal property registered or titled with the department that is not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110(3) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle or item of personal property registered or titled with the department may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees.

Sec. 2. RCW 46.55.130 and 1998 c 203 s 6 are each amended to read as follows:

(1) If, after the expiration of fifteen days from the date of mailing of notice of custody and sale required in RCW 46.55.110(((~~(2)~~))) (3) to the registered and legal owners, the vehicle remains unclaimed and has not been listed as a stolen vehicle, or a suspended license impound has been directed, but no security paid under RCW 46.55.120, then the registered tow truck operator having custody of the vehicle shall conduct a sale of the vehicle at public auction after having first published a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days and no more than ten days before the date of the auction. The notice shall contain a description of the vehicle including the make, model, year, and license number and a notification that a three-hour public viewing period will be available before the auction. The auction shall be held during daylight hours of a normal business day.

(2) The following procedures are required in any public auction of such abandoned vehicles:

(a) The auction shall be held in such a manner that all persons present are given an equal time and opportunity to bid;

(b) All bidders must be present at the time of auction unless they have submitted to the registered tow truck operator, who may or may not choose to use the preauction bid method, a written bid on a specific vehicle. Written bids may be submitted up to five days before the auction and shall clearly state which vehicle is being bid upon, the amount of the bid, and who is submitting the bid;

(c) The open bid process, including all written bids, shall be used so that everyone knows the dollar value that must be exceeded;

(d) The highest two bids received shall be recorded in written form and shall include the name, address, and telephone number of each such bidder;

(e) In case the high bidder defaults, the next bidder has the right to purchase the vehicle for the amount of his or her bid;

(f) The successful bidder shall apply for title within fifteen days;

(g) The registered tow truck operator shall post a copy of the auction procedure at the bidding site. If the bidding site is different from the licensed office location, the operator shall post a clearly visible sign at the office location that describes in detail where the auction will be held. At the bidding site a copy of the newspaper advertisement that lists the vehicles for sale shall be posted;

(h) All surplus moneys derived from the auction after satisfaction of the registered tow truck operator's lien shall be remitted within thirty days to the department for deposit in the state motor vehicle fund. A report identifying the vehicles resulting in any surplus shall accompany the remitted funds. If the director subsequently receives a valid claim from the registered vehicle owner of record as determined by the department within one year from the date of the auction, the surplus moneys shall be remitted to such owner;

(i) If an operator receives no bid, or if the operator is the successful bidder at auction, the operator shall, within forty-five days sell the vehicle to a licensed vehicle wrecker, hulk hauler, or scrap processor by use of the abandoned vehicle report-affidavit of sale, or the operator shall apply for title to the vehicle.

(3) In no case may an operator hold a vehicle for longer than ninety days without holding an auction on the vehicle, except for vehicles that are under a police or judicial hold.

(4)(a) In no case may the accumulation of storage charges exceed fifteen days from the date of receipt of the information by the operator from the department as provided by RCW 46.55.110(((~~(2)~~))) (3).

(b) The failure of the registered tow truck operator to comply with the time limits provided in this chapter limits the accumulation of storage charges to five days except where delay is unavoidable. Providing incorrect or incomplete identifying information to the department in the abandoned vehicle report shall be considered a failure to comply with these time limits if correct information is available. However, storage charges begin to accrue again on the date the correct and complete information is provided to the department by the registered tow truck operator."

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 2 of the title, after "institutions;" strike the remainder of the title and insert "amending RCW 46.55.130; and reenacting and amending RCW 46.55.120."

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2343, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2343, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2343, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Finkbeiner, Sellar, Snyder and Swecker - 4.

SUBSTITUTE HOUSE BILL NO. 2343, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2846, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Benson, Hatfield, Sullivan, DeBolt, Barlean, Cairnes, Quall, McIntire and Delvin)

Providing certain notices to agents or brokers.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2846 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2846.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2846 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Hargrove - 1.

Excused: Senators Finkbeiner, Sellar and Swecker - 3.

SUBSTITUTE HOUSE BILL NO. 2846, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2410, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lovick, Bush, McIntire, O'Brien, Keiser, Edwards, Reardon, Haigh, Schual-Berke, Scott, Stensen, Rockefeller, Kenney, Thomas, Morris, Wood, Regala, Hurst, Ogden, Ruderman and Kagi)

Protecting credit card users.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2410 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Zarelli: "Senator Prentice, on this bill I wanted to ask a question. Do you know what is involved in retailer making a change to direct this issue? I know there is a lot of investment in equipment, in software, etc. Is this simply a software change to adjust for this or would it be a new investment in printers and equipment?"

Senator Prentice: "I believe it will be a software change, but some have already started to do this. In fact, some of your gas receipts use to have the numbers and now they are just putting little stars. So, that is already being addressed. This is simply to allow time. My understanding is that this is simply a software change."

Senator Zarelli: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2410.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2410 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Deccio - 1.

Excused: Senators Finkbeiner, Sellar and Swecker - 3.

SUBSTITUTE HOUSE BILL NO. 2410, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Goings, Senator Bauer was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 2713, by Representatives Constantine, Hurst, Haigh and Conway

Regarding mandatory arbitration fees.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, Engrossed House Bill No. 2713 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2713.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2713 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 12; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 32.

Voting nay: Senators Hale, Hochstatter, Honeyford, Horn, Johnson, McDonald, Morton, Oke, Rossi, Stevens, West and Zarelli - 12.

Absent: Senator Franklin - 1.

Excused: Senators Bauer, Finkbeiner, Sellar and Swecker - 4.

ENGROSSED HOUSE BILL NO. 2713, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Franklin was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2884, by House Committee on Judiciary (originally sponsored by Representatives Constantine, Carlson, Grant, Radcliff, Kastama, Mastin, Keiser, Ruderman, Kessler, Dickerson, Tokuda, D. Sommers and Stensen)

Providing notice requirements for parents subject to court orders and standards regarding residential time or visitation.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, Engrossed Substitute House Bill No. 2884 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2884.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2884 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder,

Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43. Absent: Senator Fraser - 1. Excused: Senators Bauer, Finkbeiner, Franklin, Sellar and Swecker - 5. ENGROSSED SUBSTITUTE HOUSE BILL NO. 2884, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2452, by Representatives Cody, Parlette, Edwards and Hurst (by request of Department of Health)

Making technical changes and corrections to department of health statutes.

The bill was read the second time.

MOTION

Senator Thibaudeau moved that the following Committee on Health and Long-Term Care striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.35.240 and 1996 c 200 s 30 are each amended to read as follows:

(1) Every ((~~establishment~~)) individual engaged in the fitting and dispensing of hearing instruments shall ((~~file with the department~~)) be covered by a surety bond ((~~in the sum~~)) of ten thousand dollars((~~, running to the state of Washington~~)) or more, for the benefit of any person injured or damaged as a result of any violation by the ((~~establishment's~~)) licensee, certificate or permit holder, or their employees or agents of any of the provisions of this chapter or rules adopted by the secretary.

(2) In lieu of the surety bond required by this section, the ((~~establishment may file with the department a cash~~)) licensee or certificate or permit holder may deposit cash or other negotiable security ((~~acceptable to the department~~)) in a banking institution as defined in chapter 30.04 RCW or a credit union as defined in chapter 31.12 RCW. All obligations and remedies relating to surety bonds shall apply to deposits and security filed in lieu of surety bonds.

(3) If a cash deposit or other negotiable security is filed, ((~~the department shall deposit the funds. The cash or other negotiable security deposited with the department shall be returned to the depositor~~)) the licensee or certificate or permit holder shall maintain such cash or other negotiable security for one year after ((~~the establishment has discontinued~~)) discontinuing the fitting and dispensing of hearing instruments ((~~if no legal action has been instituted against the establishment, its agents or employees, or the cash deposit or other security. The establishment owners shall notify the department if the establishment is sold, changes names, or has discontinued the fitting and dispensing of hearing instruments in order that the cash deposit or other security may be released at the end of one year from that date.~~

~~(4) A surety may file with the department notice of withdrawal of the bond of the establishment. Upon filing a new bond, or upon the expiration of sixty days after the filing of notice of withdrawal by the surety, the liability of the former surety for all future acts of the establishment terminates.~~

~~(5) Upon the filing with the department notice by a surety of withdrawal of the surety on the bond of an establishment or upon the cancellation by the department of the bond of a surety under this section, the department shall immediately give notice to the establishment by certified or registered mail with return receipt requested addressed to the establishment's last place of business as filed with the department.~~

~~(6) The department shall immediately cancel the bond given by a surety company upon being advised that the surety company's license to transact business in this state has been revoked~~)).

(((~~(7)~~))) (4) Each invoice for the purchase of a hearing instrument provided to a customer must clearly display on the first page the bond number ((~~of the establishment or~~)) covering the licensee or certificate or permit holder responsible for fitting/dispensing the hearing instrument.

(5) All licensed hearing instrument fitter/dispensers, certified audiologists, and permit holders must verify compliance with the requirement to hold a surety bond or cash or other negotiable security by submitting a signed declaration of compliance upon annual renewal of their license, certificate, or permit. Up to twenty-five percent of the credential holders may be randomly audited for surety bond compliance after the credential is renewed. It is the credential holder's responsibility to submit a copy of the original surety bond or bonds, or documentation that cash or other negotiable security is held in a banking institution during the time period being audited. Failure to comply with the audit documentation request or failure to supply acceptable documentation within thirty days may result in disciplinary action.

Sec. 2. RCW 18.35.240 and 1998 c 142 s 18 are each amended to read as follows:

(1) Every ((~~establishment~~)) individual engaged in the fitting and dispensing of hearing instruments shall ((~~file with the department~~)) be covered by a surety bond ((~~in the sum~~)) of ten thousand dollars((~~, running to the state of Washington~~)) or more, for the benefit of any person

injured or damaged as a result of any violation by the ((~~establishment's~~)) licensee, certificate or permit holder, or their employees or agents of any of the provisions of this chapter or rules adopted by the secretary.

(2) In lieu of the surety bond required by this section, the ((~~establishment may file with the department a cash~~)) licensee or certificate or permit holder may deposit cash or other negotiable security ((~~acceptable to the department~~)) in a banking institution as defined in chapter 30.04 RCW or a credit union as defined in chapter 31.12 RCW. All obligations and remedies relating to surety bonds shall apply to deposits and security filed in lieu of surety bonds.

(3) If a cash deposit or other negotiable security is filed, ((~~the department shall deposit the funds. The cash or other negotiable security deposited with the department shall be returned to the depositor~~)) the licensee or certificate or permit holder shall maintain such cash or other negotiable security for one year after ((~~the establishment has discontinued~~)) discontinuing the fitting and dispensing of hearing instruments ((~~if no legal action has been instituted against the establishment, its agents or employees, or the cash deposit or other security. The establishment owners shall notify the department if the establishment is sold, changes names, or has discontinued the fitting and dispensing of hearing instruments in order that the cash deposit or other security may be released at the end of one year from that date.~~

~~(4) A surety may file with the department notice of withdrawal of the bond of the establishment. Upon filing a new bond, or upon the expiration of sixty days after the filing of notice of withdrawal by the surety, the liability of the former surety for all future acts of the establishment terminates.~~

~~(5) Upon the filing with the department notice by a surety of withdrawal of the surety on the bond of an establishment or upon the cancellation by the department of the bond of a surety under this section, the department shall immediately give notice to the establishment by certified or registered mail with return receipt requested addressed to the establishment's last place of business as filed with the department.~~

~~(6) The department shall immediately cancel the bond given by a surety company upon being advised that the surety company's license to transact business in this state has been revoked~~)).

(((~~7~~))) (4) Each invoice for the purchase of a hearing instrument provided to a customer must clearly display on the first page the bond number ((~~of the establishment or~~)) covering the licensee or certificate or interim permit holder responsible for fitting/dispensing the hearing instrument.

(5) All licensed hearing instrument fitter/dispensers, certified audiologists, and permit holders must verify compliance with the requirement to hold a surety bond or cash or other negotiable security by submitting a signed declaration of compliance upon annual renewal of their license, certificate, or permit. Up to twenty-five percent of the credential holders may be randomly audited for surety bond compliance after the credential is renewed. It is the credential holder's responsibility to submit a copy of the original surety bond or bonds, or documentation that cash or other negotiable security is held in a banking institution during the time period being audited. Failure to comply with the audit documentation request or failure to supply acceptable documentation within thirty days may result in disciplinary action.

Sec. 3. RCW 18.35.250 and 1996 c 200 s 31 are each amended to read as follows:

(1) In addition to any other legal remedies, an action may be brought in any court of competent jurisdiction upon the bond, cash deposit, or security in lieu of a surety bond required by this chapter, by any person having a claim against a licensee or certificate or permit holder, agent, or ((~~establishment~~)) employee for any violation of this chapter or any rule adopted under this chapter. The aggregate liability of the surety, cash deposit, or other negotiable security to all claimants shall in no event exceed the sum of the bond. Claims shall be satisfied in the order of judgment rendered.

(2) An action upon the bond, cash deposit, or other negotiable security shall be commenced by serving and filing ((~~the~~)) a complaint ((~~within one year from the date of the cancellation of the bond. An action upon a cash deposit or other security shall be commenced by serving and filing the complaint within one year from the date of notification to the department of the change in ownership of the establishment or the discontinuation of the fitting and dispensing of hearing instruments by that establishment. Two copies of the complaint shall be served by registered or certified mail, return receipt requested, upon the department at the time the suit is started. The service constitutes service on the surety. The secretary shall transmit one copy of the complaint to the surety within five business days after the copy has been received.~~

~~(3) The secretary shall maintain a record, available for public inspection, of all suits commenced under this chapter under surety bonds, or the cash or other security deposited in lieu of the surety bond. In the event that any final judgment impairs the liability of the surety upon a bond so furnished or the amount of the deposit so that there is not in effect a bond undertaking or deposit in the full amount prescribed in this section, the department shall suspend the license or certificate until the bond undertaking or deposit in the required amount, unimpaired by unsatisfied judgment claims, has been furnished.~~

~~(4) If a judgment is entered against the deposit or security required under this chapter, the department shall, upon receipt of a certified copy of a final judgment, pay the judgment from the amount of the deposit or security~~)).

Sec. 4. RCW 18.35.250 and 1998 c 142 s 19 are each amended to read as follows:

(1) In addition to any other legal remedies, an action may be brought in any court of competent jurisdiction upon the bond, cash deposit, or security in lieu of a surety bond required by this chapter, by any person having a claim against a licensee or certificate or interim permit holder, agent, or ((~~establishment~~)) employee for any violation of this chapter or any rule adopted under this chapter. The aggregate liability of the surety, cash deposit, or other negotiable security to all claimants shall in no event exceed the sum of the bond. Claims shall be satisfied in the order of judgment rendered.

(2) An action upon the bond, cash deposit, or other negotiable security shall be commenced by serving and filing ((~~the~~)) a complaint ((~~within one year from the date of the cancellation of the bond. An action upon a cash deposit or other security shall be commenced by serving and filing the complaint within one year from the date of notification to the department of the change in ownership of the establishment or the discontinuation of the fitting and dispensing of hearing instruments by that establishment. Two copies of the complaint shall be served by registered or certified mail, return receipt requested, upon the department at the time the suit is started. The service constitutes service on the surety. The secretary shall transmit one copy of the complaint to the surety within five business days after the copy has been received.~~

~~(3) The secretary shall maintain a record, available for public inspection, of all suits commenced under this chapter under surety bonds, or the cash or other security deposited in lieu of the surety bond. In the event that any final judgment impairs the liability of the surety upon a bond so furnished or the amount of the deposit so that there is not in effect a bond undertaking or deposit in the full amount prescribed in this section, the department shall suspend the license or certificate until the bond undertaking or deposit in the required amount, unimpaired by unsatisfied judgment claims, has been furnished.~~

~~(4) If a judgment is entered against the deposit or security required under this chapter, the department shall, upon receipt of a certified copy of a final judgment, pay the judgment from the amount of the deposit or security~~)).

Sec. 5. RCW 18.48.020 and 1996 c 81 s 4 are each amended to read as follows:

(1) The secretary shall register adult family home providers and resident managers.

(2) The secretary, by policy or rule, shall define terms and establish forms and procedures for registration applications, including the payment of registration fees pursuant to RCW 43.70.250. An application for an adult family home resident manager or provider registration shall include at least the following information:

(a) Name and address; and

(b) If the provider is a corporation, copies of its articles of incorporation and current bylaws, together with the names and addresses of its officers and directors.

(((~~(3) The secretary shall adopt policies or rules to establish the registration periods, fees, and procedures. If the adult family home is sold or ownership or management is transferred, the registration shall be voided and the provider and resident manager shall apply for a new registration.~~))

Sec. 6. RCW 18.52.030 and 1992 c 53 s 3 are each amended to read as follows:

Nursing homes operating within this state shall be under the active, overall administrative charge and supervision of an on-site full-time administrator licensed as provided in this chapter. No person acting in any capacity, unless the holder of a nursing home administrator's license issued under this chapter, shall be charged with the overall responsibility to make decisions or direct actions involved in managing the internal operation of a nursing home, except as specifically delegated in writing by the administrator to identify a responsible person to act on the administrator's behalf when the administrator is absent. The administrator shall review the decisions upon the administrator's return and amend the decisions if necessary. The board shall define by rule the parameters for on-site full-time administrators in nursing homes with small resident populations and nursing homes in rural areas, or separately licensed facilities collocated on the same campus((~~, as well as provide for the administrative requirements for nursing homes that are temporarily without administrators~~)).

Sec. 7. RCW 18.83.135 and 1999 c 66 s 2 are each amended to read as follows:

In addition to the authority prescribed under RCW 18.130.050, the board shall have the following authority:

(1) To maintain records of all activities, and to publish and distribute to all psychologists at least once each year abstracts of significant activities of the ((~~committee~~)) board;

(2) To obtain the written consent of the complaining client or patient or their legal representative, or of any person who may be affected by the complaint, in order to obtain information which otherwise might be confidential or privileged; and

(3) To apply the provisions of the uniform disciplinary act, chapter 18.130 RCW, to all persons licensed as psychologists under this chapter.

Sec. 8. RCW 18.92.013 and 1993 c 78 s 2 are each amended to read as follows:

(1) A veterinarian legally prescribing drugs may delegate to a registered veterinary medication clerk or a registered ((~~animal~~)) veterinary technician, while under the veterinarian's direct supervision, certain nondiscretionary functions defined by the board and used in the dispensing of legend and nonlegend drugs (except controlled substances as defined in or under chapter 69.50 RCW) associated with the practice of veterinary medicine. Upon final approval of the packaged prescription following a direct physical inspection of the packaged prescription for proper formulation, packaging, and labeling by the veterinarian, the veterinarian may delegate the delivery of the prescription to a registered veterinary medication clerk or registered ((~~animal~~)) veterinary technician, while under the veterinarian's indirect supervision. Dispensing of drugs by veterinarians, registered ((~~animal~~)) veterinary technicians, and registered veterinary medication clerks shall meet the applicable requirements of chapters 18.64, 69.40, 69.41, and 69.50 RCW and is subject to inspection by the board of pharmacy investigators.

(2) For the purposes of this section:

(a) "Direct supervision" means the veterinarian is on the premises and is quickly and easily available; and

(b) "Indirect supervision" means the veterinarian is not on the premises but has given written or oral instructions for the delegated task.

Sec. 9. RCW 18.92.015 and 1993 c 78 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

"((~~Animal~~)) Veterinary technician" means a person who has successfully completed an examination administered by the board and who has either successfully completed a post high school course approved by the board in the care and treatment of animals or had five years' practical experience, acceptable to the board, with a licensed veterinarian.

"Board" means the Washington state veterinary board of governors.

"Department" means the department of health.

"Secretary" means the secretary of the department of health.

"Veterinary medication clerk" means a person who has satisfactorily completed a board-approved training program developed in consultation with the board of pharmacy and designed to prepare persons to perform certain nondiscretionary functions defined by the board and used in the dispensing of legend and nonlegend drugs (except controlled substances as defined in or under chapter 69.50 RCW) associated with the practice of veterinary medicine.

Sec. 10. RCW 18.92.030 and 1995 c 198 s 13 are each amended to read as follows:

The board shall develop and administer, or approve, or both, a licensure examination in the subjects determined by the board to be essential to the practice of veterinary medicine, surgery, and dentistry. The board may approve an examination prepared or administered by a private testing agency or association of licensing authorities. The board, under chapter 34.05 RCW, may adopt rules necessary to carry out the purposes of this chapter, including the performance of the duties and responsibilities of ((~~animal~~)) veterinary technicians and veterinary medication clerks. The rules shall be adopted in the interest of good veterinary health care delivery to the consuming public and shall not prevent ((~~animal~~)) veterinary technicians from inoculating an animal. The board also has the power to adopt by rule standards prescribing requirements for veterinary medical facilities and fixing minimum standards of continuing veterinary medical education.

The department is the official office of record.

Sec. 11. RCW 18.92.060 and 1995 c 317 s 2 are each amended to read as follows:

Nothing in this chapter applies to:

(1) Commissioned veterinarians in the United States military services or veterinarians employed by Washington state and federal agencies while performing official duties;

(2) A person practicing veterinary medicine upon his or her own animal;

(3) A person advising with respect to or performing the castrating and dehorning of cattle, castrating and docking of sheep, castrating of swine, caponizing of poultry, or artificial insemination of animals;

(4)(a) A person who is a regularly enrolled student in a veterinary school or training course approved under RCW 18.92.015 and performing duties or actions assigned by his or her instructors or working under the direct supervision of a licensed veterinarian during a school vacation period or (b) a person performing assigned duties under the supervision of a veterinarian within the established framework of an internship program recognized by the board;

(5) A veterinarian regularly licensed in another state consulting with a licensed veterinarian in this state;

(6) ((~~An animal~~)) A veterinary technician or veterinary medication clerk acting under the supervision and control of a licensed veterinarian. The practice of ((~~an animal~~)) a veterinary technician or veterinary medication clerk is limited to the performance of services which are authorized by the board;

(7) An owner being assisted in practice by his or her employees when employed in the conduct of the owner's business;

(8) An owner being assisted in practice by some other person gratuitously;

(9) The implanting in their own animals of any electronic device for identifying animals by established humane societies and animal control organizations that provide appropriate training, as determined by the veterinary board of governors, and/or direct or indirect supervision by a licensed veterinarian;

(10) The implanting of any electronic device by a public fish and wildlife agency for the identification of fish or wildlife.

Sec. 12. RCW 18.92.125 and 1993 c 78 s 5 are each amended to read as follows:

No veterinarian who uses the services of ((~~an animal~~)) a veterinary technician or veterinary medication clerk shall be considered as aiding and abetting any unlicensed person to practice veterinary medicine. A veterinarian retains professional and personal responsibility for any act which constitutes the practice of veterinary medicine as defined in this chapter when performed by ((~~an animal~~)) a veterinary technician or veterinary medication clerk in his or her employ.

Sec. 13. RCW 18.92.140 and 1996 c 191 s 79 are each amended to read as follows:

Each person now qualified to practice veterinary medicine, surgery, and dentistry, registered as ((~~an animal~~)) a veterinary technician, or registered as a veterinary medication clerk in this state or who becomes licensed or registered to engage in practice shall comply with administrative procedures, administrative requirements, and fees determined as provided in RCW 43.70.250 and 43.70.280.

Sec. 14. RCW 18.92.145 and 1996 c 191 s 80 are each amended to read as follows:

Administrative procedures, administrative requirements, and fees shall be established as provided in RCW 43.70.250 and 43.70.280 for the issuance, renewal, or administration of the following licenses, certificates of registration, permits, duplicate licenses, renewals, or examination:

(1) For a license to practice veterinary medicine, surgery, and dentistry issued upon an examination given by the examining board;

(2) For a license to practice veterinary medicine, surgery, and dentistry issued upon the basis of a license issued in another state;

(3) For a certificate of registration as ((~~an animal~~)) a veterinary technician;

(4) For a certificate of registration as a veterinary medication clerk;

(5) For a temporary permit to practice veterinary medicine, surgery, and dentistry. The temporary permit fee shall be accompanied by the full amount of the examination fee; and

(6) For a license to practice specialized veterinary medicine.

Sec. 15. RCW 18.120.020 and 1997 c 334 s 13 are each amended to read as follows:

The definitions ((~~contained~~)) in this section ((~~shall~~)) apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.

(3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW; dispensing opticians under chapter 18.34 RCW; hearing instruments under chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 and 18.71A RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.79 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational therapists licensed under chapter 18.59 RCW; respiratory care practitioners licensed under chapter 18.89 RCW; veterinarians and ((~~animal~~)) veterinary technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW; acupuncturists licensed under chapter 18.06 RCW; persons registered or certified under chapter 18.19 RCW; dietitians and nutritionists certified by chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; and nursing assistants registered or certified under chapter 18.88A RCW.

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License," "licensing," and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

Sec. 16. RCW 18.73.030 and 1990 c 269 s 23 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as used in this chapter shall have the meanings indicated.

(1) "Secretary" means the secretary of the department of health.

(2) "Department" means the department of health.

(3) "Committee" means the emergency medical services licensing and certification advisory committee.

(4) "Ambulance" means a ground or air vehicle designed and used to transport the ill and injured and to provide personnel, facilities, and equipment to treat patients before and during transportation.

(5) "Aid vehicle" means a vehicle used to carry aid equipment and individuals trained in first aid or emergency medical procedure.

(6) "Emergency medical technician" means a person who is authorized by the secretary to render emergency medical care pursuant to RCW 18.73.081.

(7) ((~~"Ambulance operator" means a person who owns one or more ambulances and operates them as a private business.~~

~~(8) "Ambulance director" means a person who is a director of a service which operates one or more ambulances provided by a volunteer organization or governmental agency.~~

~~(9) "Aid vehicle operator" means a person who owns one or more aid vehicles and operates them as a private business.~~

~~(10) "Aid director" means a person who is a director of a service which operates one or more aid vehicles provided by a volunteer organization or governmental agency.~~

~~(11)~~)) "Ambulance service" means an organization that operates one or more ambulances.

(8) "Aid service" means an organization that operates one or more aid vehicles.

(9) "Emergency medical service" means medical treatment and care which may be rendered at the scene of any medical emergency or while transporting any patient in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities.

(((~~12~~))) (10) "Communications system" means a radio and landline network which provides rapid public access, coordinated central dispatching of services, and coordination of personnel, equipment, and facilities in an emergency medical services and trauma care system.

(((~~13~~))) (11) "Prehospital patient care protocols" means the written procedure adopted by the emergency medical services medical program director which direct the out-of-hospital emergency care of the emergency patient which includes the trauma care patient. These procedures shall be based upon the assessment of the patient's medical needs and what treatment will be provided for emergency conditions. The protocols shall meet or exceed state-wide minimum standards developed by the department in rule as authorized in chapter 70.168 RCW.

(((~~14~~))) (12) "Patient care procedures" means written operating guidelines adopted by the regional emergency medical services and trauma care council, in consultation with the local emergency medical services and trauma care councils, emergency communication centers, and the emergency medical services medical program director, in accordance with state-wide minimum standards. The patient care procedures shall identify the level of medical care personnel to be dispatched to an emergency scene, procedures for triage of patients, the level of trauma care facility to first receive the patient, and the name and location of other trauma care facilities to receive the patient should an interfacility transfer be necessary. Procedures on interfacility transfer of patients shall be consistent with the transfer procedures in chapter 70.170 RCW.

(((~~15~~))) (13) "Emergency medical services medical program director" means a person who is an approved medical program director as defined by RCW 18.71.205(4).

(((~~16~~))) (14) "Council" means the local or regional emergency medical services and trauma care council as authorized under chapter 70.168 RCW.

(((~~17~~))) (15) "Basic life support" means noninvasive emergency medical services requiring basic medical treatment skills as defined in chapter 18.73 RCW.

(((~~18~~))) (16) "Advanced life support" means invasive emergency medical services requiring advanced medical treatment skills as defined by chapter 18.71 RCW.

(((~~19~~))) (17) "First responder" means a person who is authorized by the secretary to render emergency medical care as defined by RCW 18.73.081.

Sec. 17. RCW 18.73.101 and 1987 c 214 s 9 are each amended to read as follows:

The secretary may grant a variance from a provision of this chapter and RCW 18.71.200 through 18.71.220 if no detriment to health and safety would result from the variance and compliance is expected to cause reduction or loss of existing emergency medical services. Variances may be granted for a period of no more than one year. A variance may be renewed by the secretary upon approval of the committee.

Sec. 18. RCW 18.73.130 and 1992 c 128 s 2 are each amended to read as follows:

An ambulance ((~~operator, ambulance director, aid vehicle operator or aid director~~)) service or aid service may not operate ((~~a service~~)) in the state of Washington without holding a license for such operation, issued by the secretary when such operation is consistent with

the state-wide and regional emergency medical services and trauma care plans established pursuant to chapter 70.168 RCW, indicating the general area to be served and the number of vehicles to be used, with the following exceptions:

(1) The United States government;

(2) Ambulance ((~~operators and ambulance directors~~)) services providing service in other states when bringing patients into this state;

(3) Owners of businesses in which ambulance or aid vehicles are used exclusively on company property but occasionally in emergencies may transport patients to hospitals not on company property; and

(4) Operators of vehicles pressed into service for transportation of patients in emergencies when licensed ambulances are not available or cannot meet overwhelming demand.

The license shall be valid for a period of two years and shall be renewed on request provided the holder has consistently complied with the regulations of the department and the department of licensing and provided also that the needs of the area served have been met satisfactorily. The license shall not be transferable and may be revoked if the service is found in violation of rules adopted by the department.

Sec. 19. RCW 18.73.140 and 1992 c 128 s 3 are each amended to read as follows:

The secretary shall issue an ambulance or aid vehicle license for each vehicle so designated. The license shall be for a period of two years and may be reissued on expiration if the vehicle and its equipment meet requirements in force at the time of expiration of the license period. The license may be revoked if the ambulance or aid vehicle is found to be operating in violation of the regulations promulgated by the department or without required equipment. The license shall be terminated automatically if the vehicle is sold or transferred to the control of ((~~anyone~~)) any organization not currently licensed as an ambulance or aid vehicle ((~~operator or director~~)) service. The license number shall be prominently displayed on each vehicle.

Sec. 20. RCW 70.168.020 and 1990 c 269 s 5 are each amended to read as follows:

(1) There is hereby created an emergency medical services and trauma care steering committee composed of representatives of individuals knowledgeable in emergency medical services and trauma care, including emergency medical providers such as physicians, nurses, hospital personnel, emergency medical technicians, paramedics, ambulance ((~~operators~~)) services, a member of the emergency medical services licensing and certification advisory committee, local government officials, state officials, consumers, and persons affiliated professionally with health science schools. The governor shall appoint members of the steering committee. Members shall be appointed for a period of three years. The department shall provide administrative support to the committee. All appointive members of the committee, in the performance of their duties, may be entitled to receive travel expenses as provided in RCW 43.03.050 and 43.03.060. The governor may remove members from the committee who have three unexcused absences from committee meetings. The governor shall fill any vacancies of the committee in a timely manner. The terms of those members representing the same field shall not expire at the same time.

The committee shall elect a chair and a vice-chair whose terms of office shall be for one year each. The chair shall be ineligible for reelection after serving four consecutive terms.

The committee shall meet on call by the governor, the secretary, or the chair.

(2) The emergency medical services and trauma care steering committee shall:

(a) Advise the department regarding emergency medical services and trauma care needs throughout the state.

(b) Review the regional emergency medical services and trauma care plans and recommend changes to the department before the department adopts the plans.

(c) Review proposed departmental rules for emergency medical services and trauma care.

(d) Recommend modifications in rules regarding emergency medical services and trauma care.

Sec. 21. RCW 71.12.455 and 1977 ex.s. c 80 s 43 are each amended to read as follows:

As used in this chapter, "establishment" and "institution" mean and include every private hospital, sanitarium, home, or other place receiving or caring for any mentally ill, ((~~or~~)) mentally incompetent person, or ((~~alcoholic~~)) chemically dependent person.

Sec. 22. RCW 71.12.460 and 1989 1st ex.s. c 9 s 226 are each amended to read as follows:

No person, association, or corporation, shall establish or keep, for compensation or hire, an establishment as defined in this chapter without first having obtained a license therefor from the department of health, complied with rules adopted under this chapter, and ((~~having~~)) paid the license fee provided in this chapter. Any person who carries on, conducts, or attempts to carry on or conduct an establishment as defined in this chapter without first having obtained a license from the department of health, as in this chapter provided, is guilty of a misdemeanor and on conviction thereof shall be punished by imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment. The managing and executive officers of any corporation violating the provisions of this chapter shall be liable under the provisions of this chapter in the same manner and to the same effect as a private individual violating the same.

Sec. 23. RCW 71.12.470 and 1987 c 75 s 19 are each amended to read as follows:

Every application for a license shall be accompanied by a plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of grounds appurtenant thereto, and the number of patients proposed to be received therein, with such other information, and in such form, as the department of health requires. The application shall be accompanied by the proper license fee. The amount of the license fee shall be established by the department of health under RCW ((~~43.20B.110~~)) 43.70.110.

Sec. 24. RCW 71.12.480 and 1989 1st ex.s. c 9 s 227 are each amended to read as follows:

The department of health shall not grant any such license until it has made an examination of all phases of the operation of the establishment necessary to determine compliance with rules adopted under this chapter including the premises proposed to be licensed and is satisfied that ((~~they~~)) the premises are substantially as described, and are otherwise fit and suitable for the purposes for which they are designed to be used, and that such license should be granted.

Sec. 25. RCW 71.12.500 and 1989 1st ex.s. c 9 s 230 and 1989 c 175 s 137 are each reenacted and amended to read as follows:

The department of health may at any time examine and ascertain how far a licensed establishment is conducted in compliance with this chapter, the rules adopted under this chapter, and the requirements of the license therefor. If the interests of the patients of the establishment so demand, the department may, for just and reasonable cause, suspend, modify, or revoke any such license. RCW ((~~43.20A.205~~)) 43.70.115 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

Sec. 26. RCW 71.12.510 and 1959 c 25 s 71.12.510 are each amended to read as follows:

The department of health may at any time cause any establishment as defined in this chapter to be visited and examined.

Sec. 27. RCW 71.12.520 and 1989 1st ex.s. c 9 s 231 are each amended to read as follows:

Each such visit may include an inspection of every part of each establishment. The representatives of the department of health may make an examination of all records, methods of administration, the general and special dietary, the stores and methods of supply, and may cause an examination and diagnosis to be made of any person confined therein. The representatives of the department of health may examine to determine their fitness for their duties the officers, attendants, and other employees, and may talk with any of the patients apart from the officers and attendants.

NEW SECTION. **Sec. 28.** A new section is added to chapter 71.12 RCW to read as follows:

The department of health shall adopt rules for the licensing, operation, and inspections of establishments and institutions and the enforcement thereof.

Sec. 29. RCW 18.46.005 and 1951 c 168 s 1 are each amended to read as follows:

The purpose of this chapter is to provide for the development, establishment, and enforcement of standards for the maintenance and operation of ((~~maternity homes~~)) birthing centers, which, in the light of advancing knowledge, will promote safe and adequate care and treatment of the individuals therein.

Sec. 30. RCW 18.46.010 and 1991 c 3 s 100 are each amended to read as follows:

(1) ((~~"Maternity home"~~)) "Birthing center" or "childbirth center" means any ((~~home, place, hospital or institution in which facilities are maintained for the care of four or more women, not related by blood or marriage to the operator, during pregnancy or during or within ten days after delivery~~)) health facility, not part of a hospital or in a hospital, that provides facilities and staff to support a birth service to low-risk maternity clients: PROVIDED, HOWEVER, That this chapter shall not apply to any hospital approved by the American College of Surgeons, American Osteopathic Association, or its successor.

(2) ((~~"Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.~~

~~(3)~~)) "Department" means the state department of health.

(3) "Low-risk" means normal, uncomplicated prenatal course as determined by adequate prenatal care and prospects for a normal uncomplicated birth as defined by reasonable and generally accepted criteria of maternal and fetal health.

(4) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

Sec. 31. RCW 18.46.020 and 1951 c 168 s 3 are each amended to read as follows:

After July 1, 1951, no person shall operate a ((~~maternity home~~)) birthing center in this state without a license under this chapter.

Sec. 32. RCW 18.46.040 and 1987 c 75 s 5 are each amended to read as follows:

Upon receipt of an application for a license and the license fee, the licensing agency shall issue a license if the applicant and the ((~~maternity home facilities~~)) birthing center meet the requirements established under this chapter. A license, unless suspended or revoked, shall be renewable annually. Applications for renewal shall be on forms provided by the department and shall be filed in the department not less than ten days prior to its expiration. Each application for renewal shall be accompanied by a license fee as established by the department under RCW 43.20B.110. Each license shall be issued only for the premises and persons named in the application and shall not be transferable or assignable except with the written approval of the department. Licenses shall be posted in a conspicuous place on the licensed premises.

Sec. 33. RCW 18.46.060 and 1985 c 213 s 10 are each amended to read as follows:

The department, after consultation with representatives of ((~~maternity home~~)) birthing center operators, state medical association, Washington Osteopathic Association, state nurses association, state hospital association, state midwives association, and any other representatives as the department may deem necessary, shall adopt, amend, and promulgate such rules and regulations with respect to all ((~~maternity homes~~)) birthing centers in the promotion of safe and adequate medical and nursing care ((~~of inmates~~)) in the ((~~maternity home~~))

birthing center and the sanitary, hygienic, and safe condition of the ((~~maternity home~~)) birthing center in the interest of the health, safety, and welfare of the people.

Sec. 34. RCW 18.46.070 and 1951 c 168 s 8 are each amended to read as follows:

Any ((~~maternity home~~)) birthing center which is in operation at the time of promulgation of any applicable rules or regulations under this chapter shall be given a reasonable time, under the particular circumstances, not to exceed three months from the date of such promulgation, to comply with the rules and regulations established under this chapter.

Sec. 35. RCW 18.46.080 and 1951 c 168 s 9 are each amended to read as follows:

The department shall make or cause to be made an inspection and investigation of all ((~~maternity homes~~)) birthing centers, and every inspection may include an inspection of every part of the premises. The department may make an examination of all records, methods of administration, the general and special dietary and the stores and methods of supply. The ((~~board~~)) department may prescribe by regulation that any licensee or applicant desiring to make specified types of alteration or addition to its facilities or to construct new facilities shall before commencing such alterations, addition, or new construction submit plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with regulations and standards herein authorized. Necessary conferences and consultations may be provided.

Sec. 36. RCW 18.46.090 and 1951 c 168 s 10 are each amended to read as follows:

All information received by the department through filed reports, inspection, or as otherwise authorized under this chapter shall not be disclosed publicly in any manner as to identify individuals or ((~~maternity homes~~)) birthing centers except in a proceeding involving the question of licensure.

Sec. 37. RCW 18.46.110 and 1995 c 369 s 5 are each amended to read as follows:

Fire protection with respect to all ((~~maternity homes~~)) birthing centers to be licensed hereunder, shall be the responsibility of the chief of the Washington state patrol, through the director of fire protection, who shall adopt by reference, such recognized standards as may be applicable to nursing homes, places of refuge, and ((~~maternity homes~~)) birthing centers for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the chief of the Washington state patrol, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make an inspection of the ((~~maternity home~~)) birthing center to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the chief of the Washington state patrol, through the director of fire protection, he or she shall promptly make a written report to the department as to the manner in which the premises may qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, applicant or licensee shall notify the chief of the Washington state patrol, through the director of fire protection, upon completion of any requirements made by him or her, and the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the ((~~maternity home~~)) birthing center to be licensed meets with the approval of the chief of the Washington state patrol, through the director of fire protection, he or she shall submit to the department, a written report approving same with respect to fire protection before a license can be issued. The chief of the Washington state patrol, through the director of fire protection, shall make or cause to be made such inspection of such ((~~maternity homes~~)) birthing centers as he or she deems necessary.

In cities which have in force a comprehensive building code, the regulation of which is equal to the minimum standards of the code for ((~~maternity homes~~)) birthing centers adopted by the chief of the Washington state patrol, through the director of fire protection, the building inspector and the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection and shall approve the premises before a license can be issued.

In cities where such building codes are in force, the chief of the Washington state patrol, through the director of fire protection, may, upon request by the chief fire official, or the local governing body, or of a taxpayer of such city, assist in the enforcement of any such code pertaining to ((~~maternity homes~~)) birthing centers.

Sec. 38. RCW 18.46.120 and 1951 c 168 s 13 are each amended to read as follows:

Any person operating or maintaining any ((~~maternity home~~)) birthing center without a license under this chapter shall be guilty of a misdemeanor. Each day of a continuing violation after conviction shall be considered a separate offense.

Sec. 39. RCW 18.46.130 and 1951 c 168 s 14 are each amended to read as follows:

Notwithstanding the existence or use of any other remedy, the department may in the manner provided by law, upon the advice of the attorney general who shall represent the department in all proceedings, maintain an action in the name of the state for an injunction or other process against any person to restrain or prevent the operation or maintenance of a ((~~maternity home~~)) birthing center not licensed under this chapter.

Sec. 40. RCW 18.46.140 and 1951 c 168 s 15 are each amended to read as follows:

Nothing in this chapter or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial and nursing care of ((~~residents or~~)) patients in any ((~~maternity home~~)) birthing center as defined in this chapter, conducted for or by members of a recognized religious sect, denomination, or organization which in accordance with its creed, tenets,

or principles depends for healing upon prayer in the practice of religion, nor shall the existence of any of the above conditions militate against the licensing of such ((~~home or institution~~)) facility.

Sec. 41. RCW 18.57A.070 and 1977 ex.s. c 233 s 1 are each amended to read as follows:

(((~~(1) The performance of acupuncture for the purpose of demonstration, therapy, or the induction of analgesia by a person licensed under this chapter shall be within the scope of practice authorized: PROVIDED, HOWEVER, That a person licensed to perform acupuncture under this section shall only do so under the direct supervision of a licensed osteopathic physician.~~

~~(2) The board shall determine the qualifications of a person authorized to perform acupuncture under subsection (1) of this section. In establishing a procedure for certification of such practitioners the board shall consider a license or certificate which acknowledges that the person has the qualifications to practice acupuncture issued by the government of the Republic of China (Taiwan), the Peoples' Republic of China, British Crown Colony of Hong Kong, Korea, Great Britain, France, the Federated Republic of Germany (West Germany), Italy, Japan, or any other country or state which has generally equivalent standards of practices of acupuncture as determined by the board as evidence of such qualification.~~

~~(3) As used in this section "acupuncture" means the insertion of needles into the human body by piercing the skin of the body for the purpose of relieving pain, treating disease, or to produce analgesia, or as further defined by rules and regulations of the board.~~)) Any physician assistant acupuncturist currently licensed as a physician assistant may continue to perform acupuncture under the physician assistant license as long as he or she maintains licensure as a physician assistant.

Sec. 42. RCW 18.84.020 and 1994 sp.s. c 9 s 505 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of health.

(2) "Secretary" means the secretary of health.

(3) "Licensed practitioner" means any licensed health care practitioner performing services within the person's authorized scope of practice.

(4) "Radiologic technologist" means an individual certified under this chapter, other than a licensed practitioner, who practices radiologic technology as a:

(a) Diagnostic radiologic technologist, who is a person who actually handles x-ray equipment in the process of applying radiation on a human being for diagnostic purposes at the direction of a licensed practitioner, this includes parenteral procedures related to radiologic technology when performed under the direct supervision of a physician licensed under chapter 18.71 or 18.57 RCW; or

(b) Therapeutic radiologic technologist, who is a person who uses radiation-generating equipment for therapeutic purposes on human subjects at the direction of a licensed practitioner, this includes parenteral procedures related to radiologic technology when performed under the direct supervision of a physician licensed under chapter 18.71 or 18.57 RCW; or

(c) Nuclear medicine technologist, who is a person who prepares radiopharmaceuticals and administers them to human beings for diagnostic and therapeutic purposes and who performs in vivo and in vitro detection and measurement of radioactivity for medical purposes at the direction of a licensed practitioner.

(5) "Approved school of radiologic technology" means a school of radiologic technology approved by the council on medical education of the American medical association or a school found to maintain the equivalent of such a course of study as determined by the department. Such school may be operated by a medical or educational institution, and for the purpose of providing the requisite clinical experience, shall be affiliated with one or more general hospitals.

(6) "Radiologic technology" means the use of ionizing radiation upon a human being for diagnostic or therapeutic purposes.

(7) "Radiologist" means a physician certified by the American board of radiology or the American osteopathic board of radiology.

(8) "Registered x-ray technician" means a person who is registered with the department, and who applies ionizing radiation at the direction of a licensed practitioner and who does not perform parenteral procedures.

NEW SECTION. **Sec. 43.** The following acts or parts of acts are each repealed:

(1) RCW 18.48.040 (Multiple facility operators--Registration) and 1996 c 81 s 3;

(2) RCW 18.83.910 (Examining board--Termination) and 1994 c 35 s 6, 1990 c 297 s 7, 1988 c 288 s 8, 1986 c 27 s 11, 1985 c 7 s 109, & 1984 c 279 s 94; and

(3) RCW 18.83.911 (Examining board--Repeal) and 1994 c 35 s 7 & 1990 c 297 s 8.

NEW SECTION. **Sec. 44.** Sections 1 and 3 of this act expire January 1, 2003.

NEW SECTION. **Sec. 45.** Sections 2 and 4 of this act take effect January 1, 2003."

MOTION

On motion of Senator Thibaudeau, the following amendment by Senators Thibaudeau, Deccio and Wojahn to the Committee on Health and Long-Term Care striking amendment was adopted:

On page 26, after line 38 of the amendment, insert the following:

"**Sec. 43.** RCW 18.89.140 and 1997 c 334 s 11 are each amended to read as follows:

Licenses shall be renewed according to administrative procedures, administrative requirements, continuing education requirements, and fees determined by the secretary under RCW 43.70.250 and 43.70.280. A minimum of thirty hours of continuing education approved by the secretary must be completed every two years to meet the continuing education requirements under this section."

Renumber the remaining sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the Committee on Health and Long-Term Care striking amendment, as amended, to House Bill No. 2452.

The motion by Senator Thibaudeau carried and the committee striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Thibaudeau, the following title amendments were considered simultaneously and were adopted:

On page 1, line 3 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 18.35.240, 18.35.240, 18.35.250, 18.35.250, 18.48.020, 18.52.030, 18.83.135, 18.92.013, 18.92.015, 18.92.030, 18.92.060, 18.92.125, 18.92.140, 18.92.145, 18.120.020, 18.73.030, 18.73.101, 18.73.130, 18.73.140, 70.168.020, 71.12.455, 71.12.460, 71.12.470, 71.12.480, 71.12.510, 71.12.520, 18.46.005, 18.46.010, 18.46.020, 18.46.040, 18.46.060, 18.46.070, 18.46.080, 18.46.090, 18.46.110, 18.46.120, 18.46.130, 18.46.140, 18.57A.070, and 18.84.020; reenacting and amending RCW 71.12.500; adding a new section to chapter 71.12 RCW; repealing RCW 18.48.040, 18.83.910, and 18.83.911; providing an effective date; and providing an expiration date."

On page 27, line 25 of the title amendment, after "18.57A.070," strike "and 18.84.020" and insert "18.84.020, and 18.89.140"

On motion of Senator Thibaudeau, the rules were suspended, House Bill No. 2452, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2452, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2452, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Bauer, Finkbeiner, Sellar and Swecker - 4.

HOUSE BILL NO. 2452, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2334, by Representatives Gombosky, DeBolt and Poulsen

Modifying electric utility net-metering systems.

The bill was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Engrossed House Bill No. 2334 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2334.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2334 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Bauer, Finkbeiner, Sellar and Swecker - 4.

ENGROSSED HOUSE BILL NO. 2334, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Prentice was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2338, by House Committee on Natural Resources (originally sponsored by Representatives Alexander, Regala, Haigh, Ruderman and Parlette (by request of Parks and Recreation Commission)

Allowing the parks and recreation commission to dispose of certain real property without an auction.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the following Committee on Natural Resources, Parks and Recreation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 79A.05 RCW to read as follows:

(1) Notwithstanding any other provision of this chapter, the commission may directly dispose of up to ten contiguous acres of real property, without public auction, to resolve trespass, property ownership disputes, and boundary adjustments with adjacent private property owners. Real property to be disposed of under this section may be disposed of only after appraisal and for at least fair market value, and only if the transaction is in the best interest of the state. The commission shall cooperate with potential purchasers to arrive at a mutually agreeable sales price. If necessary, determination of fair market value may include the use of separate independent appraisals by each party and the review of the appraisals, as agreed upon by the parties. All conveyance documents shall be executed by the governor. All proceeds from the disposal of the property shall be paid into the park land acquisition account. No disposal of real property may be made without the unanimous consent of the commission.

(2) Prior to the disposal of any real property under subsection (1) of this section, the commission shall hold a public hearing on the proposal in the county where the real property, or the greatest portion of the real property, is located. At least ten days, but not more than twenty-five days, prior to the hearing, the commission shall publish a paid public notice of reasonable size in display advertising form, setting forth the date, time, and place of the hearing, at least once in one or more daily newspapers of general circulation in the county and at least once in one or more weekly newspapers circulated in the area where the real property is located. A news release concerning the public hearing must be disseminated among print and electronic media in the area where the real property is located. The public notice and news release shall also identify the real property involved in the proposed disposal and describe the purpose of the proposed disposal. A summary of the testimony presented at the public hearing shall be prepared for the commission's consideration when reviewing the proposed disposal of real property.

(3) If there is a failure to substantially comply with the procedures set out under this section, then the agreement to dispose of the real property is subject to being declared invalid by a court of competent jurisdiction. Such a suit must be brought within one year of the date of the real property disposal agreement."

MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 1 of the title, after "property;" strike the remainder of the title and insert "and adding a new section to chapter 79A.05 RCW."

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 2338, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2338, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2338, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Brown, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senator Costa - 1.

Excused: Senators Bauer, Finkbeiner, Prentice, Sellar and Swecker - 5.

SUBSTITUTE HOUSE BILL NO. 2338, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, Substitute House Bill No. 2513 and House Bill No. 2456, which were on the second reading calendar, were referred to the Committee on Rules.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

February 29, 2000

MR. PRESIDENT:

The House has passed:
SUBSTITUTE SENATE BILL NO. 5366,
SUBSTITUTE SENATE BILL NO. 5932,
SENATE BILL NO. 6237,
SENATE BILL NO. 6275,
SUBSTITUTE SENATE BILL NO. 6349,
SENATE BILL NO. 6366,
SENATE BILL NO. 6378,
SENATE BILL NO. 6429,
SENATE BILL NO. 6622,
SENATE BILL NO. 6642,
SUBSTITUTE SENATE BILL NO. 6643,
SENATE BILL NO. 6667,
SENATE BILL NO. 6678,
SUBSTITUTE SENATE BILL NO. 6687,
SENATE BILL NO. 6741,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8017,
SENATE JOINT MEMORIAL NO. 8019,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8026, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5366,
SUBSTITUTE SENATE BILL NO. 5932,
SENATE BILL NO. 6237,
SENATE BILL NO. 6275,
SUBSTITUTE SENATE BILL NO. 6349,
SENATE BILL NO. 6366,
SENATE BILL NO. 6378,
SENATE BILL NO. 6429,
SENATE BILL NO. 6622,
SENATE BILL NO. 6642,
SUBSTITUTE SENATE BILL NO. 6643,
SENATE BILL NO. 6667,
SENATE BILL NO. 6678,
SUBSTITUTE SENATE BILL NO. 6687,
SENATE BILL NO. 6741,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8017,
SENATE JOINT MEMORIAL NO. 8019,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8026.

MOTION

At 4:53 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Thursday, March 2, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIFTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 2, 2000

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Costa, Finkbeiner, Haugen, Heavey, McDonald, Patterson, Sellar, Tim Sheldon and Thibaudeau. On motion of Senator Honeyford, Senator Sellar was excused. On motion of Senator Franklin, Senators Haugen and Tim Sheldon were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jessica Suepke and Elgin Demetrius Grant, presented the Colors. Mary Lynne Reiner of the Temple Beth Hatfiloh, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

INTRODUCTION AND FIRST READING

SB 6860 by Senators Roach, Rasmussen, McCaslin, Heavey, Morton, Benton, Rossi, Swecker, Stevens and Zarelli

AN ACT Relating to charges for surface water runoff; and amending RCW 36.89.080, 36.94.140, and 86.15.160.

Referred to Committee on Environmental Quality and Water Resources.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9054, Joe Bowen, as a member of the Human Rights Commission, was confirmed.

APPOINTMENT OF JOE BOWEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 7; Excused, 3.

Voting yea: Senators Benton, Brown, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 39.

Absent: Senators Bauer, Costa, Finkbeiner, Heavey, McDonald, Patterson and Thibaudeau - 7.

Excused: Senators Haugen, Sellar and Sheldon, T. - 3.

MOTION

On motion of Senator Zarelli, the following resolution was adopted:

SENATE RESOLUTION 2000-8739

By Senators Zarelli and Swecker

WHEREAS, The Washington State Senate supports excellence in all fields of human endeavor; and

WHEREAS, The members of the W.F. West High School boys' basketball team have exhibited outstanding academic and athletic skill by winning the Class 3A state academic championship; and

WHEREAS, To win the Class 3A state academic championship, the Bearcats achieved the top grade point average of all Class 3A boys' basketball teams in the state with a team average of 3.56;

WHEREAS, The W.F. West boys' basketball team, consisting of Eddie Arredondo, Josh Aselton, Kyle Aselton, Keegan Fulton, Scott McCain, Nick Rambo, Brian Rash, Jordan Rinta, Kelly Ross, Sawyer Smith, Kyle State, and Phillip Thompson, achieved this academic excellence; and

WHEREAS, The Bearcat boys' basketball team benefitted from the leadership and support of Principal Dr. Linda Smith, Athletic Director Don Conway, Coach Dale Leach, and assistant coaches Ed Simmons, Rob Sandy, and Ken Hotsko in their bid for academic and athletic excellence; and

WHEREAS, The team and its leadership have brought distinction and pride to W.F. West High School, its students, its supporters, and the entire Chehalis community;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and congratulate the 1999-2000 W.F. West High School boys' basketball team for its hard work, dedication to academic and athletic excellence, and maturity in achieving this recognition; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the principal of W.F. West High School and to the members and coaching staff of the 1999-2000 W.F. West High School boys' basketball team.

Senators Zarelli and Swecker spoke to Senate Resolution 2000-8739.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the members and coaches of the W. F. West High School Class 3A Boys' Basketball State Academic Champions from Chehalis, who were seated in the gallery.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the sixth order of business.

MOTION

On motion of Senator Franklin, Senator Heavey was excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Betti Sheldon, Gubernatorial Appointment No. 9247, Russell D. Hauge, as a member of the Sentencing Guidelines Commission, was confirmed.

Senators Betti Sheldon and Oke spoke to the confirmation of Russell D. Hauge as a member of the Sentencing Guidelines Commission.

APPOINTMENT OF RUSSELL D. HAUGE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 4; Excused, 2.

Voting yea: Senators Benton, Brown, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald,

Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senators Bauer, Costa, Patterson and Thibaudeau - 4.

Excused: Senators Heavey and Sellar - 2.

MOTION

On motion of Senator Franklin, Senator Patterson was excused.

MOTION

On motion of Senator Loveland, Gubernatorial Appointment No. 9291, David Shaw, as a member of the Academic Achievement and Accountability Commission, was confirmed.

Senators Loveland and Hale spoke to the confirmation of David Shaw as a member of the Academic Achievement and Accountability Commission.

APPOINTMENT OF DAVID SHAW

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Patterson and Sellar - 2.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Eide, the following resolution was adopted:

SENATE RESOLUTION 2000-8746

By Senators Benton, Morton, Rossi, Oke, Eide, Deccio, Johnson and McAuliffe

WHEREAS, The 2000 Prudential Spirit of Community Award, presented by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Paul Gordon, 18, of Redmond and Brett Byrd, 13, of Camas were named Washington's top two youth volunteers for the Year 2000 in The Prudential Spirit of Community Awards; and

WHEREAS, Paul Gordon, a senior at Mount Si High School raised $24,000 individually, for a total of $90,000, to help pay for a young boy's liver transplant and has created the Paul Gordon Children's Fund to assist underprivileged children with medical costs, and has become a national spokesperson for the National Transplant Assistance Fund, for which he speaks to others about the importance of organ donation; and

WHEREAS, Brett Byrd, a seventh-grader at Skyridge Middle School, produced concerts featuring his rock and roll band, along with his brother Cameron, to honor his mother's memory, and raised nearly $70,000 to provide mammograms for women who cannot afford them, and hopes to eventually raise one million dollars to help in the fight against breast cancer; and

WHEREAS, Cameron Byrd, Lindsay O'Neal, Timothy Pilgrim, Jesse Rowe, Wynne Scherf, and Amanda Solano were recognized as Distinguished Finalists for their impressive community service activities; and

WHEREAS, Cameron Byrd, 15, of Camas, a ninth-grader at Skyridge Middle School, raised nearly $70,000 for breast cancer screenings by performing in a rock and roll band with his brother, Brett; and

WHEREAS, Lindsay O'Neal, 17, of Federal Way, a senior at Federal Way High School, helps organize a weekly breakfast at her church, with funds going to support various church and community programs; and

WHEREAS, Timothy Pilgrim, 17, of Kent, a senior at Kentwood High School, developed and directs a math tutoring program at his school that has assisted 50 students with their studies; and

WHEREAS, Jesse Rowe, 16, of Port Orchard, a sophomore at Explorer Academy, helped create an educational brochure about date violence for the Planned Parenthood Dating Violence Workforce; and

WHEREAS, Wynne Scherf, 18, of Metaline Falls, a member of the WSU/Pend Oreille County 4-H, a senior at Selkirk High School, coordinated a blood, food, and clothing drive to benefit the needy in her community; and

WHEREAS, Amanda Solano, 17, of Selah, a senior at Selah High School, planned and implemented a drug and alcohol awareness presentation that included a mock car crash witnessed by the entire student body; and

WHEREAS, The success of the state of Washington, the strength of our communities, and the overall vitality of American society depend in great measure, upon the dedication of young people like Paul Gordon, Brett Byrd, Cameron Byrd, Lindsay O'Neal, Timothy Pilgrim, Jesse Rowe, Wynne Scherf, and Amanda Solano, who use their considerable talents and resources to serve others;

NOW, THEREFORE, BE IT RESOLVED, That the Senate congratulate and honor Paul Gordon, Brett Byrd, Cameron Byrd, Lindsay O'Neal, Timothy Pilgrim, Jesse Rowe, Wynne Scherf, and Amanda Solano as recipients of Prudential Spirit of Community Awards, recognize their outstanding records of volunteer service, peer leadership, and community spirit, and extend best wishes for their continued success and happiness; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Paul Gordon, Brett Byrd, Cameron Byrd, Lindsay O'Neal, Timothy Pilgrim, Jesse Rowe, Wynne Scherf, and Amanda Solano.

Senators Eide, Johnson, Benton, Deccio, Rossi and Oke spoke to Senate Resolution 2000-8746.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced and thanked the Year 2000 Prudential Spirit of Community Award volunteers, who were seated in the gallery.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator McAuliffe, Gubernatorial Appointment No. 9242, Jose E. Gaitan, as a member of the Academic Achievement and Accountability Commission, was confirmed.

APPOINTMENT OF JOSE E. GAITAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Deccio - 1.

Excused: Senators Patterson and Sellar - 2.

MOTION

At 9:49 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:13 a.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

March 1, 2000

MR. PRESIDENT:

The House has passed:
SUBSTITUTE SENATE BILL NO. 5330,
SENATE BILL NO. 6121,
SENATE BILL NO. 6160,
SUBSTITUTE SENATE BILL NO. 6233,
SENATE BILL NO. 6285,
SUBSTITUTE SENATE BILL NO. 6351,
SUBSTITUTE SENATE BILL NO. 6357,
SUBSTITUTE SENATE BILL NO. 6382,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6389,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6683,
SENATE BILL NO. 6748, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

March 1, 2000

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 6123,
SENATE BILL NO. 6251, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

March 1, 2000

MR. PRESIDENT:

The House has passed:
SUBSTITUTE SENATE BILL NO. 6740,
SENATE BILL NO. 6770,
SENATE JOINT MEMORIAL NO. 8022,
SENATE JOINT MEMORIAL NO. 8027,
SENATE JOINT RESOLUTION NO. 8214, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5330,
SENATE BILL NO. 6121,
SENATE BILL NO. 6123,
SENATE BILL NO. 6160,
SUBSTITUTE SENATE BILL NO. 6233,
SENATE BILL NO. 6251,
SENATE BILL NO. 6285,
SUBSTITUTE SENATE BILL NO. 6351,
SUBSTITUTE SENATE BILL NO. 6357,
SUBSTITUTE SENATE BILL NO. 6382,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6389,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6683,
SUBSTITUTE SENATE BILL NO. 6740,
SENATE BILL NO. 6748,
SENATE BILL NO. 6770,
SENATE JOINT MEMORIAL NO. 8022,
SENATE JOINT MEMORIAL NO. 8027,
SENATE JOINT RESOLUTION NO. 8214.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2406, by House Committee on Natural Resources (originally sponsored by Representatives Regala and Buck)

Changing salmon recovery provisions.

The bill was read the second time.

MOTION

Senator Jacobsen moved that the following Committee on Natural Resources, Parks and Recreation striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 75.46.010 and 1998 c 246 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Critical pathways methodology" means a project scheduling and management process for examining interactions between habitat projects and salmonid species, prioritizing habitat projects, and assuring positive benefits from habitat projects.

(3) "Habitat project list" is the list of projects resulting from the critical pathways methodology under RCW 75.46.070(2) that shall receive consideration for funding by the salmon recovery funding board. Each project on the list must have a written agreement from the landowner on whose land the project will be implemented, and must be based on the limiting factors analysis conducted in RCW 75.46.070 when completed.

(4) "Habitat projects" or "projects" include but are not limited to habitat restoration projects, habitat protection projects, habitat projects that improve water quality, habitat projects that protect water quality, habitat-related mitigation projects, fish passage barrier correction projects, fish screening projects, projects that accelerate the recovery process such as supplementation of wild stocks, projects that include the use of side channels, off-stream rearing enhancement, improvement in overwintering habitat, or use of acclimation ponds, and habitat project corrective maintenance and monitoring activities.

(((~~4~~))) (5) "Habitat work schedule" means ((~~those projects from the habitat project list that will be implemented during the current funding cycle~~)) development of a table of completed, active, and potential projects as a basis for critical pathways methodology analysis. The schedule shall also include ((~~a list of the entities and individuals implementing projects,~~)) the estimated start date, duration, ((~~estimated~~)) date of completion, ((~~estimated~~)) cost, affected salmonid species, and funding sources for the projects.

(((~~5~~))) (6) "Limiting factors" means conditions that limit the ability of habitat to fully sustain populations of salmon. ((~~These factors are primarily fish passage barriers and degraded estuarine areas, riparian corridors, stream channels, and wetlands.~~

~~(6)~~)) (7) "Project sponsor" is a county, city, special district, tribal government, state agency, a combination of such governments through interlocal or interagency agreement((~~s provided under chapter 39.34 RCW~~)), a nonprofit organization, or one or more private citizens.

(((~~7~~))) (8) "Salmon" includes all species of the family Salmonidae which are capable of self-sustaining, natural production except for Atlantic salmon.

(((~~8~~))) (9) "Salmon recovery plan" means a state plan developed in response to a proposed or actual listing under the federal endangered species act that addresses limiting factors including, but not limited to harvest, hatchery, hydropower, habitat, and other factors of decline.

(((~~9~~))) (10) "Salmon recovery activities" or "activities" includes but is not limited to habitat protection or restoration activities by local governments, tribes, other public entities, and private entities. The activities must have as a principal purpose the protection and restoration of salmonid populations. Salmon recovery activities may include, but are not limited to: Preparation of stream corridor guidelines, programmatic permitting, preparation of geographic information system protocols, and the development of baseline hydrological data.

(11) "Tribe" or "tribes" means federally recognized Indian tribes.

(((~~10~~))) (12) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997.

(((~~11~~))) (13) "Owner" means the person holding title to the land or the person under contract with the owner to lease or manage the legal owner's property.

(14) "Board" means the salmon recovery funding board created in RCW 75.46.150.

(15) "Listed stocks" means salmon and trout stocks that are listed or proposed for listing as threatened or endangered under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq.

(16) "SASSI" means the salmon and steelhead stock inventory report and appendices.

(17) "SSHIAP" means the salmon and steelhead habitat inventory and assessment project.

Sec. 2. RCW 75.46.170 and 1999 sp.s. c 13 s 5 are each amended to read as follows:

(1) The (([~~salmon recovery funding~~])) board shall develop procedures and criteria for allocation of funds for salmon habitat projects and salmon recovery activities on a state-wide basis to address the highest priorities for salmon habitat protection and restoration. To the extent practicable the board shall adopt an annual allocation of funding. The allocation should address both protection and restoration of habitat, and should recognize the varying needs in each area of the state on an equitable basis. The board has the discretion to partially fund, or to fund in phases, salmon habitat projects. The board may annually establish a maximum amount of funding available for any individual project, subject to available funding. No projects required solely as a mitigation or a condition of permitting are eligible for funding.

(2)(a) In evaluating, ranking, and awarding funds for projects and activities the board shall give preference to projects that:

(i) Are based upon the limiting factors analysis identified under RCW 75.46.070;

(ii) Provide a greater benefit to salmon recovery based upon the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHIAP), and any comparable science-based assessment when available;

(iii) Will benefit listed species and other fish species; and

(iv) Will preserve high quality salmonid habitat.

(b) In evaluating, ranking, and awarding funds for projects and activities the board shall also give consideration to projects that:

(i) Are the most cost-effective;

(ii) Have the greatest matched or in-kind funding; and

(iii) Will be implemented by a sponsor with a successful record of project implementation.

(3) The board may reject, but not add, projects from a habitat project list submitted by a lead entity for funding.

(4) For fiscal year 2000, the board may authorize the interagency review team to evaluate, rank, and make funding decisions for categories of projects or activities or from funding sources provided for categories of projects or activities. In delegating such authority the board shall consider the review team's staff resources, procedures, and technical capacity to meet the purposes and objectives of this chapter. The board shall maintain general oversight of the team's exercise of such authority.

(5) The board shall seek the guidance of the technical review team to ensure that scientific principles and information are incorporated into the allocation standards and into proposed projects and activities. If the technical review team determines that a habitat project list complies with the critical pathways methodology under RCW 75.46.070, it shall provide substantial weight to the list's project priorities when making determinations among applications for funding of projects within the area covered by the list.

(6) The board shall establish criteria for determining when block grants may be made to a lead entity or other recognized regional recovery entity consistent with one or more habitat project lists developed for that region. Where a lead entity has been established pursuant to RCW 75.46.060, the board may provide grants to the lead entity to assist in carrying out lead entity functions under this chapter, subject to available funding. The board shall determine an equitable minimum amount of funds for each region, and shall distribute the remainder of funds on a competitive basis.

(7) The board may waive or modify portions of the allocation procedures and standards adopted under this section in the award of grants or loans to conform to legislative appropriations directing an alternative award procedure or when the funds to be awarded are from federal or other sources requiring other allocation procedures or standards as a condition of the board's receipt of the funds. The board shall develop an integrated process to manage the allocation of funding from federal and state sources to minimize delays in the award of funding while recognizing the differences in state and legislative appropriation timing.

(8) The board shall establish a time limit for the completion of projects that are awarded funds under this section. The time limit imposed by the board for completing projects shall provide for timely completion of projects but allow adequate time for projects that by their nature require multiple years to accomplish. The time limit may not exceed five years from the time the funds are awarded. The board shall not require the project sponsor to reapply to the board for these same funds in subsequent funding cycles within the time limit imposed by the board."

MOTION

Senator Jacobsen moved that the following amendment to the Committee on Natural Resources, Parks and Recreation striking amendment be adopted:

On page 2, on line 30 of the amendment, after "protocols," strike "and the development of baseline hydrological data" and insert "the development of baseline hydrological data, and project scoping, predesign, and engineering for fish passage, screening, and habitat restoration and acquisition projects"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Jacobsen on page 2, beginning on line 30 to the committee striking amendment.

The motion by Senator Jacobsen carried and the amendment to the committee striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Natural Resources, Parks and Recreation striking amendment, as amended, to Substitute House Bill No. 2406.

Debate ensued.

The motion by Senator Jacobsen carried and the committee striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Jacobsen the following title amendment was adopted:

On page 1, line 1 of the title, after "activities;" strike the remainder of the title and insert "and amending RCW 75.46.010 and 75.46.170."

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 2406, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2406, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2406, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senators Kline and Loveland - 2.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 2406, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2383, by Representatives Regala, G. Chandler, Anderson, Linville, Fisher, Scott, Kenney, Lovick, Haigh, Lantz, Wood, Santos, Edmonds and Ogden

Creating the aquatic nuisance species committee.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the following Committee on Natural Resources, Parks and Recreation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 75.24 RCW to read as follows:

(1) The aquatic nuisance species committee is created for the purpose of fostering state, federal, tribal, and private cooperation on aquatic nuisance species issues. The mission of the committee is to minimize the unauthorized or accidental introduction of nonnative aquatic species and give special emphasis to preventing the introduction and spread of aquatic nuisance species. The term "aquatic nuisance species" means a nonnative aquatic plant or animal species that threatens the diversity or abundance of native species, the ecological stability of infested waters, or commercial, agricultural, or recreational activities dependent on such waters.

(2) The committee consists of representatives from each of the following state agencies: Department of fish and wildlife, department of ecology, department of agriculture, department of health, department of natural resources, Puget Sound water quality action team, state patrol, state noxious weed control board, and Washington sea grant program. The committee shall encourage and solicit participation by: Federally recognized tribes of Washington, federal agencies, Washington conservation organizations, environmental groups, and representatives from industries that may either be affected by the introduction of an aquatic nuisance species or that may serve as a pathway for their introduction.

(3) The committee has the following duties:

(a) Periodically revise the state of Washington aquatic nuisance species management plan, originally published in June 1998;

(b) Make recommendations to the legislature concerning how animals can be classified as aquatic nuisance species;

(c) Recommend to the state noxious weed control board that a plant be classified under the process designated by RCW 17.10.080 as an aquatic noxious weed;

(d) Coordinate education, research, regulatory authorities, monitoring and control programs, and participate in regional and national efforts regarding aquatic nuisance species;

(e) Consult with representatives from industries and other activities that may serve as a pathway for the introduction of aquatic nuisance species to develop practical strategies that will minimize the risk of new introductions; and

(f) Prepare a biennial report to the legislature with the first report due by December 1, 2001, making recommendations for better accomplishing the purposes of this chapter, and listing the accomplishments of this chapter to date.

(4) The committee shall accomplish its duties through the authority and cooperation of its member agencies. Implementation of all plans and programs developed by the committee shall be through the member agencies and other cooperating organizations."

MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 1 of the title, after "species;" strike the remainder of the title and insert "and adding a new section to chapter 75.24 RCW."

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 2383, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2383, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2383, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46. Absent: Senators Loveland and Snyder - 2. Excused: Senator Sellar - 1. SUBSTITUTE HOUSE BILL NO. 2383, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5243, deferred March 1, 2000, after Senator Kline moved that the bill be substituted and Senator Johnson challenged whether the bill was properly before the Senate.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order by Senator Johnson that the Senate is beyond the cutoff date established in Senate Concurrent Resolution No. 8421 to consider Senate Bills on the floor and that consideration of Second Substitute Senate Bill No. 5243 is therefore not in order, the President finds that the cutoff resolution exempts ‘matters necessary to implement budgets.’ The issue is whether Second Substitute Senate Bill No. 5243 is a measure necessary to implement a budget. Because there is confusion surrounding this issue as evidenced by prior rulings, the President begs the body’s patience as he speaks at some length in an attempt to provide some guidelines while responding to the point of order.

"Second Substitute Senate Bill No. 5243 is a measure which extends and expands the so-called linked deposit program. Under the linked deposit program, the state treasurer is directed to deposit an amount of short term surplus treasury funds with public depositories who agree to loan the amount deposited to qualifying loan applicants. The President notes that generally the treasurer is duty-bound under statute to maximize interest returns on short term surplus treasury funds. The linked deposit program directs the treasurer to discount interest otherwise received from public depositories participating in the loan program.

"The President reminds the body that he has not seen a budget this session. Therefore, the President is left to analyze the issue in this point of order in the abstract. For the following reasons, the President finds that

although he may be prepared to rule without first seeing a budget that a measure is necessary to implement a budget, this is not an instance in which he would do so.

"On the floor yesterday, Senator Kline argued that because Second Substitute Senate Bill No. 5243 concerns state revenues in the form of earned interest, the measure therefore necessarily concerned the budget. The President finds that having an effect on revenue does not by itself make a measure necessary to implement a budget. The President can envision a situation where a measure that increases state revenues in the face of a projected budget deficit could be a measure necessary to implement the budget. Second Substitute Senate Bill No. 5243 is not such a measure.

"Second Substitute Senate Bill No. 5243 would actually reduce state revenues otherwise available on deposited treasury funds. In prepared remarks, Senator Kline argues that this reduced revenue is, in essence, a subsidy to participating depositories and is therefore like a budgeted appropriation to those depositories. The President notes, however, that state budgets appropriate funds to state agencies, not to private individuals or entities directly. The President believes that Senator Johnson is correct when he argues that the linked deposit program came into existence in 1993, and has never been the subject of an appropriation in the budget. Under these circumstances, the President cannot rule in the abstract that Second Substitute Senate Bill No. 5243 is necessary to implement the budget, and Senator Johnson's point of order is well taken.

"Again, there may be instances in which to expedite the business before the body, the President would take notice of certain facts and rule before first seeing a budget that a measure is necessary to implement a budget. These might include but not necessarily be limited to the following:

1. The instance noted above concerning a revenue increase measure in the face of a projected budget deficit. This measure would be actually necessary to implement a budget. Others like those that follow might be technically necessary.

2. A measure extending or expanding a program that was actually funded in prior budgets. If such a measure failed to pass, the President could reasonably anticipate that a budget appropriation funding the extension or expansion of the program would lapse.

3. A measure creating a new program, which proposed program has received publicity such that the President could reasonably anticipate that a budget appropriation would lapse but for the passage of the measure.

4. A measure shifting a program from one agency to another or dividing an agency, which proposed shift or division has received publicity such that the President could reasonably anticipate that a budget appropriation would lapse but for the passage of the shift or division.

"The President appreciates the body's indulgence in this lengthy ruling. However, the President believes it is his responsibility to provide what guidance he can concerning the conduct of Senate business. .

"At this time, Second Substitute Senate Bill No. 5243 is not properly before the Senate."

The President ruled that Second Substitute Senate Bill No. 5243 is not properly before the Senate at this time.

MOTION

On motion of Senator Betti Sheldon, further consideration of Senate Bill No. 5243, which will hold its place on the second reading calendar, was deferred.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Goings, the following resolution was adopted:

SENATE RESOLUTION 2000-8717

By Senators Goings, Oke, Rasmussen, Franklin, Wojahn, Eide, Winsley, Roach and Swecker

WHEREAS, The annual Daffodil Festival is a cherished tradition for the people of Pierce County and the Northwest; and

WHEREAS, 2000 marks the Sixty-Seventh annual Daffodil Festival; and

WHEREAS, The Festival began in 1926 as a modest garden party in Sumner, and grew steadily each year until 1934 when flowers, which previously had been largely discarded in favor of daffodil bulbs, where used to decorate cars and bicycles for a short parade through Tacoma; and

WHEREAS, The Festival's 2000 events are ongoing, and will culminate in the April 15, 2000, Grand Floral Street Parade, winding its way from downtown Tacoma through the communities of Puyallup, Sumner, and Orting; and

WHEREAS, This year's Festival royalty includes princesses Dawn Ainslie, Washington High School; Bobett Babcock, Eatonville High School; Moriah Blake, LakesHigh School; Emily Chipps, Puyallup High School; Melissa Clapper, Clover Park High School; Mariana DeArmas, Lincoln High School; Brenna Foley, Curtis High School; Amy Hamel, Franklin Pierce High School; Anna Hasselblad, Wilson High School; Leslie Hauge, Fife High School; Cela Mamic, Rogers High School; Megan McFadden, Bethel High School; Sarah Norris, Sumner High School; Keli O'Neill, Orting High School;Amanda Orr, Stadium High School; Shanel Rodriguez, Spanaway Lake High School;
Erlene Schwenke, Mt. Tahoma High School; Tiye Smith, Henry Foss High School; and Rene Unap, Chief Leschi High School;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and honor the many contributions made to our state by the Daffodil Festival and its organizers for the past sixty-seven years; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted immediately by the Secretary of the Senate to the 2000 Daffodil Festival Officers and to the members of the Festival Royalty.

Senators Goings, Oke, Rasmussen, Franklin, Winsley, Eide and Wojahn spoke to Senate Resolution 2000-8717.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Daffodil Princess Anna Hasselblad and the queen mother, Karen Basket, who were seated on the rostrum

With permission of the Senate, business was suspended to permit Princess Anna to address the Senate.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Daffodil Royalty Princesses, who were seated in the gallery.

MOTION

On motion of Senator Snyder, Rule 15 was suspended for the day.

EDITOR'S NOTE - Rule 15 states: 'The Senate shall recess ninety minutes for lunch each working day. When reconvening on the same day, the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.

MOTION

At 11:52 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 1:10 p.m by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the sixth order of business.

MOTION

On motion of Senator Honeyford, Senators Deccio, Long and Sheahan were excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9012, Judge Marshall Forrest, as a member of the Gambling Commission, was confirmed.

APPOINTMENT OF JUDGE MARSHALL FORREST

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 7; Excused, 4. Voting yea: Senators Bauer, Benton, Brown, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Wojahn and Zarelli - 38.

Absent: Senators Costa, Hochstatter, Horn, McCaslin, Patterson, Shin and Winsley - 7.

Excused: Senators Deccio, Long, Sellar and Sheahan - 4.

SECOND READING

HOUSE BILL NO. 2595, by Representatives Ogden, Lovick, Hankins, Radcliff, Mitchell and Kagi

Authorizing entry of protection order information in the judicial information system.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the following Committee on Judiciary striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 26.50 RCW to read as follows:

The department of social and health services, in its discretion, may seek the relief provided in this chapter on behalf of and with the consent of any vulnerable adult as those persons are defined in RCW 74.34.020. Neither the department nor the state of Washington shall be liable for failure to seek relief on behalf of any persons under this section.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.34 RCW to read as follows:

(1) An order for protection of a vulnerable adult issued under this chapter which restrains the respondent or another person from committing acts of abuse, prohibits contact with the petitioner, excludes the person from any specified location, or prohibits the person from knowingly coming within, or knowingly remaining within a specified distance from a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(2) Whenever an order for protection of a vulnerable adult is issued under this chapter, and the respondent or person to be restrained knows of the order, a violation of a provision restraining the person from committing acts of abuse, prohibiting contact with the petitioner, excluding the person from any specified location, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, shall be punishable under RCW 26.50.110, regardless of whether the person is a family or household member as defined in RCW 26.50.010.

Sec. 3. RCW 10.31.100 and 1999 c 184 s 14 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (10) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW ((~~10.99.040(2), 10.99.050, 26.09.050, 26.09.060, 26.10.040, 26.10.115,~~)) 26.44.063, or chapter 10.99, 26.09, 26.10, 26.26 ((~~RCW, or chapter~~)), 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or ((~~of a provision~~)) excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW ((~~88.12.025~~)) 79A.60.040 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(9) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(10) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(11) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(12) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police officer acts in good faith and without malice.

Sec. 4. RCW 10.99.020 and 1997 c 338 s 53 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

(2) "Dating relationship" has the same meaning as in RCW 26.50.010.

(3) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

(a) Assault in the first degree (RCW 9A.36.011);

(b) Assault in the second degree (RCW 9A.36.021);

(c) Assault in the third degree (RCW 9A.36.031);

(d) Assault in the fourth degree (RCW 9A.36.041);

(e) Drive-by shooting (RCW 9A.36.045);

(f) Reckless endangerment (RCW 9A.36.050);

(g) Coercion (RCW 9A.36.070);

(h) Burglary in the first degree (RCW 9A.52.020);

(i) Burglary in the second degree (RCW 9A.52.030);

(j) Criminal trespass in the first degree (RCW 9A.52.070);

(k) Criminal trespass in the second degree (RCW 9A.52.080);

(l) Malicious mischief in the first degree (RCW 9A.48.070);

(m) Malicious mischief in the second degree (RCW 9A.48.080);

(n) Malicious mischief in the third degree (RCW 9A.48.090);

(o) Kidnapping in the first degree (RCW 9A.40.020);

(p) Kidnapping in the second degree (RCW 9A.40.030);

(q) Unlawful imprisonment (RCW 9A.40.040);

(r) Violation of the provisions of a restraining order, no-contact order, or protection order restraining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, ((~~or~~)) 26.26.138, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or section 2 of this act);

(s) ((~~Violation of the provisions of a protection order or no-contact order restraining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care (RCW 26.50.060, 26.50.070, 26.50.130, 10.99.040, or 10.99.050);~~

(~~t~~)) Rape in the first degree (RCW 9A.44.040);

((~~(u)~~)) (t) Rape in the second degree (RCW 9A.44.050);

((~~(v)~~)) (u) Residential burglary (RCW 9A.52.025);

((~~(w)~~)) (v) Stalking (RCW 9A.46.110); and

((~~(x)~~)) (w) Interference with the reporting of domestic violence (RCW 9A.36.150).

(4) "Victim" means a family or household member who has been subjected to domestic violence.

Sec. 5. RCW 26.09.050 and 1995 c 93 s 2 are each amended to read as follows:

(1) In entering a decree of dissolution of marriage, legal separation, or declaration of invalidity, the court shall determine the marital status of the parties, make provision for a parenting plan for any minor child of the marriage, make provision for the support of any child of the marriage entitled to support, consider or approve provision for the maintenance of either spouse, make provision for the disposition of property and liabilities of the parties, make provision for the allocation of the children as federal tax exemptions, make provision for any necessary continuing restraining orders including the provisions contained in RCW 9.41.800, make provision for the issuance within this action of the restraint provisions of a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW, and make provision for the change of name of any party.

(2) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((~~26.09~~)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(3) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section, in addition to the law enforcement information sheet or proof of service of the order, be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

Sec. 6. RCW 26.09.060 and 1995 c 246 s 26 are each amended to read as follows:

(1) In a proceeding for:

(a) Dissolution of marriage, legal separation, or a declaration of invalidity; or

(b) Disposition of property or liabilities, maintenance, or support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse; either party may move for temporary maintenance or for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained or enjoined, requiring him or her to notify the moving party of any proposed extraordinary expenditures made after the order is issued;

(b) Molesting or disturbing the peace of the other party or of any child;

(c) Going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child upon a showing of the necessity therefor;

(d) Knowingly coming within, or knowingly remaining within a specified distance from a specified location;

(e) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(4) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(5) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) The court may issue a temporary restraining order or preliminary injunction and an order for temporary maintenance or support in such amounts and on such terms as are just and proper in the circumstances. The court may in its discretion waive the filing of the bond or the posting of security.

(7) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or

prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((~~26.09~~)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(8) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(9) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final decree is entered, except as provided under subsection (10) of this section, or when the petition for dissolution, legal separation, or declaration of invalidity is dismissed;

(d) May be entered in a proceeding for the modification of an existing decree.

(10) Delinquent support payments accrued under an order for temporary support remain collectible and are not extinguished when a final decree is entered unless the decree contains specific language to the contrary. A support debt under a temporary order owed to the state for public assistance expenditures shall not be extinguished by the final decree if:

(a) The obligor was given notice of the state's interest under chapter 74.20A RCW; or

(b) The temporary order directs the obligor to make support payments to the office of support enforcement or the Washington state support registry.

Sec. 7. RCW 26.10.040 and 1995 c 93 s 3 are each amended to read as follows:

In entering an order under this chapter, the court shall consider, approve, or make provision for:

(1) Child custody, visitation, and the support of any child entitled to support;

(2) The allocation of the children as a federal tax exemption;

(3) Any necessary continuing restraining orders, including the provisions contained in RCW 9.41.800;

(4) A domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080;

(5) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((~~26.10~~)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST;

(6) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section, in addition to the law enforcement information sheet or proof of service of the order, be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

Sec. 8. RCW 26.10.115 and 1995 c 246 s 29 are each amended to read as follows:

(1) In a proceeding under this chapter either party may file a motion for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amount requested.

(2) In a proceeding under this chapter either party may file a motion for a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Molesting or disturbing the peace of the other party or of any child;

(b) Entering the family home or the home of the other party upon a showing of the necessity therefor;

(c) Knowingly coming within, or knowingly remaining within a specified distance from a specified location;

(d) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period not to

exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(4) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(5) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances.

(7) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((~~26.10~~)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(8) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(9) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final order is entered or when the motion is dismissed;

(d) May be entered in a proceeding for the modification of an existing order.

(10) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

Sec. 9. RCW 26.26.130 and 1997 c 58 s 947 are each amended to read as follows:

(1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship shall be determinative for all purposes.

(2) If the judgment and order of the court is at variance with the child's birth certificate, the court shall order that an amended birth certificate be issued.

(3) The judgment and order shall contain other appropriate provisions directed to the appropriate parties to the proceeding, concerning the duty of current and future support, the extent of any liability for past support furnished to the child if that issue is before the court, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment and order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement. The judgment and order may include a continuing restraining order or injunction. In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(4) The judgment and order shall contain the social security numbers of all parties to the order.

(5) Support judgment and orders shall be for periodic payments which may vary in amount. The court may limit the father's liability for the past support to the child to the proportion of the expenses already incurred as the court deems just. The court shall not limit or affect in any manner the right of nonparties including the state of Washington to seek reimbursement for support and other services previously furnished to the child.

(6) After considering all relevant factors, the court shall order either or both parents to pay an amount determined pursuant to the schedule and standards contained in chapter 26.19 RCW.

(7) On the same basis as provided in chapter 26.09 RCW, the court shall make residential provisions with regard to minor children of the parties, except that a parenting plan shall not be required unless requested by a party.

(8) In any dispute between the natural parents of a child and a person or persons who have (a) commenced adoption proceedings or who have been granted an order of adoption, and (b) pursuant to a court order, or placement by the department of social and health services or by a licensed agency, have had actual custody of the child for a period of one year or more before court action is commenced by the natural parent or parents, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody.

(9) In entering an order under this chapter, the court may issue any necessary continuing restraining orders, including the restraint provisions of domestic violence protection orders under chapter 26.50 RCW or antiharassment protection orders under chapter 10.14 RCW.

(10) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((~~26.26~~)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(11) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

Sec. 10. RCW 26.26.137 and 1995 c 246 s 32 are each amended to read as follows:

(1) If the court has made a finding as to the paternity of a child, or if a party's acknowledgment of paternity has been filed with the court, or a party alleges he is the father of the child, any party may move for temporary support for the child prior to the date of entry of the final order. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) Any party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any party from:

(a) Molesting or disturbing the peace of another party;

(b) Going onto the grounds of or entering the home, workplace, or school of another party or the day care or school of any child; or

(c) Knowingly coming within, or knowingly remaining within a specified distance from a specified location; or

(d) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(4) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((~~26.26~~)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(5) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

(6) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(7) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances. In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(8) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final order is entered or when the petition is dismissed; and

(d) May be entered in a proceeding for the modification of an existing order.

(9) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

Sec. 11. RCW 26.50.060 and 1999 c 147 s 2 are each amended to read as follows:

(1) Upon notice and after hearing, the court may provide relief as follows:

(a) Restrain the respondent from committing acts of domestic violence;

(b) Exclude the respondent from the dwelling which the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within a specified distance from a specified location;

(d) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;

(((~~(d)~~))) (e) Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;

(((~~(e)~~))) (f) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;

(((~~(f)~~))) (g) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee;

(((~~(g)~~))) (h) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

(((~~(h)~~))) (i) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

(((~~(i)~~))) (j) Consider the provisions of RCW 9.41.800;

(((~~(j)~~))) (k) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included; and

(((~~(k)~~))) (l) Order use of a vehicle.

(2) If a ((~~restraining~~)) protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09 or 26.26 RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date

and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123. If the court permits service by publication or mail, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in subsection (1)(f) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service, service by publication, or service by mail and whether the court has approved service by publication or mail of an order issued under this section.

(7) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

Sec. 12. RCW 26.50.070 and 1996 c 248 s 14 are each amended to read as follows:

(1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

(a) Restraining any party from committing acts of domestic violence;

(b) Restraining any party from going onto the grounds of or entering the dwelling that the parties share, from the residence, workplace, or school of the other, or from the day care or school of a child until further order of the court;

(c) Prohibiting any party from knowingly coming within, or knowingly remaining within a specified distance from a specified location;

(d) Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court;

(((~~(d)~~))) (e) Restraining any party from having any contact with the victim of domestic violence or the victim's children or members of the victim's household; and

(((~~(e)~~))) (f) Considering the provisions of RCW 9.41.800.

(2) Irreparable injury under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.

(3) The court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.

(4) An ex parte temporary order for protection shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123. The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication or by mail is permitted. Except as provided in RCW 26.50.050, 26.50.085, and 26.50.123, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

(5) Any order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a state-wide judicial information system by the clerk of the court within one judicial day after issuance.

(6) If the court declines to issue an ex parte temporary order for protection the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte order of protection shall be filed with the court.

Sec. 13. RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999 c 45 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW 10.95.020)

XV Homicide by abuse (RCW 9A.32.055)

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

XIV Murder 2 (RCW 9A.32.050)

XIII Malicious explosion 2 (RCW 70.74.280(2))

Malicious placement of an explosive 1 (RCW 70.74.270(1))

XII Assault 1 (RCW 9A.36.011)

Assault of a Child 1 (RCW 9A.36.120)

Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

Rape of a Child 1 (RCW 9A.44.073)

XI Manslaughter 1 (RCW 9A.32.060)

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

X Child Molestation 1 (RCW 9A.44.083)

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))

Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)

IX Assault of a Child 2 (RCW 9A.36.130)

Controlled Substance Homicide (RCW 69.50.415)

Explosive devices prohibited (RCW 70.74.180)

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW ((~~88.12.029~~)) 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

VIII Arson 1 (RCW 9A.48.020)

Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW ((~~88.12.029~~)) 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))

Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine (RCW 69.50.440)

Promoting Prostitution 1 (RCW 9A.88.070)

Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)

Child Molestation 2 (RCW 9A.44.086)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
Drive-by Shooting (RCW 9A.36.045)
Homicide by Watercraft, by disregard for the safety of others (RCW ((~~88.12.029~~)) 79A.60.050)
Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
Introducing Contraband 1 (RCW 9A.76.140)
Involving a minor in drug dealing (RCW 69.50.401(f))
Malicious placement of an explosive 3 (RCW 70.74.270(3))
Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
Bribery (RCW 9A.68.010)
Incest 1 (RCW 9A.64.020(1))
Intimidating a Judge (RCW 9A.72.160)
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))
Rape of a Child 3 (RCW 9A.44.079)
Theft of a Firearm (RCW 9A.56.300)

V Abandonment of dependent person 1 (RCW 9A.42.060)
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
Child Molestation 3 (RCW 9A.44.089)
Criminal Mistreatment 1 (RCW 9A.42.020)
Custodial Sexual Misconduct 1 (RCW 9A.44.160)
Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or section 2 of this act)
Extortion 1 (RCW 9A.56.120)
Extortionate Extension of Credit (RCW 9A.82.020)
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
Incest 2 (RCW 9A.64.020(2))
Kidnapping 2 (RCW 9A.40.030)
((~~On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Pretrial Condition (RCW 10.99.040(4) (b) and (c))~~
~~On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Sentence Condition (RCW 10.99.050(2))~~
~~On and after July 1, 2000: Protection Order Violation: Domestic Violence Civil Action (RCW 26.50.110 (4) and (5))~~
~~On and after July 1, 2000: Stalking (RCW 9A.46.110)~~))
Perjury 1 (RCW 9A.72.020)
Persistent prison misbehavior (RCW 9.94.070)
Possession of a Stolen Firearm (RCW 9A.56.310)
Rape 3 (RCW 9A.44.060)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Sexually Violating Human Remains (RCW 9A.44.105)
Stalking (RCW 9A.46.110)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW ((~~88.12.032~~)) 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury Accident (RCW 46.52.020(4))

Hit and Run with Vessel--Injury Accident (RCW ((~~88.12.155(3)~~)) 79A.60.200(3))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

Malicious Harassment (RCW 9A.36.080)

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicular Assault (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))

Malicious Injury to Railroad Property (RCW 81.60.070)

Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))

Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))

Patronizing a Juvenile Prostitute (RCW 9.68A.100)

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)

Theft of Livestock 2 (RCW 9A.56.080)

Unlawful Imprisonment (RCW 9A.40.040)
Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
Willful Failure to Return from Work Release (RCW 72.65.070)

II Computer Trespass 1 (RCW 9A.52.110)
Counterfeiting (RCW 9.16.035(3))
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
Escape from Community Custody (RCW 72.09.310)
Health Care False Claims (RCW 48.80.030)
Malicious Mischief 1 (RCW 9A.48.070)
Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
Possession of phencyclidine (PCP) (RCW 69.50.401(d))
Possession of Stolen Property 1 (RCW 9A.56.150)
Theft 1 (RCW 9A.56.030)
Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
Trafficking in Insurance Claims (RCW 48.30A.015)
Unlawful Practice of Law (RCW 2.48.180)
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
False Verification for Welfare (RCW 74.08.055)
Forged Prescription (RCW 69.41.020)
Forged Prescription for a Controlled Substance (RCW 69.50.403)
Forgery (RCW 9A.60.020)
Malicious Mischief 2 (RCW 9A.48.080)
Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))
Possession of Stolen Property 2 (RCW 9A.56.160)
Reckless Burning 1 (RCW 9A.48.040)
Taking Motor Vehicle Without Permission (RCW 9A.56.070)
Theft 2 (RCW 9A.56.040)
Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 14. RCW 9.94A.440 and 1999 c 322 s 6 and 1999 c 196 s 11 are each reenacted and amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

(i) It has not been enforced for many years; and

(ii) Most members of society act as if it were no longer in existence; and

(iii) It serves no deterrent or protective purpose in today's society; and

(iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimus Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

(a) STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid prefiling agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.120(8).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

Aggravated Murder

1st Degree Murder

2nd Degree Murder

1st Degree Kidnaping
1st Degree Assault
1st Degree Assault of a Child
1st Degree Rape
1st Degree Robbery
1st Degree Rape of a Child
1st Degree Arson
2nd Degree Kidnaping
2nd Degree Assault
2nd Degree Assault of a Child
2nd Degree Rape
2nd Degree Robbery
1st Degree Burglary
1st Degree Manslaughter
2nd Degree Manslaughter
1st Degree Extortion
Indecent Liberties
Incest
2nd Degree Rape of a Child
Vehicular Homicide
Vehicular Assault
3rd Degree Rape
3rd Degree Rape of a Child
1st Degree Child Molestation
2nd Degree Child Molestation
3rd Degree Child Molestation
2nd Degree Extortion
1st Degree Promoting Prostitution
Intimidating a Juror
Communication with a Minor
Intimidating a Witness
Intimidating a Public Servant
Bomb Threat (if against person)
3rd Degree Assault
3rd Degree Assault of a Child
Unlawful Imprisonment
Promoting a Suicide Attempt
Riot (if against person)
Stalking
Custodial Assault
((~~No-Contact Order-Domestic Violence Pretrial (RCW 10.99.040(4) (b) and (c))~~
~~No-Contact Order-Domestic Violence Sentence (RCW 10.99.050(2))~~
~~Protection Order-Domestic Violence Civil (RCW 26.50.110 (4) and (5))~~))
Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or section 2 of this act)
Counterfeiting (if a violation of RCW 9.16.035(4))

CRIMES AGAINST PROPERTY/OTHER CRIMES
2nd Degree Arson
1st Degree Escape
2nd Degree Burglary
1st Degree Theft
1st Degree Perjury
1st Degree Introducing Contraband

1st Degree Possession of Stolen Property
Bribery
Bribing a Witness
Bribe received by a Witness
Bomb Threat (if against property)
1st Degree Malicious Mischief
2nd Degree Theft
2nd Degree Escape
2nd Degree Introducing Contraband
2nd Degree Possession of Stolen Property
2nd Degree Malicious Mischief
1st Degree Reckless Burning
Taking a Motor Vehicle without Authorization
Forgery
2nd Degree Perjury
2nd Degree Promoting Prostitution
Tampering with a Witness
Trading in Public Office
Trading in Special Influence
Receiving/Granting Unlawful Compensation
Bigamy
Eluding a Pursuing Police Vehicle
Willful Failure to Return from Furlough
Escape from Community Custody
Riot (if against property)
Thefts of Livestock

ALL OTHER UNCLASSIFIED FELONIES

Selection of Charges/Degree of Charge

(i) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

(A) Will significantly enhance the strength of the state's case at trial; or

(B) Will result in restitution to all victims.

(ii) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

(A) Charging a higher degree;

(B) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

(b) GUIDELINES/COMMENTARY:

(i) Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

(A) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;

(B) The completion of necessary laboratory tests; and

(C) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

(ii) Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

(A) Probable cause exists to believe the suspect is guilty; and

(B) The suspect presents a danger to the community or is likely to flee if not apprehended; or

(C) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

(iii) Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

(A) Polygraph testing;

(B) Hypnosis;

(C) Electronic surveillance;

(D) Use of informants.

(iv) Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

(v) Pre-Filing Discussions with Victim(s)

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions.

Sec. 15. RCW 10.99.040 and 1997 c 338 s 54 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim. In issuing the order, the court shall consider the provisions of RCW 9.41.800. The no-contact order shall also be issued in writing as soon as possible.

(3) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

(4)(a) Willful violation of a court order issued under subsection (2) or (3) of this section is ((~~a gross misdemeanor except as provided in (b) and (c) of this subsection (4). Upon conviction and in addition to other penalties provided by law, the court may require that the defendant submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The court also may include a requirement that the defendant pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.~~

~~(b) Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable under chapter 9A.20 RCW, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony punishable under chapter 9A.20 RCW.~~

~~(c) A willful violation of a court order issued under this section is a class C felony if the offender has at least two previous convictions for violating the provisions of a no-contact order issued under this chapter, a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-state order that is comparable to a no-contact order or protection order issued under Washington law. The previous convictions may involve the same victim or other victims specifically protected by the no-contact orders or protection orders the offender violated~~)) punishable under RCW 26.50.110.

(((~~d~~))) (b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter ((~~10.99~~)) 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order." A certified copy of the order shall be provided to the victim. If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer-based criminal intelligence information system in this state which is used by law enforcement agencies to list outstanding warrants.

(5) Whenever an order prohibiting contact is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

Sec. 16. RCW 10.99.050 and 1997 c 338 s 55 are each amended to read as follows:

(1) When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant's ability to have contact with the victim, such condition shall be recorded and a written certified copy of that order shall be provided to the victim.

(2) Willful violation of a court order issued under this section is ((~~a gross misdemeanor. Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. A willful violation of a court order issued under this section is also a class C felony if the offender has at least two previous convictions for violating the provisions of a no-contact order issued under this chapter, or a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-state order that is comparable to a no-contact order or protection order that is issued under Washington law. The previous convictions may involve the same victim or other victims specifically protected by the no-contact orders or protection orders the offender violated~~)) punishable under RCW 26.50.110.

The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter ((~~10.99~~)) 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

(3) Whenever an order prohibiting contact is issued pursuant to this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

Sec. 17. RCW 26.09.300 and 1996 c 248 s 9 are each amended to read as follows:

(1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, is ((~~a misdemeanor~~)) punishable under RCW 26.50.110.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

Sec. 18. RCW 26.10.220 and 1999 c 184 s 11 are each amended to read as follows:

(1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, is ((~~a gross misdemeanor~~)) punishable under RCW 26.50.110.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

Sec. 19. RCW 26.26.138 and 1999 c 184 s 12 are each amended to read as follows:

(1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, is ((~~a gross misdemeanor~~)) punishable under RCW 26.50.110.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

Sec. 20. RCW 26.50.110 and 1996 c 248 s 16 are each amended to read as follows:

(1) Whenever an order ((~~for protection~~)) is granted under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, and the respondent or person to be restrained knows of the order, a violation of the restraint provisions, or of a provision excluding the person from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within a specified distance of a location, or of a provision of a foreign protection order specifically indicating that a violation will be a crime for which an arrest is required under RCW 10.31.100(2) (a) or (b), is a gross misdemeanor except as provided in subsections (4) and (5) of this section. Upon conviction, and in addition to any other penalties provided by law, the court may require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order ((~~for protection~~)) issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of ((~~a protective~~)) such an order ((~~issued under this chapter~~)) that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, is a class C felony if the offender has at least two previous convictions for violating the provisions of ((~~a no-contact~~)) an order issued under chapter 10.99 ((~~RCW, a domestic violence protection order issued under chapter 26.09, 26.10, or 26.26 RCW or this chapter, or any federal or out-of-state order that is comparable to a no-contact or protection order issued under Washington law~~)), 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020. The previous convictions may involve the same victim or other victims specifically protected by the ((~~no-contact orders or protection~~)) orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order ((~~for protection~~)) granted under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

Sec. 21. RCW 26.50.160 and 1995 c 246 s 18 are each amended to read as follows:

(1) To prevent the issuance of competing protection orders in different courts and to give courts needed information for issuance of orders, the judicial information system shall be available in each district, municipal, and superior court by July 1, 1997, and shall include a data base containing the following information:

(((~~(1)~~))) (a) The names of the parties and the cause number for every order of protection issued under this title, every criminal no-contact order issued under chapter 10.99 RCW, every antiharassment order issued under chapter 10.14 RCW, every dissolution action under chapter 26.09 RCW, every third-party custody action under chapter 26.10 RCW, ((~~and~~)) every parentage action under chapter ((~~26.10~~)) 26.26 RCW, every foreign protection order filed under chapter 26.52 RCW, and every order for protection of a vulnerable adult under chapter 74.34 RCW. When a guardian or the department of social and health services has

petitioned for relief on behalf of a vulnerable adult, the name of the vulnerable adult shall be included in the data base as a party rather than the guardian or department;

(((~~(2)~~))) (b) A criminal history of the parties; ((~~and~~

~~(3) Other relevant information necessary to assist courts in issuing orders under this chapter as determined by the judicial information system committee~~))

(c) The date of birth of the parties;

(d) The contact addresses of the parties. When collecting this information, each party must be given notice that the contact address becomes a public record and that the party may use an address other than the party's personal residence. Addresses assigned through the state's address confidentiality program under chapter 40.24 RCW may be used for this purpose; and

(e) Driver's license number and state of issue.

(2) In no case shall any other personally identifying information be entered into the data base.

Sec. 22. RCW 26.52.070 and 1999 c 184 s 9 are each amended to read as follows:

(1) Whenever a foreign protection order is granted to a person entitled to protection and the person under restraint knows of the foreign protection order, a violation of a provision prohibiting the person under restraint from contacting or communicating with another person, or of a provision excluding the person under restraint from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime, is ((~~a gross misdemeanor except as provided in subsections (3) and (4) of this section. Upon conviction, and in addition to any other penalties provided by law, the court may require the person under restraint to submit to electronic monitoring. The court shall specify who will provide the electronic monitoring services, and the terms under which the monitoring will be performed. The order also may include a requirement that the person under restraint pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring~~)) punishable under RCW 26.50.110.

(2) A peace officer shall arrest without a warrant and take into custody a person when the peace officer has probable cause to believe that a foreign protection order has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order that prohibits the person under restraint from contacting or communicating with another person, or a provision that excludes the person under restraint from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(((~~(3) An assault that is a violation of a valid foreign protection order that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and conduct in violation of a valid foreign protection order issued under this chapter that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.~~

~~(4) A violation of a valid foreign protection order is a class C felony if the offender has at least two previous convictions for violating the provisions of a no-contact order issued under chapter 10.99 RCW, a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or a federal or out-of-state order that is comparable to a no-contact or protection order issued under Washington law. The previous convictions may involve the same person entitled to protection or other person entitled to protection specifically protected by the no-contact orders or protection orders the offender violated.~~))

Sec. 23. RCW 74.34.130 and 1999 c 176 s 13 are each amended to read as follows:

The court may order relief as it deems necessary for the protection of the petitioner, including, but not limited to the following:

(1) Restraining respondent from committing acts of abandonment, abuse, neglect, or financial exploitation;

(2) Excluding the respondent from petitioner's residence for a specified period or until further order of the court;

(3) Prohibiting contact by respondent for a specified period or until further order of the court;

(4) Prohibiting the respondent from knowingly coming within, or knowingly remaining within a specified distance from a specified location;

(5) Requiring an accounting by respondent of the disposition of petitioner's income or other resources;

(((~~(5)~~))) (6) Restraining the transfer of property for a specified period not exceeding ninety days;

(((~~(6)~~))) (7) Requiring the respondent to pay the filing fee and court costs, including service fees, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee.

Any relief granted by an order for protection, other than a judgment for costs, shall be for a fixed period not to exceed one year. The clerk of the court shall enter any order for protection issued under this section into the judicial information system.

NEW SECTION. **Sec. 24.** Section 13 of this act takes effect July 1, 2000.

NEW SECTION. **Sec. 25.** The penalties prescribed in this act apply to violations of court orders which occur on or after July 1, 2000, regardless of the date the court issued the order."

MOTION

On motion of Senator Costa, the following striking amendment by Senators Costa, Heavey, Hargrove and Long was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 26.50 RCW to read as follows:

The department of social and health services, in its discretion, may seek the relief provided in this chapter on behalf of and with the consent of any vulnerable adult as those persons are defined in RCW 74.34.020. Neither the department nor the state of Washington shall be liable for failure to seek relief on behalf of any persons under this section.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.34 RCW to read as follows:

(1) An order for protection of a vulnerable adult issued under this chapter which restrains the respondent or another person from committing acts of abuse, prohibits contact with the petitioner, excludes the person from any specified location, or prohibits the person from knowingly coming within, or knowingly remaining within a specified distance from a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(2) Whenever an order for protection of a vulnerable adult is issued under this chapter, and the respondent or person to be restrained knows of the order, a violation of a provision restraining the person from committing acts of abuse, prohibiting contact with the petitioner, excluding the person from any specified location, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, shall be punishable under RCW 26.50.110, regardless of whether the person is a family or household member as defined in RCW 26.50.010.

Sec. 3. RCW 10.31.100 and 1999 c 184 s 14 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (10) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW ((~~10.99.040(2), 10.99.050, 26.09.050, 26.09.060, 26.10.040, 26.10.115,~~)) 26.44.063, or chapter 10.99, 26.09, 26.10, 26.26 ((~~RCW, or chapter~~)), 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or ((~~of a provision~~)) excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person

whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW ((~~88.12.025~~)) 79A.60.040 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(9) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(10) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(11) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(12) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police officer acts in good faith and without malice.

Sec. 4. RCW 10.99.020 and 1997 c 338 s 53 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

(2) "Dating relationship" has the same meaning as in RCW 26.50.010.

(3) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

(a) Assault in the first degree (RCW 9A.36.011);

(b) Assault in the second degree (RCW 9A.36.021);

(c) Assault in the third degree (RCW 9A.36.031);

(d) Assault in the fourth degree (RCW 9A.36.041);

(e) Drive-by shooting (RCW 9A.36.045);

(f) Reckless endangerment (RCW 9A.36.050);

(g) Coercion (RCW 9A.36.070);

(h) Burglary in the first degree (RCW 9A.52.020);

(i) Burglary in the second degree (RCW 9A.52.030);

(j) Criminal trespass in the first degree (RCW 9A.52.070);

(k) Criminal trespass in the second degree (RCW 9A.52.080);

(l) Malicious mischief in the first degree (RCW 9A.48.070);

(m) Malicious mischief in the second degree (RCW 9A.48.080);

(n) Malicious mischief in the third degree (RCW 9A.48.090);

(o) Kidnapping in the first degree (RCW 9A.40.020);

(p) Kidnapping in the second degree (RCW 9A.40.030);

(q) Unlawful imprisonment (RCW 9A.40.040);

(r) Violation of the provisions of a restraining order, no-contact order, or protection order restraining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, ((or)) 26.26.138, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or section 2 of this act);

(s) ((Violation of the provisions of a protection order or no-contact order restraining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care (RCW 26.50.060, 26.50.070, 26.50.130, 10.99.040, or 10.99.050);

(t))) Rape in the first degree (RCW 9A.44.040);

(((u))) (t) Rape in the second degree (RCW 9A.44.050);

(((v))) (u) Residential burglary (RCW 9A.52.025);

(((w))) (v) Stalking (RCW 9A.46.110); and

(((x))) (w) Interference with the reporting of domestic violence (RCW 9A.36.150).

(4) "Victim" means a family or household member who has been subjected to domestic violence.

Sec. 5. RCW 26.09.050 and 1995 c 93 s 2 are each amended to read as follows:

(1) In entering a decree of dissolution of marriage, legal separation, or declaration of invalidity, the court shall determine the marital status of the parties, make provision for a parenting plan for any minor child of the marriage, make provision for the support of any child of the marriage entitled to support, consider or approve provision for the maintenance of either spouse, make provision for the disposition of property and liabilities of the parties, make provision for the allocation of the children as federal tax exemptions, make provision for any necessary continuing restraining orders including the provisions contained in RCW 9.41.800, make provision for the issuance within this action of the restraint provisions of a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW, and make provision for the change of name of any party.

(2) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((26.09)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(3) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section, in addition to the law enforcement information sheet or proof of service of the order, be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

Sec. 6. RCW 26.09.060 and 1995 c 246 s 26 are each amended to read as follows:

(1) In a proceeding for:

(a) Dissolution of marriage, legal separation, or a declaration of invalidity; or

(b) Disposition of property or liabilities, maintenance, or support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse; either party may move for temporary maintenance or for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained or enjoined, requiring him or her to notify the moving party of any proposed extraordinary expenditures made after the order is issued;

(b) Molesting or disturbing the peace of the other party or of any child;

(c) Going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child upon a showing of the necessity therefor;

(d) Knowingly coming within, or knowingly remaining within a specified distance from a specified location;

(e) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(4) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(5) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) The court may issue a temporary restraining order or preliminary injunction and an order for temporary maintenance or support in such amounts and on such terms as are just and proper in the circumstances. The court may in its discretion waive the filing of the bond or the posting of security.

(7) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((~~26.09~~)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(8) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(9) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final decree is entered, except as provided under subsection (10) of this section, or when the petition for dissolution, legal separation, or declaration of invalidity is dismissed;

(d) May be entered in a proceeding for the modification of an existing decree.

(10) Delinquent support payments accrued under an order for temporary support remain collectible and are not extinguished when a final decree is entered unless the decree contains specific language to the contrary. A support debt under a temporary order owed to the state for public assistance expenditures shall not be extinguished by the final decree if:

(a) The obligor was given notice of the state's interest under chapter 74.20A RCW; or

(b) The temporary order directs the obligor to make support payments to the office of support enforcement or the Washington state support registry.

Sec. 7. RCW 26.10.040 and 1995 c 93 s 3 are each amended to read as follows:

In entering an order under this chapter, the court shall consider, approve, or make provision for:

(1) Child custody, visitation, and the support of any child entitled to support;

(2) The allocation of the children as a federal tax exemption;

(3) Any necessary continuing restraining orders, including the provisions contained in RCW 9.41.800;

(4) A domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080;

(5) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((~~26.10~~)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST;

(6) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section, in addition to the law enforcement information sheet or proof of service of the order, be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

Sec. 8. RCW 26.10.115 and 1995 c 246 s 29 are each amended to read as follows:

(1) In a proceeding under this chapter either party may file a motion for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amount requested.

(2) In a proceeding under this chapter either party may file a motion for a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Molesting or disturbing the peace of the other party or of any child;

(b) Entering the family home or the home of the other party upon a showing of the necessity therefor;

(c) Knowingly coming within, or knowingly remaining within a specified distance from a specified location;

(d) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(4) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(5) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances.

(7) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((~~26.10~~)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(8) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(9) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final order is entered or when the motion is dismissed;

(d) May be entered in a proceeding for the modification of an existing order.

(10) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final

proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

Sec. 9. RCW 26.26.130 and 1997 c 58 s 947 are each amended to read as follows:

(1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship shall be determinative for all purposes.

(2) If the judgment and order of the court is at variance with the child's birth certificate, the court shall order that an amended birth certificate be issued.

(3) The judgment and order shall contain other appropriate provisions directed to the appropriate parties to the proceeding, concerning the duty of current and future support, the extent of any liability for past support furnished to the child if that issue is before the court, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment and order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement. The judgment and order may include a continuing restraining order or injunction. In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(4) The judgment and order shall contain the social security numbers of all parties to the order.

(5) Support judgment and orders shall be for periodic payments which may vary in amount. The court may limit the father's liability for the past support to the child to the proportion of the expenses already incurred as the court deems just. The court shall not limit or affect in any manner the right of nonparties including the state of Washington to seek reimbursement for support and other services previously furnished to the child.

(6) After considering all relevant factors, the court shall order either or both parents to pay an amount determined pursuant to the schedule and standards contained in chapter 26.19 RCW.

(7) On the same basis as provided in chapter 26.09 RCW, the court shall make residential provisions with regard to minor children of the parties, except that a parenting plan shall not be required unless requested by a party.

(8) In any dispute between the natural parents of a child and a person or persons who have (a) commenced adoption proceedings or who have been granted an order of adoption, and (b) pursuant to a court order, or placement by the department of social and health services or by a licensed agency, have had actual custody of the child for a period of one year or more before court action is commenced by the natural parent or parents, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody.

(9) In entering an order under this chapter, the court may issue any necessary continuing restraining orders, including the restraint provisions of domestic violence protection orders under chapter 26.50 RCW or antiharassment protection orders under chapter 10.14 RCW.

(10) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((~~26.26~~)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(11) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

Sec. 10. RCW 26.26.137 and 1995 c 246 s 32 are each amended to read as follows:

(1) If the court has made a finding as to the paternity of a child, or if a party's acknowledgment of paternity has been filed with the court, or a party alleges he is the father of the child, any party may move for temporary support for the child prior to the date of entry of the final order. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) Any party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any party from:

(a) Molesting or disturbing the peace of another party;

(b) Going onto the grounds of or entering the home, workplace, or school of another party or the day care or school of any child; or

(c) Knowingly coming within, or knowingly remaining within a specified distance from a specified location; or

(d) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(4) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((~~26.26~~)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(5) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

(6) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(7) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances. In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(8) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final order is entered or when the petition is dismissed; and

(d) May be entered in a proceeding for the modification of an existing order.

(9) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

Sec. 11. RCW 26.50.060 and 1999 c 147 s 2 are each amended to read as follows:

(1) Upon notice and after hearing, the court may provide relief as follows:

(a) Restrain the respondent from committing acts of domestic violence;

(b) Exclude the respondent from the dwelling which the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within a specified distance from a specified location;

(d) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;

(((~~d~~))) (e) Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;

(((~~e~~))) (f) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;

(((~~f~~))) (g) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee;

(((~~g~~))) (h) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

(((~~h~~))) (i) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

(((~~i~~))) (j) Consider the provisions of RCW 9.41.800;

(((~~j~~))) (k) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included; and

(((~~k~~))) (l) Order use of a vehicle.

(2) If a ((~~restraining~~)) protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09 or 26.26 RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123. If the court permits service by publication or mail, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in subsection (1)(f) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service, service by publication, or service by mail and whether the court has approved service by publication or mail of an order issued under this section.

(7) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

Sec. 12. RCW 26.50.070 and 1996 c 248 s 14 are each amended to read as follows:

(1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

(a) Restraining any party from committing acts of domestic violence;

(b) Restraining any party from going onto the grounds of or entering the dwelling that the parties share, from the residence, workplace, or school of the other, or from the day care or school of a child until further order of the court;

(c) Prohibiting any party from knowingly coming within, or knowingly remaining within a specified distance from a specified location;

(d) Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court;

(((~~d~~))) (e) Restraining any party from having any contact with the victim of domestic violence or the victim's children or members of the victim's household; and

(((~~e~~))) (f) Considering the provisions of RCW 9.41.800.

(2) Irreparable injury under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.

(3) The court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.

(4) An ex parte temporary order for protection shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123. The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication or by mail is permitted. Except as provided in RCW 26.50.050, 26.50.085, and 26.50.123, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

(5) Any order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a state-wide judicial information system by the clerk of the court within one judicial day after issuance.

(6) If the court declines to issue an ex parte temporary order for protection the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte order of protection shall be filed with the court.

Sec. 13. RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999 c 45 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW 10.95.020)
XV Homicide by abuse (RCW 9A.32.055)
Malicious explosion 1 (RCW 70.74.280(1))
Murder 1 (RCW 9A.32.030)
XIV Murder 2 (RCW 9A.32.050)
XIII Malicious explosion 2 (RCW 70.74.280(2))
Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII Assault 1 (RCW 9A.36.011)
Assault of a Child 1 (RCW 9A.36.120)
Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
Rape 1 (RCW 9A.44.040)
Rape of a Child 1 (RCW 9A.44.073)
XI Manslaughter 1 (RCW 9A.32.060)
Rape 2 (RCW 9A.44.050)
Rape of a Child 2 (RCW 9A.44.076)
X Child Molestation 1 (RCW 9A.44.083)
Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
Kidnapping 1 (RCW 9A.40.020)
Leading Organized Crime (RCW 9A.82.060(1)(a))
Malicious explosion 3 (RCW 70.74.280(3))
Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
IX Assault of a Child 2 (RCW 9A.36.130)
Controlled Substance Homicide (RCW 69.50.415)
Explosive devices prohibited (RCW 70.74.180)
Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW ((~~88.12.029~~)) 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

VIII Arson 1 (RCW 9A.48.020)

Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW ((~~88.12.029~~)) 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))

Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine (RCW 69.50.440)

Promoting Prostitution 1 (RCW 9A.88.070)

Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)

Child Molestation 2 (RCW 9A.44.086)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW ((~~88.12.029~~)) 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Involving a minor in drug dealing (RCW 69.50.401(f))

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

V Abandonment of dependent person 1 (RCW 9A.42.060)

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)
Custodial Sexual Misconduct 1 (RCW 9A.44.160)
Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or section 2 of this act)
Extortion 1 (RCW 9A.56.120)
Extortionate Extension of Credit (RCW 9A.82.020)
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
Incest 2 (RCW 9A.64.020(2))
Kidnapping 2 (RCW 9A.40.030)
((~~On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Pretrial Condition (RCW 10.99.040(4) (b) and (c))~~
~~On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Sentence Condition (RCW 10.99.050(2))~~
~~On and after July 1, 2000: Protection Order Violation: Domestic Violence Civil Action (RCW 26.50.110 (4) and (5))~~
~~On and after July 1, 2000: Stalking (RCW 9A.46.110)~~))
Perjury 1 (RCW 9A.72.020)
Persistent prison misbehavior (RCW 9.94.070)
Possession of a Stolen Firearm (RCW 9A.56.310)
Rape 3 (RCW 9A.44.060)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Sexually Violating Human Remains (RCW 9A.44.105)
Stalking (RCW 9A.46.110)

IV Arson 2 (RCW 9A.48.030)
Assault 2 (RCW 9A.36.021)
Assault by Watercraft (RCW ((~~88.12.032~~)) 79A.60.060)
Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
Commercial Bribery (RCW 9A.68.060)
Counterfeiting (RCW 9.16.035(4))
Escape 1 (RCW 9A.76.110)
Hit and Run--Injury Accident (RCW 46.52.020(4))
Hit and Run with Vessel--Injury Accident (RCW ((~~88.12.155(3)~~)) 79A.60.200(3))
Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
Malicious Harassment (RCW 9A.36.080)
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))
Residential Burglary (RCW 9A.52.025)
Robbery 2 (RCW 9A.56.210)
Theft of Livestock 1 (RCW 9A.56.080)
Threats to Bomb (RCW 9.61.160)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Vehicular Assault (RCW 46.61.522)
Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)
Assault 3 (RCW 9A.36.031)
Assault of a Child 3 (RCW 9A.36.140)
Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))

Burglary 2 (RCW 9A.52.030)
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
Criminal Gang Intimidation (RCW 9A.46.120)
Criminal Mistreatment 2 (RCW 9A.42.030)
Custodial Assault (RCW 9A.36.100)
Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
Escape 2 (RCW 9A.76.120)
Extortion 2 (RCW 9A.56.130)
Harassment (RCW 9A.46.020)
Intimidating a Public Servant (RCW 9A.76.180)
Introducing Contraband 2 (RCW 9A.76.150)
Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))
Malicious Injury to Railroad Property (RCW 81.60.070)
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Perjury 2 (RCW 9A.72.030)
Possession of Incendiary Device (RCW 9.40.120)
Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
Promoting Prostitution 2 (RCW 9A.88.080)
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Securities Act violation (RCW 21.20.400)
Tampering with a Witness (RCW 9A.72.120)
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)
Theft of Livestock 2 (RCW 9A.56.080)
Unlawful Imprisonment (RCW 9A.40.040)
Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
Willful Failure to Return from Work Release (RCW 72.65.070)

II Computer Trespass 1 (RCW 9A.52.110)
Counterfeiting (RCW 9.16.035(3))
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
Escape from Community Custody (RCW 72.09.310)
Health Care False Claims (RCW 48.80.030)
Malicious Mischief 1 (RCW 9A.48.070)
Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
Possession of phencyclidine (PCP) (RCW 69.50.401(d))
Possession of Stolen Property 1 (RCW 9A.56.150)
Theft 1 (RCW 9A.56.030)
Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
Trafficking in Insurance Claims (RCW 48.30A.015)
Unlawful Practice of Law (RCW 2.48.180)
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
False Verification for Welfare (RCW 74.08.055)
Forged Prescription (RCW 69.41.020)
Forged Prescription for a Controlled Substance (RCW 69.50.403)
Forgery (RCW 9A.60.020)
Malicious Mischief 2 (RCW 9A.48.080)

Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission (RCW 9A.56.070)

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))

Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 14. RCW 9.94A.440 and 1999 c 322 s 6 and 1999 c 196 s 11 are each reenacted and amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

(i) It has not been enforced for many years; and

(ii) Most members of society act as if it were no longer in existence; and

(iii) It serves no deterrent or protective purpose in today's society; and

(iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimus Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

(a) STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid prefiling agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.120(8).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS
Aggravated Murder
1st Degree Murder
2nd Degree Murder
1st Degree Kidnaping
1st Degree Assault
1st Degree Assault of a Child
1st Degree Rape
1st Degree Robbery
1st Degree Rape of a Child
1st Degree Arson
2nd Degree Kidnaping
2nd Degree Assault
2nd Degree Assault of a Child
2nd Degree Rape
2nd Degree Robbery
1st Degree Burglary
1st Degree Manslaughter
2nd Degree Manslaughter
1st Degree Extortion
Indecent Liberties
Incest
2nd Degree Rape of a Child
Vehicular Homicide
Vehicular Assault
3rd Degree Rape
3rd Degree Rape of a Child
1st Degree Child Molestation
2nd Degree Child Molestation
3rd Degree Child Molestation
2nd Degree Extortion

1st Degree Promoting Prostitution
Intimidating a Juror
Communication with a Minor
Intimidating a Witness
Intimidating a Public Servant
Bomb Threat (if against person)
3rd Degree Assault
3rd Degree Assault of a Child
Unlawful Imprisonment
Promoting a Suicide Attempt
Riot (if against person)
Stalking
Custodial Assault
((~~No-Contact Order-Domestic Violence Pretrial (RCW 10.99.040(4) (b) and (c))~~
~~No-Contact Order-Domestic Violence Sentence (RCW 10.99.050(2))~~
~~Protection Order-Domestic Violence Civil (RCW 26.50.110 (4) and (5))~~))
Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or section 2 of this act)
Counterfeiting (if a violation of RCW 9.16.035(4))

CRIMES AGAINST PROPERTY/OTHER CRIMES
2nd Degree Arson
1st Degree Escape
2nd Degree Burglary
1st Degree Theft
1st Degree Perjury
1st Degree Introducing Contraband
1st Degree Possession of Stolen Property
Bribery
Bribing a Witness
Bribe received by a Witness
Bomb Threat (if against property)
1st Degree Malicious Mischief
2nd Degree Theft
2nd Degree Escape
2nd Degree Introducing Contraband
2nd Degree Possession of Stolen Property
2nd Degree Malicious Mischief
1st Degree Reckless Burning
Taking a Motor Vehicle without Authorization
Forgery
2nd Degree Perjury
2nd Degree Promoting Prostitution
Tampering with a Witness
Trading in Public Office
Trading in Special Influence
Receiving/Granting Unlawful Compensation
Bigamy
Eluding a Pursuing Police Vehicle
Willful Failure to Return from Furlough
Escape from Community Custody
Riot (if against property)
Thefts of Livestock

ALL OTHER UNCLASSIFIED FELONIES

Selection of Charges/Degree of Charge

(i) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

(A) Will significantly enhance the strength of the state's case at trial; or

(B) Will result in restitution to all victims.

(ii) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

(A) Charging a higher degree;

(B) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

(b) GUIDELINES/COMMENTARY:

(i) Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

(A) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;

(B) The completion of necessary laboratory tests; and

(C) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

(ii) Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

(A) Probable cause exists to believe the suspect is guilty; and

(B) The suspect presents a danger to the community or is likely to flee if not apprehended; or

(C) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

(iii) Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

(A) Polygraph testing;

(B) Hypnosis;

(C) Electronic surveillance;

(D) Use of informants.

(iv) Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

(v) Pre-Filing Discussions with Victim(s)

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions.

Sec. 15. RCW 10.99.040 and 1997 c 338 s 54 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim. In issuing the order, the court shall consider the provisions of RCW 9.41.800. The no-contact order shall also be issued in writing as soon as possible.

(3) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

(4)(a) Willful violation of a court order issued under subsection (2) or (3) of this section is ((~~a gross misdemeanor except as provided in (b) and (c) of this subsection (4). Upon conviction and in addition to other penalties provided by law, the court may require that the defendant submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The court also may include a requirement that the defendant pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.~~

~~(b) Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable under chapter 9A.20 RCW, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony punishable under chapter 9A.20 RCW.~~

~~(c) A willful violation of a court order issued under this section is a class C felony if the offender has at least two previous convictions for violating the provisions of a no-contact order issued under this chapter, a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-state order that is comparable to a no-contact order or protection order issued under Washington law. The previous convictions may involve the same victim or other victims specifically protected by the no-contact orders or protection orders the offender violated~~)) punishable under RCW 26.50.110.

(((~~d~~))) (b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter ((~~10.99~~)) 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order." A certified copy of the order shall be provided to the victim. If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer-based criminal intelligence information system in this state which is used by law enforcement agencies to list outstanding warrants.

(5) Whenever an order prohibiting contact is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

Sec. 16. RCW 10.99.050 and 1997 c 338 s 55 are each amended to read as follows:

(1) When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant's ability to have contact with the victim, such condition shall be recorded and a written certified copy of that order shall be provided to the victim.

(2) Willful violation of a court order issued under this section is ((~~a gross misdemeanor. Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. A willful violation of a court order issued under this section is also a class C felony if the offender has at least two previous convictions for violating the provisions of a no-contact order issued under this chapter, or a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-state order that is comparable to a no-contact order or protection order that is issued under Washington law. The previous convictions may involve the same victim or other victims specifically protected by the no-contact orders or protection orders the offender violated~~)) punishable under RCW 26.50.110.

The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter ((~~10.99~~)) 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

(3) Whenever an order prohibiting contact is issued pursuant to this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

Sec. 17. RCW 26.09.300 and 1996 c 248 s 9 are each amended to read as follows:

(1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, is ((~~a misdemeanor~~)) punishable under RCW 26.50.110.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

Sec. 18. RCW 26.10.220 and 1999 c 184 s 11 are each amended to read as follows:

(1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, is ((~~a gross misdemeanor~~)) punishable under RCW 26.50.110.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

Sec. 19. RCW 26.26.138 and 1999 c 184 s 12 are each amended to read as follows:

(1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, is ((~~a gross misdemeanor~~)) punishable under RCW 26.50.110.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

Sec. 20. RCW 26.50.110 and 1996 c 248 s 16 are each amended to read as follows:

(1) Whenever an order ((~~for protection~~)) is granted under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, and the respondent or person to be restrained knows of the order, a violation of the restraint provisions, or of a provision excluding the person from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within a specified distance of a location, or of a provision of a foreign protection order specifically indicating that a violation will be a crime, for which an arrest is required under RCW 10.31.100(2) (a) or (b), is a gross misdemeanor except as provided in subsections (4) and (5) of this section. Upon conviction, and in addition to any other penalties provided by law, the court may require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order ((~~for protection~~)) issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of ((~~a protective~~)) such an order ((~~issued under this chapter~~)) that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, is a class C felony if the offender has at least two previous convictions for violating the provisions of ((~~a no-contact~~)) an order issued under this chapter, chapter 10.99 ((~~RCW, a domestic violence protection order issued under chapter 26.09, 26.10, or 26.26 RCW or this chapter, or any federal or out-of-state order that is comparable to a no-contact or protection order issued under Washington law~~)), 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020. The previous convictions may involve the same victim or other victims specifically protected by the ((~~no-contact orders or protection~~)) orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order ((~~for protection~~)) granted under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

Sec. 21. RCW 26.50.160 and 1995 c 246 s 18 are each amended to read as follows:

To prevent the issuance of competing protection orders in different courts and to give courts needed information for issuance of orders, the judicial information system shall be available in each district, municipal, and superior court by July 1, 1997, and shall include a data base containing the following information:

(1) The names of the parties and the cause number for every order of protection issued under this title, every criminal no-contact order issued under chapter 10.99 RCW, every antiharassment order issued under chapter 10.14 RCW, every dissolution action under chapter 26.09 RCW, every third-party custody action under chapter 26.10 RCW, ((~~and~~)) every parentage action under chapter ((~~26.10~~)) 26.26 RCW, every foreign protection order filed under chapter 26.52 RCW, and every order for protection of a vulnerable adult under chapter 74.34 RCW. When a guardian or the department of social and health services has petitioned for relief on behalf of a vulnerable adult, the name of the vulnerable adult shall be included in the data base as a party rather than the guardian or department;

(2) A criminal history of the parties; and

(3) Other relevant information necessary to assist courts in issuing orders under this chapter as determined by the judicial information system committee.

Sec. 22. RCW 26.52.070 and 1999 c 184 s 9 are each amended to read as follows:

(1) Whenever a foreign protection order is granted to a person entitled to protection and the person under restraint knows of the foreign protection order, a violation of a provision prohibiting the person under restraint from contacting or communicating with another person, or of a provision excluding the person under restraint from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime, is ((~~a gross misdemeanor except as provided in subsections (3) and (4) of this section. Upon conviction, and in addition to any other penalties provided by law, the court may require the person under restraint to submit to electronic monitoring. The court shall specify who will provide the electronic monitoring services, and the terms under which the monitoring will be performed. The order also may include a requirement that the person under restraint pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring~~)) punishable under RCW 26.50.110.

(2) A peace officer shall arrest without a warrant and take into custody a person when the peace officer has probable cause to believe that a foreign protection order has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order that prohibits the person under restraint from contacting or communicating with another person, or a provision that excludes the person under restraint from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(((~~(3) An assault that is a violation of a valid foreign protection order that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and conduct in violation of a valid foreign protection order issued under this chapter that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.~~

~~(4) A violation of a valid foreign protection order is a class C felony if the offender has at least two previous convictions for violating the provisions of a no-contact order issued under chapter 10.99 RCW, a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or a federal or out-of-state order that is comparable to a no-contact or protection order issued under Washington law. The previous convictions may involve the same person entitled to protection or other person entitled to protection specifically protected by the no-contact orders or protection orders the offender violated.~~))

Sec. 23. RCW 74.34.130 and 1999 c 176 s 13 are each amended to read as follows:

The court may order relief as it deems necessary for the protection of the petitioner, including, but not limited to the following:

(1) Restraining respondent from committing acts of abandonment, abuse, neglect, or financial exploitation;

(2) Excluding the respondent from petitioner's residence for a specified period or until further order of the court;

(3) Prohibiting contact by respondent for a specified period or until further order of the court;

(4) Prohibiting the respondent from knowingly coming within, or knowingly remaining within a specified distance from a specified location;

(5) Requiring an accounting by respondent of the disposition of petitioner's income or other resources;

(((~~(5)~~))) (6) Restraining the transfer of property for a specified period not exceeding ninety days;

(((~~(6)~~))) (7) Requiring the respondent to pay the filing fee and court costs, including service fees, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee.

Any relief granted by an order for protection, other than a judgment for costs, shall be for a fixed period not to exceed one year. The clerk of the court shall enter any order for protection issued under this section into the judicial information system.

NEW SECTION. **Sec. 24.** Section 13 of this act takes effect July 1, 2000.

NEW SECTION. **Sec. 25.** The penalties prescribed in this act apply to violations of court orders which occur on or after July 1, 2000, regardless of the date the court issued the order."

MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 1 of the title, after "orders;" strike the remainder of the title and insert "amending RCW 10.31.100, 10.99.020, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, 26.50.070, 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.50.160, 26.52.070, and 74.34.130; reenacting and amending RCW 9.94A.320 and 9.94A.440; adding a new section to chapter 26.50 RCW; adding a new section to chapter 74.34 RCW; creating a new section; prescribing penalties; and providing an effective date."

On motion of Senator Costa, the rules were suspended, House Bill No. 2595, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2595, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2595, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Wojahn and Zarelli - 46.

Excused: Senators Deccio, Sellar and Winsley - 3.

HOUSE BILL NO. 2595, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2588, by House Committee on Children and Family Services (originally sponsored by Representatives Tokuda, D. Sommers, Kagi, Boldt, Kenney, Dickerson, Ogden, Veloria, Haigh, Santos, Romero, O'Brien, Edwards, Constantine, Rockefeller, Miloscia and McIntire)

Creating domestic violence fatality review panels.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the following Committee on Judiciary amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services.

(2) "Domestic violence fatality" means a homicide or suicide under any of the following circumstances:

(a) The alleged perpetrator and victim resided together at any time;

(b) The alleged perpetrator and victim have a child in common;

(c) The alleged perpetrator and victim were married, divorced, separated, or had a dating relationship;

(d) The alleged perpetrator had been stalking the victim;

(e) The homicide victim lived in the same household, was present at the workplace of, was in proximity of, or was related by blood or affinity to a victim who experienced or was threatened with domestic abuse by the alleged perpetrator;

(f) The victim or perpetrator was a child of a person in a relationship that is described within this subsection; or

(g) The domestic violence fatality review panel decides that the death falls within the parameters of its mission.

This subsection should be interpreted broadly to give the domestic violence fatality review panels discretion to review fatalities that have occurred both directly and peripherally to domestic relationships.

NEW SECTION. **Sec. 2.** (1) Subject to the availability of state funds, the department shall contract with an entity with expertise in domestic violence policy and education and with a state-wide perspective to coordinate review of domestic violence fatalities. The coordinating entity shall be authorized to:

(a) Convene regional review panels;

(b) Gather information for use of regional review panels;

(c) Provide training and technical assistance to regional review panels;

(d) Compile information and issue biennial reports with recommendations; and

(e) Establish a protocol that may be used as a guideline for identifying domestic violence related fatalities, forming review panels, convening reviews, and selecting which cases to review. The coordinating entity may also establish protocols for data collection and preservation of confidentiality.

(2)(a) The coordinating entity may convene a regional domestic violence fatality review panel to review any domestic violence fatality.

(b) Private citizens may request a review of a particular death by submitting a written request to the coordinating entity within two years of the death. Of these, the appropriate regional review panel may review those cases which fit the criteria set forth in the protocol for the project.

NEW SECTION. **Sec. 3.** (1) Regional domestic violence fatality review panels shall include but not be limited to:

(a) Medical personnel with expertise in domestic violence abuse;

(b) Coroners or medical examiners or others experienced in the field of forensic pathology, if available;

(c) County prosecuting attorneys and municipal attorneys;

(d) Domestic violence shelter service staff and domestic violence victims' advocates;

(e) Law enforcement personnel;

(f) Local health department staff;

(g) Child protective services workers;

(h) Community corrections professionals;

(i) Perpetrator treatment program provider; and

(j) Judges, court administrators, and/or their representatives.

(2) Regional domestic violence fatality review panels may also invite other relevant persons to serve on an ad hoc basis and participate as full members of the review team for a particular review. These persons may include, but are not limited to:

(a) Individuals with particular expertise helpful to the regional review panel;

(b) Representatives of organizations or agencies that had contact with or provided services to the homicide victim or to the alleged perpetrator.

(3) The regional review panels shall make periodic reports to the coordinating entity and shall make a final report to the coordinating entity with regard to every fatality that is reviewed.

NEW SECTION. **Sec. 4.** (1) An oral or written communication or a document shared within or produced by a regional domestic violence fatality review panel related to a domestic violence fatality review is confidential and not subject to disclosure or discoverable by a third party. An oral or written communication or a document provided by a third party to a regional domestic violence fatality review panel, or between a third party and a regional domestic violence fatality review panel is confidential and not subject to disclosure or discovery by a third party. Notwithstanding the foregoing, recommendations from the regional domestic violence fatality review panel and the coordinating entity generally may be disclosed minus personal identifiers.

(2) The regional review panels shall have access to information and records regarding the domestic violence victims and perpetrators under review held by domestic violence perpetrators' treatment providers; dental care providers; hospitals, medical providers, and pathologists; coroners and medical examiners; mental health providers; lawyers; the state and local governments; the courts; and employers. The coordinating entity and the regional review panels shall maintain the confidentiality of such information to the extent required by any applicable law.

(3) The regional review panels shall review, when determined to be appropriate, guardian ad litem reports, parenting evaluations, and victim impact statements; probation information; mental health evaluations done for court; presentence interviews and reports, and any recommendations made regarding bail and release on own recognizance; child protection services, welfare, and other information held by the department; any law enforcement incident documentation, such as incident reports, dispatch records, victim, witness, and suspect statements, and any supplemental reports, probable cause statements, and 911 call taker's reports; corrections and postsentence supervision reports; and any other information determined to be relevant to the review. The coordinating entity and the regional review panels shall maintain the confidentiality of such information to the extent required by any applicable law.

NEW SECTION. **Sec. 5.** If acting in good faith, without malice, and within the parameters of this chapter and the protocols established, representatives of the coordinating entity and the regional domestic violence fatality review panels are immune from civil or criminal liability for an activity related to reviews of particular fatalities.

NEW SECTION. **Sec. 6.** Within available funds, data regarding each domestic violence fatality review shall be collected on standard forms created by the coordinating entity. Data collected on reviewed fatalities shall be compiled and analyzed for the purposes of identifying points at which the system response to domestic violence could be improved and identifying patterns in domestic violence fatalities. NEW SECTION. **Sec. 7.** (1) A biennial state-wide report shall be issued by the coordinating entity in December of even-numbered years containing recommendations on policy changes that would improve program performance, and issues identified through the work of the regional panels. Copies of this report shall be distributed to the house of representatives children and family services and criminal justice and corrections committees and the senate human services and corrections committee and to those agencies involved in the regional domestic violence fatality review panels.

(2) The annual report in December 2010 shall contain a recommendation as to whether or not the domestic violence review process provided for in this chapter should continue or be terminated by the legislature.

NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2000, in the omnibus appropriations act, this act is null and void."

MOTION

On motion of Senator Costa, the following striking amendment by Senators Costa, Heavey, Hargrove and Long was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services.

(2) "Domestic violence fatality" means a homicide or suicide under any of the following circumstances:

(a) The alleged perpetrator and victim resided together at any time;

(b) The alleged perpetrator and victim have a child in common;

(c) The alleged perpetrator and victim were married, divorced, separated, or had a dating relationship;

(d) The alleged perpetrator had been stalking the victim;

(e) The homicide victim lived in the same household, was present at the workplace of, was in proximity of, or was related by blood or affinity to a victim who experienced or was threatened with domestic abuse by the alleged perpetrator; or

(f) The victim or perpetrator was a child of a person in a relationship that is described within this subsection.

This subsection should be interpreted broadly to give the domestic violence fatality review panels discretion to review fatalities that have occurred directly to domestic relationships.

NEW SECTION. **Sec. 2.** (1) Subject to the availability of state funds, the department shall contract with an entity with expertise in domestic violence policy and education and with a state-wide perspective to coordinate review of domestic violence fatalities. The coordinating entity shall be authorized to:

(a) Convene regional review panels;

(b) Gather information for use of regional review panels;

(c) Provide training and technical assistance to regional review panels;

(d) Compile information and issue biennial reports with recommendations; and

(e) Establish a protocol that may be used as a guideline for identifying domestic violence related fatalities, forming review panels, convening reviews, and selecting which cases to review. The coordinating entity may also establish protocols for data collection and preservation of confidentiality.

(2)(a) The coordinating entity may convene a regional domestic violence fatality review panel to review any domestic violence fatality.

(b) Private citizens may request a review of a particular death by submitting a written request to the coordinating entity within two years of the death. Of these, the appropriate regional review panel may review those cases which fit the criteria set forth in the protocol for the project.

NEW SECTION. **Sec. 3.** (1) Regional domestic violence fatality review panels shall include but not be limited to:

(a) Medical personnel with expertise in domestic violence abuse;

(b) Coroners or medical examiners or others experienced in the field of forensic pathology, if available;

(c) County prosecuting attorneys and municipal attorneys;

(d) Domestic violence shelter service staff and domestic violence victims' advocates;

(e) Law enforcement personnel;

(f) Local health department staff;

(g) Child protective services workers;

(h) Community corrections professionals;

(i) Perpetrator treatment program provider; and

(j) Judges, court administrators, and/or their representatives.

(2) Regional domestic violence fatality review panels may also invite other relevant persons to serve on an ad hoc basis and participate as full members of the review team for a particular review. These persons may include, but are not limited to:

(a) Individuals with particular expertise helpful to the regional review panel;

(b) Representatives of organizations or agencies that had contact with or provided services to the homicide victim or to the alleged perpetrator.

(3) The regional review panels shall make periodic reports to the coordinating entity and shall make a final report to the coordinating entity with regard to every fatality that is reviewed.

NEW SECTION. **Sec. 4.** (1) An oral or written communication or a document shared within or produced by a regional domestic violence fatality review panel related to a domestic violence fatality review is confidential and not subject to disclosure or discoverable by a third party. An oral or written communication or a document provided by a third party to a regional domestic violence fatality review panel, or between a third party and a regional domestic violence fatality review panel is confidential and not subject to disclosure or discovery by a third party. Notwithstanding the foregoing, recommendations from the regional domestic violence fatality review panel and the coordinating entity generally may be disclosed minus personal identifiers.

(2) The regional review panels, only to the extent otherwise permitted by law or court rule, shall have access to information and records regarding the domestic violence victims and perpetrators under review held by domestic violence perpetrators' treatment providers; dental care providers; hospitals, medical providers, and pathologists; coroners and medical examiners; mental health providers; lawyers; the state and local governments; the courts; and employers. The coordinating entity and the regional review panels shall maintain the confidentiality of such information to the extent required by any applicable law.

(3) The regional review panels shall review, only to the extent otherwise permitted by law or court rule when determined to be relevant and necessary to an investigation, guardian ad litem reports, parenting evaluations, and victim impact statements; probation information; mental health evaluations done for court; presentence interviews and reports, and any recommendations made regarding bail and release on own recognizance; child protection services, welfare, and other information held by the department; any law enforcement incident documentation, such as incident reports, dispatch records, victim, witness, and suspect

statements, and any supplemental reports, probable cause statements, and 911 call taker's reports; corrections and postsentence supervision reports; and any other information determined to be relevant to the review. The coordinating entity and the regional review panels shall maintain the confidentiality of such information to the extent required by any applicable law.

NEW SECTION. **Sec. 5.** If acting in good faith, without malice, and within the parameters of this chapter and the protocols established, representatives of the coordinating entity and the regional domestic violence fatality review panels are immune from civil liability for an activity related to reviews of particular fatalities.

NEW SECTION. **Sec. 6.** Within available funds, data regarding each domestic violence fatality review shall be collected on standard forms created by the coordinating entity. Data collected on reviewed fatalities shall be compiled and analyzed for the purposes of identifying points at which the system response to domestic violence could be improved and identifying patterns in domestic violence fatalities.

NEW SECTION. **Sec. 7.** (1) A biennial state-wide report shall be issued by the coordinating entity in December of even-numbered years containing recommendations on policy changes that would improve program performance, and issues identified through the work of the regional panels. Copies of this report shall be distributed to the governor, the house of representatives children and family services and criminal justice and corrections committees, and the senate human services and corrections and judiciary committees and to those agencies involved in the regional domestic violence fatality review panels.

(2) The annual report in December 2010 shall contain a recommendation as to whether or not the domestic violence review process provided for in this chapter should continue or be terminated by the legislature.

NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 9.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 10.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2000, in the omnibus appropriations act, this act is null and void."

MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 1 of the title, after "reviews;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; and creating new sections."

On motion of Senator Costa, the rules were suspended, Engrossed Second Substitute House Bill No. 2588, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2588, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2588, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2588, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senators Hargrove and Thibaudeau were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2721, by House Committee on Judiciary (originally sponsored by Representatives Morris, Schoesler, Grant, Mastin, Quall, Dunn and Anderson)

Changing provisions relating to venue of actions by or against counties.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 2721 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2721.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2721 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Deccio - 1.

Excused: Senators Hargrove, Sellar and Thibaudeau - 3.

SUBSTITUTE HOUSE BILL NO. 2721, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Deccio was excused.

SECOND READING

HOUSE BILL NO. 2407, by Representatives Lantz, Esser and Haigh (by request of Board for Judicial Administration)

Authorizing judges pro tempore whenever a judge serves on a commission, board, or committee.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, House Bill No. 2407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2407.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2407 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Wojahn - 44.

Voting nay: Senator Zarelli - 1.

Excused: Senators Deccio, Hargrove, Sellar and Thibaudeau - 4.

HOUSE BILL NO. 2407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2353, by Representatives Wood, Carrell and Hurst (by request of Gambling Commission)

Allowing criminal history records to be sent to the Washington state gambling commission.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the following Committee on Commerce, Trade, Housing and Financial Institutions striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.46.210 and 1981 c 139 s 11 are each amended to read as follows:

(1) It shall be the duty of all peace officers, law enforcement officers, and law enforcement agencies within this state to investigate, enforce, and prosecute all violations of this chapter.

(2) In addition to the authority granted by subsection (1) of this section law enforcement agencies of cities and counties shall investigate and report to the commission all violations of the provisions of this chapter and of the rules of the commission found by them and shall assist the commission in any of its investigations and proceedings respecting any such violations. Such law enforcement agencies shall not be deemed agents of the commission.

(3) In addition to its other powers and duties, the commission shall have the power to enforce the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. The director, the deputy director, both assistant directors, and each of the commission's investigators, enforcement officers, and inspectors shall have the power, under the supervision of the commission, to enforce the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power and authority to apply for and execute all warrants and serve process of law issued by the courts in enforcing the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power to arrest without a warrant, any person or persons found in the act of violating any of the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. To the extent set forth above, the commission shall be a law enforcement agency of this state with the power to investigate for violations of and to enforce the provisions of this chapter, as now law or hereafter amended, and to obtain information from and provide information to all other law enforcement agencies.

(4) Criminal history record information that includes nonconviction data, as defined in RCW 10.97.030, shall be disseminated by a criminal justice agency to the Washington state gambling commission for any purpose associated with the investigation for suitability for involvement in gambling activities authorized under this chapter. The Washington state gambling commission shall only disseminate nonconviction data obtained under this section to criminal justice agencies."

MOTIONS

On motion of Senator Prentice, the following title amendment was adopted:

On line 2 of the title, after "commission;" strike the remainder of the title and insert "and amending RCW 9.46.210."

On motion of Senator Prentice, the rules were suspended, House Bill No. 2353, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2353, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2353, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, West, Winsley and Wojahn - 37.

Voting nay: Senators Benton, Hargrove, Hochstatter, Long, Morton, Roach, Stevens, Swecker and Zarelli - 9.

Excused: Senators Deccio, Sellar and Thibaudeau - 3.

HOUSE BILL NO. 2353, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2400, by Representatives Constantine, Esser, Lantz, Barlean, Cairnes and Pflug (by request of Office of the Code Reviser)

Making technical corrections to Titles 18 and 19 RCW.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the following Committee on Commerce, Trade, Housing and Financial Institutions striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.04.295 and 1992 c 103 s 11 are each amended to read as follows:

The board of accountancy shall have the power to revoke, suspend, (([~~or~~])) or refuse to renew a certificate or license, and may impose a fine in an amount not to exceed one thousand dollars plus the board's investigative and legal costs in bringing charges against a certified public accountant, or impose conditions precedent to renewal of the certificate or license of any certified public accountant for any of the following causes:

(1) Fraud or deceit in obtaining a certificate as a certified public accountant, or in obtaining a license;

(2) Dishonesty, fraud, or negligence while representing oneself as a CPA;

(3) A violation of any provision of this chapter;

(4) A violation of a rule of professional conduct promulgated by the board under the authority granted by this chapter;

(5) Conviction of a crime or an act constituting a crime under:

(a) The laws of this state;

(b) The laws of another state, and which, if committed within this state, would have constituted a crime under the laws of this state; or

(c) Federal law;

(6) Cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant by any other state for any cause other than failure to pay a fee or to meet the requirements of continuing education in the other state;

(7) Suspension or revocation of the right to practice matters relating to public accounting before any state or federal agency;

For purposes of subsections (6) and (7) of this section, a certified copy of such revocation, suspension, or refusal to renew shall be prima facie evidence;

(8) Failure to maintain compliance with the requirements for issuance, renewal, or reinstatement of the certificate or license, or to report changes to the board;

(9) Failure to cooperate with the board by:

(a) Failure to furnish any papers or documents requested or ordered by the board;

(b) Failure to furnish in writing a full and complete explanation covering the matter contained in the complaint filed with the board or the inquiry of the board;

(c) Failure to respond to subpoenas issued by the board, whether or not the recipient of the subpoena is the accused in the proceeding.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 2. RCW 18.04.105 and 1999 c 378 s 2 are each amended to read as follows:

(1) The certificate of "certified public accountant" shall be granted by the board to any person:

(a) Who is of good character. Good character, for purposes of this section, means lack of a history of dishonest or felonious acts. The board may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good character of the applicant and the professional responsibilities of a certified public accountant and if the finding by the board of lack of good character is supported by a preponderance of evidence. When an applicant is found to be unqualified for a certificate because of a lack of good character, the board shall furnish the applicant a statement containing the findings of the board and a notice of the applicant's right of appeal;

(b) Who has met the educational standards established by rule as the board determines to be appropriate;

The board may, in its discretion, waive the educational requirements for any person if it is satisfied through review of documentation of successful completion of an equivalency examination that the person's educational qualifications are an acceptable substitute for the requirements of (b) of this subsection; and

(c) Who has passed a written examination.

(2) The examination described in subsection (1)(c) of this section shall be in writing, shall be held twice a year, and shall test the applicant's knowledge of the subjects of accounting and auditing, and other related fields the board may specify by rule. The time for holding the examination is fixed by the board and may be changed from time to time. The board shall prescribe by rule the methods of applying for and taking the examination, including methods for grading papers and determining a passing grade required of an applicant for a certificate. The board shall to the extent possible see to it that the grading of the examination, and the passing grades, are uniform with those applicable to all other states. The board may make use of all or a part of the uniform certified public accountant examination and advisory grading service of the American Institute of Certified Public Accountants and may contract with third parties to perform administrative services with respect to the examination as the board deems appropriate to assist it in performing its duties under this chapter.

(3) An applicant is required to pass all sections of the examination provided for in subsection (2) of this section in order to qualify for a certificate. If at a given sitting of the examination an applicant passes two or more but not all sections, then the applicant shall be given credit for those sections that he or she passed, and need not take those sections again: PROVIDED, That:

(a) The applicant took all sections of the examination at that sitting;

(b) The applicant attained a minimum grade of fifty on each section not passed at that sitting;

(c) The applicant passes the remaining sections of the examination within six consecutive examinations given after the one at which the first sections were passed;

(d) At each subsequent sitting at which the applicant seeks to pass additional sections, the applicant takes all sections not yet passed; and

(e) In order to receive credit for passing additional sections in a subsequent sitting, the applicant attains a minimum grade of fifty on sections written but not passed on the sitting.

(4) The board may waive or defer any of the requirements of subsection (3) of this section for candidates transferring conditional CPA exam credits from other states or for qualifying reciprocity certification applicants who met the conditioning requirements of the state or foreign jurisdiction issuing their original certificate.

(5) The board shall charge each applicant an examination fee for the initial examination under subsection (1) of this section, or for reexamination under subsection (3) of this section for each subject in which the applicant is reexamined. The applicable fee shall be paid by the person at the time he or she applies for examination, reexamination, or evaluation of educational qualifications. Fees for examination, reexamination, or evaluation of educational qualifications shall be determined by the board under chapter 18.04 RCW. There is established in the state treasury an account to be known as the certified public accountants' account. All fees received from candidates to take any or all sections of the certified public accountant examination shall be used only for costs related to the examination.

(6) Persons who on June 30, 1986, held certified public accountant certificates previously issued under the laws of this state shall not be required to obtain additional certificates under this chapter, but shall otherwise be subject to this chapter. Certificates previously issued shall, for all purposes, be considered certificates issued under this chapter and subject to its provisions.

(7) A certificate of a "certified public accountant" under this chapter is issued every three years with renewal subject to requirements of continuing professional education and payment of fees, prescribed by the board.

(8) The board shall adopt rules providing for continuing professional education for certified public accountants. The rules shall:

(a) Provide that a certified public accountant shall verify to the board that he or she has completed at least an accumulation of one hundred twenty hours of continuing professional education during the last three-year period to maintain the certificate;

(b) Establish continuing professional education requirements;

(c) Establish when newly certificated public accountants shall verify that they have completed the required continuing professional education;

(d) Provide that failure to furnish verification of the completion of the continuing professional education requirement shall make the certificate invalid and subject to reinstatement, unless the board determines that the failure was due to retirement, reasonable cause, or excusable neglect; and

(e) Provide for transition from existing to new continuing professional education requirements.

(9) The board may adopt by rule new CPE standards that differ from those in subsection (8) of this section or RCW 18.04.215 if: (a) The new standards are consistent with the continuing professional education standards of other states so as to provide to the greatest extent possible, consistent national standards; and (b) the new standards are at least as strict as the standards set forth in subsection (8) of this section or RCW 18.04.215.

Sec. 3. RCW 18.20.010 and 1985 c 297 s 1 are each amended to read as follows:

The purpose of this chapter is to provide for the development, establishment, and enforcement of standards for the maintenance and operation of boarding homes, which, in the light of advancing knowledge, will promote safe and adequate care of the individuals therein. It is further the intent of the legislature that boarding homes be available to meet the needs of those for whom they care by recognizing the capabilities of individuals to direct their self-medication or to use supervised self-medication techniques when ordered and approved by a physician licensed under chapter 18.57 or 18.71 RCW or a ((~~podiatrist~~)) podiatric physician and surgeon licensed under chapter 18.22 RCW.

EXPLANATORY NOTE

The term "podiatrist" was changed to "podiatric physician and surgeon" by 1990 c 147.

Sec. 4. RCW 18.22.040 and 1993 c 29 s 2 are each amended to read as follows:

Before any person may take an examination for the issuance of a podiatric physician and surgeon license, the applicant shall submit a completed application and a fee determined by the secretary as provided in RCW 43.70.250. The applicant shall also furnish the secretary and the board with satisfactory proof that:

(1) The applicant has not engaged in unprofessional conduct as defined in chapter 18.130 RCW and is not unable to practice with reasonable skill and safety as a result of a physical or mental impairment;

(2) The applicant has satisfactorily completed a course in an approved school of podiatric medicine and surgery;

(3) The applicant has completed one year ((~~[of]~~)) of postgraduate podiatric medical training in a program approved by the board, provided that applicants graduating before July 1, 1993, shall be exempt from the postgraduate training requirement.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 5. RCW 18.25.0151 and 1994 sp.s. c 9 s 104 are each amended to read as follows:

The Washington state chiropractic quality assurance commission is established, consisting of fourteen members appointed by the governor to four-year terms, and including eleven practicing chiropractors and three public members. No member may serve more than two consecutive full terms. In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, the governor appoint members of the previous boards and committees regulating this profession to the commission. Members of the commission hold office until their successors are appointed. The governor may appoint the members of the initial ((~~commissions [commission]~~)) commission to staggered terms of from one to four years. Thereafter, all members shall be appointed to full four-year terms. The governor may consider persons who are recommended for appointment by chiropractic associations of this state.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 6. RCW 18.25.0196 and 1974 ex.s. c 97 s 5 are each amended to read as follows:

Notwithstanding any other provision of law, for the purpose of RCW ((~~8.25.120 through 18.25.150 and 18.25.170~~)) 18.25.0192 through 18.25.0195 and 18.25.0197 it is immaterial whether the cost of any policy, plan, agreement, or contract be deemed additional compensation for services, or otherwise.

EXPLANATORY NOTE

RCW 18.25.120 through 18.25.150 and 18.25.170 were recodified as RCW 18.25.0192 through 18.25.0195 and 18.25.0197 by 1994 sp.s. c 9 s 120, effective July 1, 1994.

Sec. 7. RCW 18.25.0197 and 1974 ex.s. c 97 s 6 are each amended to read as follows:

RCW ((~~18.25.120 through 18.25.160~~)) 18.25.0192 through 18.25.0196 shall apply to all agreements, renewals, or contracts issued on or after July 24, 1974.

EXPLANATORY NOTE

RCW 18.25.120 through 18.25.160 were recodified as RCW 18.25.0192 through 18.25.0196 by 1994 sp.s. c 9 s 120, effective July 1, 1994.

Sec. 8. RCW 18.25.190 and 1994 sp.s. c 9 s 118 are each amended to read as follows:

Nothing in this chapter shall be construed to prohibit:

(1) The temporary practice in this state of chiropractic by any chiropractor licensed by another state, territory, or country in which he or she resides. However, the chiropractor shall not establish a practice open to the general public and shall not engage in temporary practice under this section for a period longer than thirty days. The chiropractor shall register his or her intention to engage in the temporary practice of chiropractic in this state with the commission before engaging in the practice of chiropractic, and shall agree to be bound by such conditions as may be prescribed by rule by the commission.

(2) The practice of chiropractic, except the administration of a chiropractic adjustment, by a person who is a regular senior student in an accredited school of chiropractic approved by the commission if the practice is part of a regular course of instruction offered by the school and the student is under the direct supervision and control of a chiropractor duly licensed pursuant to this chapter and approved by the commission.

(3) The practice of chiropractic by a person serving a period of postgraduate chiropractic training in a program of clinical chiropractic training sponsored by a school of chiropractic accredited in this state if the practice is part of his or her duties as a clinical postgraduate trainee and the trainee is under the direct supervision and control of a chiropractor duly licensed pursuant to this chapter and approved by the commission.

(4) The practice of chiropractic by a person who is eligible and has applied to take the next available examination for licensing offered by the commission, except that the unlicensed chiropractor must provide all services under the direct control and supervision of a licensed chiropractor approved by the commission. The unlicensed chiropractor may continue to practice as provided by this subsection until the results of the next available examination are published, but in no case for a period longer than six months. The commission shall adopt rules necessary to effectuate the intent of this subsection.

Any provision of chiropractic services by any individual under subsection (1), (2), (3), or (4) of this section shall be subject to the jurisdiction of the commission as provided in chapter((~~s 18.26 and~~)) 18.130 RCW.

EXPLANATORY NOTE

Chapter 18.26 RCW was repealed by 1994 sp.s. c 9 s 121, effective July 1, 1994.

Sec. 9. RCW 18.27.270 and 1997 c 314 s 16 are each amended to read as follows:

(1) A contractor who is issued a notice of infraction shall respond within twenty days of the date of issuance of the notice of infraction.

(2) If the contractor named in the notice of infraction does not elect to contest the notice of infraction, then the contractor shall pay to the department, by check or money order, the amount of the penalty prescribed for the infraction. When a response which does not contest the notice of infraction is received by the department with the appropriate penalty, the department shall make the appropriate entry in its records.

(3) If the contractor named in the notice of infraction elects to contest the notice of infraction, the contractor shall respond by filing an answer of protest with the department specifying the grounds of protest.

(4) If any contractor issued a notice of infraction fails to respond within the prescribed response period, the contractor shall be guilty of a misdemeanor and prosecuted in the county where the infraction occurred.

(5) After final determination by an administrative law judge that an infraction has been committed, a contractor who fails to pay a monetary penalty within thirty days, that is not waived((~~, reduced, or suspended~~)) pursuant to RCW 18.27.340(2), and who fails to file an appeal pursuant to RCW 18.27.310(4), shall be guilty of a misdemeanor and be prosecuted in the county where the infraction occurred.

(6) A contractor who fails to pay a monetary penalty within thirty days after exhausting appellate remedies pursuant to RCW 18.27.310(4), shall be guilty of a misdemeanor and be prosecuted in the county where the infraction occurred.

(7) If a contractor who is issued a notice of infraction is a contractor who has failed to register as a contractor under this chapter, the contractor is subject to a monetary penalty per infraction as provided in the schedule of penalties established by the department, and each day the person works without becoming registered is a separate infraction.

EXPLANATORY NOTE

RCW 18.27.340(2) was amended by 1997 c 314 s 17, removing the reference to a reduced or suspended monetary penalty.

Sec. 10. RCW 18.39.010 and 1989 c 390 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Funeral director" means a person engaged in the profession or business of conducting funerals and supervising or directing the burial and disposal of dead human bodies.

(2) "Embalmer" means a person engaged in the profession or business of disinfecting, preserving or preparing for disposal or transportation of dead human bodies.

(3) "Two-year college course" means the completion of sixty semester hours or ninety quarter hours of college credit, including the satisfactory completion of certain college courses, as set forth in this chapter.

(4) "Funeral establishment" means a place of business licensed in accordance with RCW 18.39.145, conducted at a specific street address or location, and devoted to the care and preparation for burial or disposal of dead human bodies and includes all areas of such business premises and all tools, instruments, and supplies used in preparation and embalming of dead human bodies for burial or disposal.

(5) "Director" means the director of licensing.

(6) "Board" means the state board of funeral directors and embalmers created pursuant to RCW 18.39.173.

(7) "Prearrangement funeral service contract" means any contract under which, for a specified consideration, a funeral establishment promises, upon the death of the person named or implied in the contract, to furnish funeral merchandise or services.

(8) "Funeral merchandise or services" means those services normally performed and merchandise normally provided by funeral establishments, including the sale of burial supplies and equipment, but excluding the sale by a cemetery of lands or interests therein, services incidental thereto, markers, memorials, monuments, equipment, crypts, niches, or vaults.

(9) "Qualified public depositary" means a <u>public</u> depositary defined by RCW 39.58.010, a credit union as governed by chapter 31.12 RCW, a mutual savings bank as governed by Title 32 RCW, a savings and loan association as governed by Title 33 RCW, or a federal credit union or a federal savings and loan association organized, operated, and governed by any act of congress, in which prearrangement funeral service contract funds are deposited by any funeral establishment.

Words used in this chapter importing the singular may be applied to the plural of the person or thing, words importing the plural may be applied to the singular, and words importing the masculine gender may be applied to the female.

EXPLANATORY NOTE

The term "depositary" was redefined as "public depositary" by 1996 c 256 s 1.

Sec. 11. RCW 18.39.510 and 1994 c 17 s 13 are each amended to read as follows:

(1) Prior to serving a statement of charges, the board may furnish a statement of allegations to the licensee, registrant, endorsement or permit holder, or applicant along with a detailed summary of the evidence relied upon to establish the allegations and a proposed stipulation for informal resolution of the allegations. These documents shall be exempt from public disclosure until such time as the allegations are resolved either by stipulation or otherwise.

(2) The board and the licensee, registrant, endorsement or permit holder, or applicant may stipulate that the allegations may be disposed of informally in accordance with this subsection. The stipulation shall contain a statement of the facts leading to the filing of the complaint; the act or acts of unprofessional conduct alleged to have been committed or the alleged basis for determining that the licensee, registrant, endorsement or permit holder, or applicant is unable to practice with reasonable skill and safety; a statement that the stipulation is not to be construed as a finding of either unprofessional conduct or inability to practice; an acknowledgement that a finding of unprofessional conduct or inability to practice, if proven, constitutes grounds for discipline under this chapter; an agreement on the part of the licensee, registrant, endorsement or permit holder, or applicant that the sanctions set forth in this chapter, except for revocation, suspension, censure, or reprimand of a licensee, registrant, endorsement ((~~of [or]~~)) <u>or</u> permit holder, or applicant may be imposed as part of the stipulation, except that no fine may be imposed but the licensee,

registrant, endorsement or permit holder, or applicant may agree to reimburse the board the costs of investigation and processing the complaint up to an amount not exceeding one thousand dollars per allegation; and an agreement on the part of the board to forego further disciplinary proceedings concerning the allegations. A stipulation entered into pursuant to this subsection shall not be considered formal disciplinary action.

(3) If the licensee, registrant, endorsement or permit holder, or applicant declines to agree to disposition of the charges by means of a stipulation pursuant to subsection (2) of this section, the board may proceed to formal disciplinary action pursuant to this chapter.

(4) Upon execution of a stipulation under subsection (2) of this section by both the licensee, registrant, endorsement or permit holder, or applicant and the board, the complaint is deemed disposed of and shall become subject to public disclosure on the same basis and to the same extent as other records of the board. Should the licensee, registrant, endorsement or permit ((~~holer [holder]~~)) holder, or applicant fail to pay any agreed reimbursement within thirty days of the date specified in the stipulation for payment, the board may seek collection of the amount agreed to be paid in the same manner as enforcement of a fine under this chapter.

EXPLANATORY NOTE

Corrects manifest drafting errors.

Sec. 12. RCW 18.44.241 and 1987 c 471 s 5 are each amended to read as follows:

The following criteria will be considered by the director when deciding whether to grant a licensed escrow agent a waiver from the errors and omissions policy requirement under RCW ((~~18.44.050~~)) 18.44.201:

(1) Whether the director has determined pursuant to RCW ((~~18.44.360~~)) 18.44.221 that an errors and omissions policy is not reasonably available to a substantial number of licensed escrow agents;

(2) Whether purchasing an errors and omissions policy would be cost-prohibitive for the licensed escrow agent requesting the exemption;

(3) Whether a licensed escrow agent has wilfully violated the provisions of chapter 18.44 RCW, which violation thereby resulted in the termination of the agent's certificate, or engaged in any other conduct resulting in the termination of the escrow certificate;

(4) Whether a licensed escrow agent has paid claims directly or through an errors and omissions carrier, exclusive of costs and attorney fees, in excess of ten thousand dollars in the calendar year preceding the year for which the waiver is requested;

(5) Whether a licensed escrow agent has paid claims directly or through an errors or omissions insurance carrier, exclusive of costs and attorney fees, totaling in excess of twenty thousand dollars in the three calendar years preceding the calendar year for which the exemption is requested; and

(6) Whether the licensed escrow agent has been convicted of a crime involving honesty or moral turpitude.

These criteria are not intended to be a wholly inclusive list of factors to be applied by the director when considering the merits of a licensed escrow agent's request for a waiver of the required errors and omissions policy.

EXPLANATORY NOTE

RCW 18.44.050 and 18.44.360 were recodified as RCW 18.44.201 and 18.44.221 pursuant to 1999 c 30 s 37.

Sec. 13. RCW 18.44.261 and 1987 c 471 s 6 are each amended to read as follows:

The director shall, within thirty days following submission of a written petition for waiver of the insurance requirements found in RCW ((~~18.44.050~~)) 18.44.201, issue a written determination granting or rejecting an applicant's request for waiver.

EXPLANATORY NOTE

RCW 18.44.050 was recodified as RCW 18.44.201 pursuant to 1999 c 30 s 37.

Sec. 14. RCW 18.44.271 and 1987 c 471 s 7 are each amended to read as follows:

Upon granting a waiver of insurance requirements found in RCW ((~~18.44.050~~)) 18.44.201, the director shall issue a certificate of waiver, which certificate shall be mailed to the escrow agent who requested the waiver.

EXPLANATORY NOTE

RCW 18.44.050 was recodified as RCW 18.44.201 pursuant to 1999 c 30 s 37.

Sec. 15. RCW 18.44.281 and 1987 c 471 s 8 are each amended to read as follows:

Upon determining that a licensed escrow agent is to be denied a waiver of the errors and omissions policy requirements of RCW ((~~18.44.050~~)) 18.44.201, the director shall within thirty days of the denial of an escrow agent's request for same, provide to the escrow agent a written explanation of the reasons for the director's decision to deny the requested waiver.

EXPLANATORY NOTE

RCW 18.44.050 was recodified as RCW 18.44.201 pursuant to 1999 c 30 s 37.

Sec. 16. RCW 18.44.291 and 1987 c 471 s 9 are each amended to read as follows:

Nothing in RCW ((~~18.44.050 and 18.44.375 through 18.44.395~~)) 18.44.201, 18.44.241 through 18.44.261, 18.44.271, and 18.44.281 shall be construed as prohibiting a person applying for an escrow license from applying for a certificate of waiver of the errors and omissions policy requirement when seeking an escrow license.

EXPLANATORY NOTE

RCW 18.44.050 and 18.44.375 through 18.44.395 were recodified as RCW 18.44.201, 18.44.241 through 18.44.261, 18.44.271, and 18.44.281, respectively, pursuant to 1999 c 30 s 37.

Sec. 17. RCW 18.44.450 and 1999 c 30 s 33 are each amended to read as follows:

(1) "Real property lender" as used in this section means a bank, savings bank, savings and loan association, credit union, mortgage company, or other corporation, association, or partnership that makes loans secured by real property located in this state.

(2) No real property lender, escrow agent, or officer or employee of any escrow agent or real property lender may give or agree to pay or give any money, service, or object of value to any real estate agent or broker, to any real property lender, or to any officer or employee of any agent, broker, or lender in return for the referral of any real estate escrow services. Nothing in this subsection prohibits the payment of fees or other compensation permitted under the federal Real Estate Settlement Procedures Act as amended (12 U.S.C. sections 2601 through 2617).

(3) The legislature finds that the practices governed by this subsection are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Any violation of this section is not reasonable in relation to the development and preservation of business and is an unfair and deceptive act or practice and ((~~[an]~~)) an unfair method of competition in the conduct of trade or commerce in violation of RCW 19.86.020. Remedies provided by chapter 19.86 RCW are cumulative and not exclusive.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 18. RCW 18.48.060 and 1998 c 272 s 8 are each amended to read as follows:

(1) The secretary, in consultation with the secretary of social and health services, shall appoint an advisory committee on matters relating to the regulation, administrative rules, enforcement process, staffing, and training requirements of adult family homes. The advisory committee shall be composed of six members, of which two members shall be resident advocates, three members shall represent adult family home providers, and one member shall represent the public and serve as chair. The members shall generally represent the interests of aging residents, residents with dementia, residents with mental illness, and residents with developmental disabilities((~~[.]~~)), respectively. Members representing adult family home providers must have at least two years' experience as licensees. The membership must generally reflect urban and rural areas and western and eastern parts of the state. A member may not serve more than two consecutive terms.

(2) The secretary may remove a member of the advisory committee for cause as specified by rule adopted by the department. If there is a vacancy, the secretary shall appoint a member to serve for the remainder of the unexpired term.

(3) The advisory committee shall meet at the times and places designated by the secretary and shall hold meetings during the year as necessary to provide advice to the secretary on matters relating to the regulation of adult family homes. A majority of the members may request a meeting of the committee for any express purpose directly related to the regulation of adult family homes. A majority of members currently serving shall constitute a quorum.

(4) Establishment of the advisory committee shall not prohibit the department of health from utilizing other advisory activities that the department of health deems necessary for program development.

(5) Each member of the advisory committee shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.060.

(6) The secretary, members of the advisory committee, or individuals acting on their behalf are immune from civil liability for official acts performed in the course of their duties.

EXPLANATORY NOTE

Corrects a manifest error in punctuation.

Sec. 19. RCW 18.53.040 and 1975 1st ex.s. c 69 s 15 are each amended to read as follows:

Nothing in this chapter shall be construed to pertain in any manner to the practice of any regularly qualified oculist or physician, who is regularly licensed to practice medicine in the state of Washington, or to any person who is regularly licensed to practice as a dispensing optician in the state of Washington, nor to any person who in the regular course of trade, sells or offers for

sale, spectacles or eyeglasses as regular merchandise without pretense of adapting them to the eyes of the purchaser, and not in evasion of this chapter: PROVIDED, That any such regularly qualified oculist or physician or other person shall be subject to the provisions of ((~~subdivisions (10) through (15) of~~)) RCW 18.53.140 (9) through (14), in connection with the performance of any function coming within the definition of the practice of optometry as defined in this chapter: PROVIDED FURTHER, HOWEVER, That in no way shall this section be construed to permit a dispensing optician to practice optometry as defined in this 1975 amendatory act.

EXPLANATORY NOTE

RCW 18.53.140 was amended by 1986 c 259 s 82, changing subsections (10) through (15) to subsections (9) through (14), respectively.

Sec. 20. RCW 18.57.174 and 1986 c 300 s 9 are each amended to read as follows:

((~~[(1)]~~)) (1) A health care professional licensed under chapter 18.57 RCW shall report to the board when he or she has personal knowledge that a practicing osteopathic physician has either committed an act or acts which may constitute statutorily defined unprofessional conduct or that a practicing osteopathic physician may be unable to practice osteopathic medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material, or as a result of any impairing mental or physical conditions.

(2) Reporting under this section is not required by:

(a) An appropriately appointed peer review committee member of a licensed hospital or by an appropriately designated professional review committee member of an osteopathic medical society during the investigative phase of their respective operations if these investigations are completed in a timely manner; or

(b) A treating licensed health care professional of an osteopathic physician currently involved in a treatment program as long as the physician patient actively participates in the treatment program and the physician patient's impairment does not constitute a clear and present danger to the public health, safety, or welfare.

(3) The board may impose disciplinary sanctions, including license suspension or revocation, on any health care professional subject to the jurisdiction of the board who has failed to comply with this section.

EXPLANATORY NOTE

Corrects a manifest clerical error.

Sec. 21. RCW 18.57A.060 and 1973 c 77 s 20 are each amended to read as follows:

No health care services may be performed under this chapter in any of the following areas:

(1) The measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof.

(2) The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training or orthoptics.

(3) The prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye.

(4) Nothing in this section shall preclude the performance of routine visual screening.

(5) The practice of dentistry or dental hygiene as defined in chapter 18.32 and 18.29 RCW respectively. The exemptions set forth in RCW 18.32.030, paragraphs (1) and (8), shall not apply to a physician's assistant.

(6) The practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulations of the spine.

(7) The practice of ((~~podiatry~~)) podiatric medicine and surgery as defined in chapter 18.22 RCW.

EXPLANATORY NOTE

The term "podiatry" was changed to "podiatric medicine and surgery" by 1990 c 147.

Sec. 22. RCW 18.64.430 and 1993 c 492 s 267 are each amended to read as follows:

The registered or licensed pharmacist ((~~of [under]~~)) under this chapter shall establish and maintain a procedure for disclosing to physicians and other health care providers with prescriptive authority information detailed by prescriber, of the cost and dispensation of all prescriptive medications prescribed by him or her for his or her patients on request. These charges should be made available on at least a quarterly basis for all requested patients and should include medication, dosage, number dispensed, and the cost of the prescription. Pharmacies may provide this information in a summary form for each prescribing physician for all patients rather than as individually itemized reports. All efforts should be made to utilize the existing computerized records and software to provide this information in the least costly format.

EXPLANATORY NOTE

Corrects a grammatical deficiency.

Sec. 23. RCW 18.71.017 and 1994 sp.s. c 9 s 304 are each amended to read as follows:

The ((~~board [commission]~~)) commission may adopt such rules as are not inconsistent with the laws of this state as may be determined necessary or proper to carry out the purposes of this chapter. The commission is the successor in interest of the board of medical examiners and the medical disciplinary board. All contracts, undertakings, agreements, rules, regulations, and policies continue in full force and effect on July 1, 1994, unless otherwise repealed or rejected by this chapter or by the commission.

EXPLANATORY NOTE

Corrects the reference to the Washington state medical quality assurance commission.

Sec. 24. RCW 18.74.012 and 1991 c 12 s 2 are each amended to read as follows:

Notwithstanding the provisions of RCW 18.74.010(((~~(4)~~))) (3), a consultation and periodic review by an authorized health care practitioner is not required for treatment of neuromuscular or musculoskeletal conditions: PROVIDED, That a physical therapist may only provide treatment utilizing orthoses that support, align, prevent, or correct any structural problems intrinsic to the foot or ankle by referral or consultation from an authorized health care practitioner.

EXPLANATORY NOTE

RCW 18.74.010 was amended by 1991 c 12 s 1 and subsection (4) was renumbered as subsection (3).

Sec. 25. RCW 18.88A.140 and 1991 c 16 s 5 are each amended to read as follows:

Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice by an individual licensed, certified, or registered under the laws of this state and performing services within their authorized scope of practice;

(2) The practice by an individual employed by the government of the United States while engaged in the performance of duties prescribed by the laws of the United States;

(3) The practice by a person who is a regular student in an educational program approved by the secretary, and whose performance of services ((~~[is]~~)) is pursuant to a regular course of instruction or assignments from an instructor and under the general supervision of the instructor.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 26. RCW 18.104.020 and 1993 c 387 s 2 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless a different meaning is plainly required by the context.

(1) "Abandoned well" means a well that is unused, unmaintained, and is in such disrepair as to be unusable.

(2) "Constructing a well" or "construct a well" means:

(a) Boring, digging, drilling, or excavating a well;

(b) Installing casing, sheeting, lining, or well screens, in a well; or

(c) Drilling a geotechnical soil boring.

"Constructing a well" or "construct a well" includes the alteration of an existing well.

(3) "Decommission" means to fill or plug a well so that it will not produce water, serve as a channel for movement of water or pollution, or allow the entry of pollutants into the well or aquifers.

(4) "Department" means the department of ecology.

(5) "Dewatering well" means a cased or lined excavation or boring that is intended to withdraw or divert ground water for the purpose of facilitating construction, stabilizing a landslide, or protecting an aquifer.

(6) "Director" means the director of the department of ecology.

(7) "Geotechnical soil boring" or "boring" means an uncased well drilled for purpose of obtaining soil samples to ascertain structural properties of the subsurface. Geotechnical soil boring includes auger borings, rotary borings, cone penetrometer probes and vane shear probes, or any other uncased ground penetration for geotechnical information.

(8) "Ground water" means and includes ground waters as defined in RCW 90.44.035.

(9) "Instrumentation well" means a well in which pneumatic or electric geotechnical or hydrological instrumentation is permanently or periodically installed to measure or monitor subsurface strength and movement. Instrumentation well includes borehole extensometers, slope indicators, pneumatic or electric pore pressure transducers, and load cells.

(10) "Monitoring well" means a well designed to obtain a representative ground water sample or designed to measure the water level elevation in either clean or contaminated water or soil.

(11) "Observation well" means a well designed to measure the depth to the water level elevation in either clean or contaminated water or soil.

(12) "Operator" means a person who (a) is employed by a well contractor; (b) is licensed under this chapter; or (c) who controls, supervises, or oversees the construction of a well or who operates well construction equipment.

(13) "Owner" or "well owner" means the person, firm, partnership, copartnership, corporation((~~[.]~~)), association, or other entity who owns the property on which the well is or will be constructed.

(14) "Pollution" and "contamination" have the meanings provided in RCW 90.48.020.

(15) "Resource protection well" means a cased boring used to determine the existence or migration of pollutants within an underground formation. Resource protection wells include monitoring wells, observation wells, piezometers, spill response wells, vapor extraction wells, and instrumentation wells.

(16) "Resource protection well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing resource protection wells or geotechnical soil borings.

(17) "Water well" means any excavation that is constructed when the intended use of the well is for the location, diversion, artificial recharge, observation, monitoring, dewatering, or withdrawal of ground water.

(18) "Water well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing water wells.

(19) "Well" means water wells, resource protection wells, instrumentation wells, dewatering wells, and geotechnical soil borings. Well does not mean an excavation made for the purpose of obtaining or prospecting for oil, natural gas, geothermal resources, minerals, or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas, or other products.

(20) "Well contractor" means a resource protection well contractor and a water well contractor.

EXPLANATORY NOTE

Corrects a manifest error in punctuation.

Sec. 27. RCW 18.106.180 and 1996 c 147 s 4 are each amended to read as follows:

An authorized representative of the department may issue a notice of infraction as specified in RCW 18.106.020(((~~(3)~~))) (4) if a person who is doing plumbing work or who is offering to do plumbing work fails to produce evidence of having a certificate or permit issued by the department in accordance with this chapter or of being supervised by a person who has such a certificate or permit. A notice of infraction issued under this section shall be personally served on the person named in the notice by an authorized representative of the department or sent by certified mail to the last known address provided to the department of the person named in the notice.

EXPLANATORY NOTE

RCW 18.106.020 was amended by 1997 c 326 s 3, changing subsection (3) to subsection (4).

Sec. 28. RCW 18.106.250 and 1994 c 174 s 7 are each amended to read as follows:

(1) The administrative law judge shall conduct notice of infraction cases under this chapter pursuant to chapter 34.05 RCW.

(2) The burden of proof is on the department to establish the commission of the infraction by a preponderance of the evidence. The notice of infraction shall be dismissed if the defendant establishes that, at the time the notice was issued:

(a) The defendant who was issued a notice of infraction authorized by RCW 18.106.020(((~~(3)(a)~~))) (4)(a) had a certificate or permit issued by the department in accordance with this chapter, was supervised by a person who has such a certificate or permit, or was exempt from this chapter under RCW 18.106.150; or

(b) For the defendant who was issued a notice of infraction authorized by RCW 18.106.020(((~~(3)~~))) (4) (b) or (c), the person employed or supervised by the defendant has a certificate or permit issued by the department in accordance with this chapter, was supervised by a person who had such a certificate or permit, or was exempt from this chapter under RCW 18.106.150.

(3) After consideration of the evidence and argument, the administrative law judge shall determine whether the infraction was committed. If it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the record of the proceedings. If it has been established that the infraction was committed, the administrative law judge shall issue findings of fact and conclusions of law in its decision and order determining whether the infraction was committed.

(4) An appeal from the administrative law judge's determination or order shall be to the superior court. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure.

EXPLANATORY NOTE

RCW 18.106.020 was amended by 1997 c 326 s 3, changing subsection (3) to subsection (4).

Sec. 29. RCW 18.130.172 and 1993 c 367 s 7 are each amended to read as follows:

(1) Prior to serving a statement of charges under RCW 18.130.090 or 18.130.170, the disciplinary authority may furnish a statement of allegations to the licensee or applicant along with a detailed summary of the evidence relied upon to establish the allegations and a proposed stipulation for informal resolution of the allegations. These documents shall be exempt from public disclosure until such time as the allegations are resolved either by stipulation or otherwise.

(2) The disciplinary authority and the applicant or licensee may stipulate that the allegations may be disposed of informally in accordance with this subsection. The stipulation shall contain a statement of the facts leading to the filing of the complaint; the act or acts of unprofessional ((~~conducted [conduct]~~)) conduct alleged to have been committed or the alleged basis for determining that the applicant or licensee is unable to practice with reasonable skill and safety; a statement that the stipulation is not to be construed as a finding of either unprofessional conduct or inability to practice; an acknowledgement that a finding of unprofessional conduct or inability to practice, if proven, constitutes grounds for discipline under this chapter; and an agreement on the part of the licensee or applicant that the sanctions set forth in RCW 18.130.160, except RCW 18.130.160 (1), (2), (6), and (8), may be imposed as part of the stipulation, except that no fine may be imposed but the licensee or applicant may agree to reimburse the disciplinary authority the costs of investigation and processing the complaint up to an amount not exceeding one thousand dollars per allegation; and an agreement on the part of the disciplinary authority to forego further disciplinary proceedings concerning the allegations. A stipulation entered into pursuant to this subsection shall not be considered formal disciplinary action.

(3) If the licensee or applicant declines to agree to disposition of the charges by means of a stipulation pursuant to subsection (2) of this section, the disciplinary authority may proceed to formal disciplinary action pursuant to RCW 18.130.090 or 18.130.170.

(4) Upon execution of a stipulation under subsection (2) of this section by both the licensee or applicant and the disciplinary authority, the complaint is deemed disposed of and shall become subject to public disclosure on the same basis and to the same extent as other records of the disciplinary authority. Should the licensee or applicant fail to pay any agreed reimbursement within thirty days of the date specified in the stipulation for payment, the disciplinary authority may seek collection of the amount agreed to be paid in the same manner as enforcement of a fine under RCW 18.130.165.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 30. RCW 18.135.060 and 1993 c 13 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section:

(a) Any health care assistant certified pursuant to this chapter shall perform the functions authorized in this chapter only by delegation of authority from the health care practitioner and under the supervision of a health care practitioner acting within the scope of his or her license. In the case of subcutaneous, intradermal and intramuscular and intravenous injections, a health care assistant may perform such functions only under the supervision of a health care practitioner having authority, within the scope of his or her license, to order such procedures.

(b) The health care practitioner who ordered the procedure or a health care practitioner who could order the procedure under his or her license shall be physically present in the immediate area of a hospital or nursing home where the injection is administered. Sensitivity agents being administered intradermally or by the scratch method are excluded from this requirement.

(2) A health care assistant trained by a federally approved end-stage renal disease facility may perform venipuncture for blood withdrawal, administration of oxygen as necessary by cannula or mask, venipuncture for placement of fistula needles, intravenous administration of heparin and sodium chloride solutions as an integral part of dialysis treatment, and intradermal, subcutaneous, or topical administration of local anesthetics in conjunction with placement of fistula needles, and intraperitoneal administration of sterile electrolyte solutions and heparin for peritoneal dialysis: (a) In the center or health care facility if a registered nurse licensed under chapter ((~~18.88~~)) 18.79 RCW is physically present and immediately available in such center or health care facility; or (b) in the patient's home if a physician and a registered nurse are available for consultation during the dialysis.

EXPLANATORY NOTE

Chapter 18.88 RCW was repealed by 1994 sp.s. c 9 s 433, effective July 1, 1994, and replaced by chapter 18.79 RCW.

Sec. 31. RCW 18.145.010 and 1989 c 382 s 2 are each amended to read as follows:

(1) No person may represent himself or herself as a ((~~shorthand reporter or a~~)) court reporter without first obtaining a certificate as required by this chapter.

(2) A person represents himself or herself to be a ((~~shorthand reporter or~~)) court reporter when the person adopts or uses any title or description of services that incorporates one or more of the following terms: "Shorthand reporter," "court reporter," "certified shorthand reporter," or "certified court reporter."

EXPLANATORY NOTE

"Shorthand reporter" or "court reporter" now just "court reporter" pursuant to 1995 c 27.

Sec. 32. RCW 18.155.010 and 1990 c 3 s 801 are each amended to read as follows:

The legislature finds that sex offender therapists who examine and treat sex offenders pursuant to the special sexual offender sentencing alternative under RCW 9.94A.120(((~~(7)(a)~~))) (8)(a) and who may treat juvenile sex offenders pursuant to RCW 13.40.160, play a vital role in protecting the public from sex offenders who remain in the community following conviction. The legislature finds that the qualifications, practices, techniques, and effectiveness of sex offender treatment providers vary widely and that the court's ability to effectively determine the appropriateness of granting the sentencing alternative and monitoring the offender to ensure continued protection of the community is undermined by a lack of regulated practices. The legislature recognizes the right of sex offender therapists to practice, consistent with the paramount requirements of public safety. Public safety is best served by regulating sex offender therapists whose clients are being evaluated and being treated pursuant to RCW 9.94A.120(((~~(7)(a)~~))) (8)(a) and 13.40.160. This chapter shall be construed to require only those sex offender therapists who examine and treat sex offenders pursuant to RCW 9.94A.120(((~~(7)(a)~~))) (8)(a) and 13.40.160 to obtain a sexual offender treatment certification as provided in this chapter.

EXPLANATORY NOTE

RCW 9.94A.120 was amended by 1995 c 108 s 3, changing subsection (7) to subsection (8).

Sec. 33. RCW 18.155.020 and 1990 c 3 s 802 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Certified sex offender treatment provider" means a licensed, certified, or registered health professional who is certified to examine and treat sex offenders pursuant to RCW 9.94A.120(((~~(7)(a)~~))) (8)(a) and 13.40.160.

(2) "Department" means the department of health.

(3) "Secretary" means the secretary of health.

(4) "Sex offender treatment provider" means a person who counsels or treats sex offenders accused of or convicted of a sex offense as defined by RCW 9.94A.030.

EXPLANATORY NOTE

RCW 9.94A.120 was amended by 1995 c 108 s 3, changing subsection (7) to subsection (8).

Sec. 34. RCW 18.155.030 and 1990 c 3 s 803 are each amended to read as follows:

(1) No person shall represent himself or herself as a certified sex offender treatment provider without first applying for and receiving a certificate pursuant to this chapter.

(2) Only a certified sex offender treatment provider may perform or provide the following services:

(a) Evaluations conducted for the purposes of and pursuant to RCW 9.94A.120(((~~(7)(a)~~))) (8)(a) and 13.40.160;

(b) Treatment of convicted sex offenders who are sentenced and ordered into treatment pursuant to RCW 9.94A.120(((~~(7)(a)~~))) (8)(a) and adjudicated juvenile sex offenders who are ordered into treatment pursuant to RCW 13.40.160.

EXPLANATORY NOTE

RCW 9.94A.120 was amended by 1995 c 108 s 3, changing subsection (7) to subsection (8).

Sec. 35. RCW 18.160.030 and 1992 c 116 s 2 are each amended to read as follows:

(1) This chapter shall be administered by the state director of fire protection.

(2) The state director of fire protection shall have the authority, and it shall be his or her duty to:

(a) Issue such administrative regulations as necessary for the administration of this chapter;

(b)(i) Set reasonable fees for licenses, certificates, testing, and other aspects of the administration of this chapter. However, the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-D fire protection sprinkler systems shall not exceed one hundred dollars, and the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-R fire protection sprinkler systems shall not exceed three hundred dollars;

(ii) Adopt rules establishing a special category restricted to contractors registered under chapter 18.27 RCW who install underground systems that service fire protection sprinkler systems. The rules shall be adopted within ninety days of March 31, 1992;

(c) Enforce the provisions of this chapter;

(d) Conduct investigations of complaints to determine if any infractions of this chapter or the regulations developed under this chapter have occurred;

(e) ((~~Work with the fire sprinkler advisory committee consisting of fire protection sprinkler system contractors and other related officials;~~

~~(f)~~)) Assign a certificate number to each certificate of competency holder; and

(((~~(g)~~))) (f) Adopt rules necessary to implement and administer a program which requires the affixation of a seal any time a fire protection sprinkler system is installed, which seal shall include the certificate number of any certificate of competency holder who installs, in whole or in part, the fire protection sprinkler system.

EXPLANATORY NOTE

The section creating the fire sprinkler advisory committee, 1990 c 177 s 9, was vetoed by the governor.

Sec. 36. RCW 18.160.040 and 1990 c 177 s 5 are each amended to read as follows: (1) To become a certificate of competency holder under this chapter, an applicant must have satisfactorily passed an examination administered by the state director of fire protection. A certificate of competency holder can satisfy this examination requirement by presenting a copy of a current certificate of competency from the national institute for certification in engineering technologies showing that the applicant has achieved the classification of engineering technician level 3 or senior engineering technician level 4 in the field of fire protection, automatic sprinkler system layout. The state director of fire protection may accept equivalent proof of qualification in lieu of examination((~~, as recommended by the fire sprinkler advisory committee~~)). This examination requirement is mandatory except as otherwise provided in this chapter.

(2) Every applicant for a certificate of competency shall fulfill the requirements established by the state director of fire protection ((~~and the fire protection sprinkler system technical advisory committee~~)) under chapter 34.05 RCW.

(3) Every applicant for a certificate of competency shall make application to the state director of fire protection and pay the fees required.

(4) Provided the application for the certificate of competency is made prior to ninety days after May 1, 1991, the state director of fire protection, in lieu of the examination requirements of the applicant for a certificate of competency, may accept as satisfactory evidence of competency and qualification, affidavits attesting that the applicant has had a minimum of three years' experience.

(5) The state director of fire protection may((~~, after consultation with the fire sprinkler advisory committee,~~)) issue a temporary certificate of competency to an applicant who, in his or her judgment, will satisfactorily perform as a certificate of competency holder under the provisions of this chapter. The temporary certificate of competency shall remain in effect for a period of up to three years. The temporary certificate of competency holder shall, within the three-year period, complete the examination requirements specified in subsection (1) of this section. There shall be no examination exemption for an individual issued a temporary certificate of competency. Prior to the expiration of the three-year period, the temporary certificate of competency holder shall make application for a regular certificate of competency. The procedures and qualifications for issuance of a regular certificate of competency shall be applicable to the temporary certificate of competency holder. When a temporary certificate of competency expires, the holder shall cease all activities associated with the holding of a temporary certificate of competency, subject to the penalties contained in this chapter.

(6) To become a licensed fire protection sprinkler system contractor under this chapter, a person or firm must comply with the following:

(a) Must be or have in his or her full-time employ a holder of a valid certificate of competency;

(b) Comply with the minimum insurance requirements of this chapter; and

(c) Make application to the state director of fire protection for a license and pay the fees required.

(7) Each license and certificate of competency issued under this chapter must be posted in a conspicuous place in the fire protection sprinkler system contractor's place of business.

(8) All bids, advertisements, proposals, offers, and installation drawings for fire protection sprinkler systems must prominently display the fire protection sprinkler system contractor's license number.

(9) A certificate of competency or license issued under this chapter is not transferable.

(10) In no case shall a certificate of competency holder be employed full time by more than one fire protection sprinkler system contractor at the same time. If the certificate of competency holder should leave the employment of the fire protection sprinkler system contractor, he or she must notify the state director of fire protection within thirty days. If the certificate of competency holder should leave the employment of the fire protection sprinkler system contractor, the contractor shall have six months or until the expiration of the current license, whichever occurs last, to submit a new application identifying another certificate of competency holder who is at the time of application an owner of the fire protection sprinkler system business or a full-time employee of the fire protection sprinkler system contractor, in order to be issued a new license. If such application is not received and a new license issued within the allotted time, the state director of fire protection shall revoke the license of the fire protection sprinkler system contractor.

EXPLANATORY NOTE

The section creating the fire sprinkler advisory committee, 1990 c 177 s 9, was vetoed by the governor.

Sec. 37. RCW 18.165.020 and 1995 c 277 s 18 are each amended to read as follows:

The requirements of this chapter do not apply to:

(1) A person who is employed exclusively or regularly by one employer and performs investigations solely in connection with the affairs of that employer, if the employer is not a private investigator agency;

(2) An officer or employee of the United States or of this state or a political subdivision thereof, while engaged in the performance of the officer's official duties;

(3) A person engaged exclusively in the business of obtaining and furnishing information about the financial rating of persons;

(4) An attorney at law while performing the attorney's duties as an attorney;

(5) A licensed collection agency or its employee, while acting within the scope of that person's employment and making an investigation incidental to the business of the agency;

(6) Insurers, agents, and insurance brokers licensed by the state, while performing duties in connection with insurance transacted by them;

(7) A bank subject to the jurisdiction of the ((~~Washington state banking commission~~)) department of financial institutions or the comptroller of currency of the United States, or a savings and loan association subject to the jurisdiction of this state or the federal home loan bank board;

(8) A licensed insurance adjuster performing the adjuster's duties within the scope of the adjuster's license;

(9) A secured creditor engaged in the repossession of the creditor's collateral, or a lessor engaged in the repossession of leased property in which it claims an interest;

(10) A person who is a forensic scientist, accident reconstructionist, or other person who performs similar functions and does not hold himself or herself out to be an investigator in any other capacity; or

(11) A person solely engaged in the business of securing information about persons or property from public records.

EXPLANATORY NOTE

Powers, duties, and functions of the department of general administration relating to financial institutions were transferred to the department of financial institutions by 1993 c 472, effective October 1, 1993. See chapter 43.320 RCW.

Sec. 38. RCW 18.165.130 and 1995 c 277 s 31 are each amended to read as follows:

(1) A private investigator agency shall notify the director within thirty days after the death or termination of employment of any employee who is a licensed private investigator or armed private investigator by returning the license to the department with the word ((~~["]terminated["]~~)) "terminated" written across the face of the license, the date of termination, and the signature of the principal of the private investigator company.

(2) A private investigator agency shall notify the director within seventy-two hours and the chief law enforcement officer of the county, city, or town in which the agency is located immediately upon receipt of information affecting a licensed private investigator's or armed private investigator's continuing eligibility to hold a license under the provisions of this chapter.

(3) A private investigator company shall notify the local law enforcement agency whenever an employee who is an armed private investigator discharges his or her firearm while on duty other than on a supervised firearm range. The notification shall be made within ten business days of the date the firearm is discharged.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 39. RCW 18.170.110 and 1995 c 277 s 8 are each amended to read as follows:

(1) A private security company shall notify the director within thirty days after the death or termination of employment of any employee who is a licensed private security guard or armed private security guard by returning the license to the department with the word ((~~["]terminated["]~~)) "terminated" written across the face of the license, the date of termination, and the signature of the principal or the principal's designee of the private security guard company.

(2) A private security company shall notify the department within seventy-two hours and the chief law enforcement officer of the county, city, or town in which the private security guard or armed private security guard was last employed immediately upon receipt of information affecting his or her continuing eligibility to hold a license under the provisions of this chapter.

(3) A private security guard company shall notify the local law enforcement agency whenever an employee who is an armed private security guard discharges his or her firearm while on duty other than on a supervised firearm range. The notification shall be made within ten business days of the date the firearm is discharged.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 40. RCW 18.185.010 and 1996 c 242 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of licensing.

(2) "Director" means the director of licensing.

(3) "Collateral or security" means property of any kind given as security to obtain a bail bond.

(4) "Bail bond agency" means a business that sells and issues corporate surety bail bonds or that provides security in the form of personal or real property to insure the appearance of a criminal defendant before the courts of this state or the United States.

(5) "Qualified agent" means an owner, sole proprietor, partner, manager, officer, or chief operating officer of a corporation who meets the requirements set forth in this chapter for obtaining a bail bond agency license.

(6) "Bail bond agent" means a person who is employed by a bail bond agency and engages in the sale or issuance of bail bonds, but does not mean a clerical, secretarial, or other support person who does not participate in the sale or issuance of bail bonds.

(7) "Licensee" means a bail bond agency or a bail bond agent or both.

(8) "Branch office" means any office physically separated from the principal place of business of the licensee from which the licensee or an employee or agents conduct any activity meeting the criteria of ((~~[a]~~)) a bail bond agency.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 41. RCW 18.205.030 and 1998 c 243 s 3 are each amended to read as follows:

No person may represent oneself as a certified chemical dependency professional or use any title or description of services of ((~~[a]~~)) a certified chemical dependency professional without applying for certification, meeting the required qualifications, and being certified by the department of health, unless otherwise exempted by this chapter.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 42. RCW 18.205.100 and 1998 c 243 s 10 are each amended to read as follows:

The secretary may establish by rule the standards and procedures for approval of educational programs and alternative training. The secretary may utilize or contract with individuals or organizations having expertise in the profession or in education to assist in the evaluations. The secretary shall establish by rule the standards and procedures for revocation of approval of ((~~education [educational]~~)) educational programs. The standards and procedures set shall apply equally to educational programs and training in the United States and in foreign jurisdictions. The secretary may establish a fee for educational program evaluations.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 43. RCW 19.02.110 and 1988 c 5 s 3 are each amended to read as follows:

In addition to the licenses processed under the master license system prior to April 1, 1982, on July 1, 1982, use of the master license system shall be expanded as provided by this section.

Applications for the following shall be filed with the business license center and shall be processed, and renewals shall be issued, under the master license system:

(1) Nursery dealer's licenses required by chapter 15.13 RCW;

(2) Seed dealer's licenses required by chapter 15.49 RCW;

(3) Pesticide dealer's licenses required by chapter 15.58 RCW;

(4) Shopkeeper's licenses required by chapter 18.64 RCW;

(5) Refrigerated locker licenses required by chapter 19.32 RCW;

(6) ((~~Wholesalers licenses and retailers licenses required by chapter 19.91 RCW;~~

~~(7)~~)) Egg dealer's licenses required by chapter 69.25 RCW.

EXPLANATORY NOTE

Chapter 19.91 RCW was repealed by 1986 c 321 s 14, effective July 1, 1991.

Sec. 44. RCW 19.02.800 and 1982 c 182 s 17 are each amended to read as follows:

Except as provided in RCW 43.07.200, the provisions of this chapter regarding the processing of license applications and renewals under a master license system shall not apply to those business or professional activities that are licensed or regulated under chapter 31.04, ((~~31.08,~~)) 31.12, 31.12A, or 31.13 RCW or under Title 30, 32, 33, or 48 RCW.

EXPLANATORY NOTE

Chapter 31.08 RCW was repealed by 1991 c 208 s 24, effective January 1, 1993.

Sec. 45. RCW 19.27A.050 and 1985 c 144 s 5 are each amended to read as follows:

As used in this chapter, references to the state building code ((~~advisory~~)) council shall be construed to include any successor agency.

EXPLANATORY NOTE

The "state building code advisory council" was redesignated as the "state building code council" by 1985 c 360 s 11.

Sec. 46. RCW 19.28.015 and 1988 c 81 s 2 are each amended to read as follows:

Disputes arising under RCW 19.28.010(((~~2~~))) (3) regarding whether the city or town's electrical rules, regulations, or ordinances are equal to the rules adopted by the department shall be resolved by arbitration. The department shall appoint two members of the board to serve on the arbitration panel, and the city or town shall appoint two persons to serve on the arbitration panel. These four persons shall choose a fifth person to serve. If the four persons cannot agree on a fifth person, the presiding judge of the superior court of the county in which the city or town is located shall choose a fifth person. A decision of the arbitration panel may be appealed to the superior court of the county in which the city or town is located within thirty days after the date the panel issues its final decision.

EXPLANATORY NOTE

RCW 19.28.010 was reenacted and amended by 1992 c 79 s 2, changing subsection (2) to subsection (3).

Sec. 47. RCW 19.28.370 and 1980 c 30 s 17 are each amended to read as follows:

The provisions of RCW 19.28.010 through ((~~19.28.380~~)) 19.28.360 shall not apply to the work of installing, maintaining or repairing any and all electrical wires, apparatus, installations or equipment used or to be used by a telegraph company or a telephone company in the exercise of its functions and located outdoors or in a building or buildings used exclusively for that purpose.

EXPLANATORY NOTE

RCW 19.28.380 was repealed by 1986 c 156 s 18.

Sec. 48. RCW 19.30.200 and 1985 c 280 s 14 are each amended to read as follows:

Any person who knowingly uses the services of an unlicensed farm labor contractor shall be personally, jointly, and severally liable with the person acting as a farm labor contractor to the same extent and in the same manner as provided in this chapter. In making determinations under this ((~~subsection [section]~~)) section, any user may rely upon either the license issued by the director to the farm labor contractor under RCW 19.30.030 or the director's representation that such contractor is licensed as required by this chapter.

EXPLANATORY NOTE

Corrects an inaccurate reference.

Sec. 49. RCW 19.32.150 and 1943 c 117 s 8 are each amended to read as follows:

The director of agriculture shall cause to be made periodically a thorough inspection of each establishment licensed under this chapter to determine whether or not the premises are constructed, equipped and operated in accordance with the requirements of this chapter and of all other laws of this state applicable to the operation either of refrigerated lockers or of the handling of human food in connection therewith, and of all regulations effective under this chapter relative to such operation. Such inspection shall also be made of each vehicle used by ((~~[an]~~)) an operator of refrigerated lockers or of an establishment handling human food in connection therewith, when such vehicle is used in transporting or distributing human food products to or from refrigerated lockers within this state.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 50. RCW 19.34.020 and 1999 c 287 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Accept a certificate" means to manifest approval of a certificate, while knowing or having notice of its contents. Such approval may be manifested by the use of the certificate.

(2) "Accept a digital signature" means to verify a digital signature or take an action in reliance on a digital signature.

(3) "Asymmetric cryptosystem" means an algorithm or series of algorithms that provide a secure key pair.

(4) "Certificate" means a computer-based record that:

(a) Identifies the certification authority issuing it;

(b) Names or identifies its subscriber;

(c) Contains the subscriber's public key; and

(d) Is digitally signed by the certification authority issuing it.

(5) "Certification authority" means a person who issues a certificate.

(6) "Certification authority disclosure record" means an on-line, publicly accessible record that concerns a licensed certification authority and is kept by the secretary.

(7) "Certification practice statement" means a declaration of the practices that a certification authority employs in issuing certificates.

(8) "Certify" means to declare with reference to a certificate, with ample opportunity to reflect, and with a duty to apprise oneself of all material facts.

(9) "Confirm" means to ascertain through appropriate inquiry and investigation.

(10) "Correspond," with reference to keys, means to belong to the same key pair.

(11) "Digital signature" means an electronic signature that is a transformation of a message using an asymmetric cryptosystem such that a person having the initial message and the signer's public key can accurately determine:

(a) Whether the transformation was created using the private key that corresponds to the signer's public key; and

(b) Whether the initial message has been altered since the transformation was made.

(12) "Electronic" means electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

(13) "Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

(14) "Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record, including but not limited to a digital signature.

(15) "Financial institution" means a national or state-chartered commercial bank or trust company, savings bank, savings association, or credit union authorized to do business in the state of Washington and the deposits of which are federally insured.

(16) "Forge a digital signature" means either:

(a) To create a digital signature without the authorization of the rightful holder of the private key; or

(b) To create a digital signature verifiable by a certificate listing as subscriber a person who either:

(i) Does not exist; or

(ii) Does not hold the private key corresponding to the public key listed in the certificate.

(17) "Hold a private key" means to be authorized to utilize a private key.

(18) "Incorporate by reference" means to make one message a part of another message by identifying the message to be incorporated and expressing the intention that it be incorporated.

(19) "Issue a certificate" means the acts of a certification authority in creating a certificate and notifying the subscriber listed in the certificate of the contents of the certificate.

(20) "Key pair" means a private key and its corresponding public key in an asymmetric cryptosystem, keys which have the property that the public key can verify a digital signature that the private key creates.

(21) "Licensed certification authority" means a certification authority to whom a license has been issued by the secretary and whose license is in effect.

(22) "Message" means a digital representation of information.

(23) "Notify" means to communicate a fact to another person in a manner reasonably likely under the circumstances to impart knowledge of the information to the other person.

(24) "Official public business" means any legally authorized transaction or communication among state agencies, tribes, and local governments, or between a state agency, tribe, or local government and a private person or entity.

(25) "Operative personnel" means one or more natural persons acting as a certification authority or its agent, or in the employment of, or under contract with, a certification authority, and who have:

(a) Duties directly involving the issuance of certificates, (([~~or~~])) or creation of private keys;

(b) Responsibility for the secure operation of the trustworthy system used by the certification authority or any recognized repository;

(c) Direct responsibility, beyond general supervisory authority, for establishing or adopting policies regarding the operation and security of the certification authority; or

(d) Such other responsibilities or duties as the secretary may establish by rule.

(26) "Person" means a human being or an organization capable of signing a document, either legally or as a matter of fact.

(27) "Private key" means the key of a key pair used to create a digital signature.

(28) "Public key" means the key of a key pair used to verify a digital signature.

(29) "Publish" means to make information publicly available.

(30) "Qualified right to payment" means an award of damages against a licensed certification authority by a court having jurisdiction over the certification authority in a civil action for violation of this chapter.

(31) "Recipient" means a person who has received a certificate and a digital signature verifiable with reference to a public key listed in the certificate and is in a position to rely on it.

(32) "Recognized repository" means a repository recognized by the secretary under RCW 19.34.400.

(33) "Recommended reliance limit" means the monetary amount recommended for reliance on a certificate under RCW 19.34.280(1).

(34) "Repository" means a system for storing and retrieving certificates and other information relevant to digital signatures.

(35) "Revoke a certificate" means to make a certificate ineffective permanently from a specified time forward. Revocation is effected by notation or inclusion in a set of revoked certificates, and does not imply that a revoked certificate is destroyed or made illegible.

(36) "Rightfully hold a private key" means the authority to utilize a private key:

(a) That the holder or the holder's agents have not disclosed to a person in violation of RCW 19.34.240(1); and

(b) That the holder has not obtained through theft, deceit, eavesdropping, or other unlawful means.

(37) "Secretary" means the secretary of state.

(38) "Subscriber" means a person who:

(a) Is the subject listed in a certificate;

(b) Applies for or accepts the certificate; and

(c) Holds a private key that corresponds to a public key listed in that certificate.

(39) "Suitable guaranty" means either a surety bond executed by a surety authorized by the insurance commissioner to do business in this state, or an irrevocable letter of credit issued by a financial institution authorized to do business in this state, which, in either event, satisfies all of the following requirements:

(a) It is issued payable to the secretary for the benefit of persons holding qualified rights of payment against the licensed certification authority named as the principal of the bond or customer of the letter of credit;

(b) It is in an amount specified by rule by the secretary under RCW 19.34.030;

(c) It states that it is issued for filing under this chapter;

(d) It specifies a term of effectiveness extending at least as long as the term of the license to be issued to the certification authority; and

(e) It is in a form prescribed or approved by rule by the secretary.

A suitable guaranty may also provide that the total annual liability on the guaranty to all persons making claims based on it may not exceed the face amount of the guaranty.

(40) "Suspend a certificate" means to make a certificate ineffective temporarily for a specified time forward.

(41) "Time stamp" means either:

(a) To append or attach a digitally signed notation indicating at least the date, time, and identity of the person appending or attaching the notation to a message, digital signature, or certificate; or

(b) The notation thus appended or attached.

(42) "Transactional certificate" means a valid certificate incorporating by reference one or more digital signatures.

(43) "Trustworthy system" means computer hardware and software that:

(a) Are reasonably secure from intrusion and misuse; and

(b) Conform with the requirements established by the secretary by rule.

(44) "Valid certificate" means a certificate that:

(a) A licensed certification authority has issued;

(b) The subscriber listed in it has accepted;

(c) Has not been revoked or suspended; and

(d) Has not expired.

However, a transactional certificate is a valid certificate only in relation to the digital signature incorporated in it by reference.

(45) "Verify a digital signature" means, in relation to a given digital signature, message, and public key, to determine accurately that:

(a) The digital signature was created by the private key corresponding to the public key; and

(b) The message has not been altered since its digital signature was created.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 51. RCW 19.34.250 and 1999 c 287 s 13 are each amended to read as follows:

(1) Unless the certification authority provides otherwise in the certificate or its certification practice statement, the licensed certification authority that issued a certificate that is not a transactional certificate must suspend the certificate for a period not to exceed five business days:

(a) Upon request by a person whom the certification authority reasonably believes to be: (i) The subscriber named in the certificate; (ii) a person duly authorized to act for that subscriber; or (iii) a person acting on behalf of the unavailable subscriber; or

(b) By order of the secretary under RCW 19.34.210((~~(5)~~)) (7).

The certification authority need not confirm the identity or agency of the person requesting suspension. The certification authority may require the person requesting suspension to provide evidence, including a statement under oath or affirmation, regarding the requestor's identity, authorization, or the unavailability of the subscriber. Law enforcement agencies may investigate suspensions for possible wrongdoing by persons requesting suspension.

(2) Unless the certification authority provides otherwise in the certificate or its certification practice statement, the secretary may suspend a certificate issued by a licensed certification authority for a period not to exceed five business days, if:

(a) A person identifying himself or herself as the subscriber named in the certificate, a person authorized to act for that subscriber, or a person acting on behalf of that unavailable subscriber (([~~requests suspension~~])) requests suspension; and

(b) The requester represents that the certification authority that issued the certificate is unavailable.

The secretary may require the person requesting suspension to provide evidence, including a statement under oath or affirmation, regarding his or her identity, authorization, or the unavailability of the issuing certification authority, and may decline to suspend the certificate in its discretion. Law enforcement agencies may investigate suspensions by the secretary for possible wrongdoing by persons requesting suspension.

(3) Immediately upon suspension of a certificate by a licensed certification authority, the licensed certification authority must give notice of the suspension according to the specification in the certificate. If one or more repositories are specified, then the licensed certification authority must publish a signed notice of the suspension in all the repositories. If a repository no longer exists or refuses to accept publication, or if no repository is recognized under RCW 19.34.400, the licensed certification authority must also publish the notice in a recognized repository. If a certificate is suspended by the secretary, the secretary must give notice as required in this subsection for a licensed certification authority, provided that the person requesting suspension pays in advance any fee required by a repository for publication of the notice of suspension.

(4) A certification authority must terminate a suspension initiated by request only:

(a) If the subscriber named in the suspended certificate requests termination of the suspension, the certification authority has confirmed that the person requesting suspension is the subscriber or an agent of the subscriber authorized to terminate the suspension; or

(b) When the certification authority discovers and confirms that the request for the suspension was made without authorization by the subscriber. However, this subsection (4)(b) does not require the certification authority to confirm a request for suspension.

(5) The contract between a subscriber and a licensed certification authority may limit or preclude requested suspension by the certification authority, or may provide otherwise for termination of a requested suspension. However, if the contract limits or precludes suspension by the secretary when the issuing certification authority is unavailable, the limitation or preclusion is effective only if notice of it is published in the certificate.

(6) No person may knowingly or intentionally misrepresent to a certification authority his or her identity or authorization in requesting suspension of a certificate. Violation of this subsection is a gross misdemeanor.

(7) The secretary may authorize other state or local governmental agencies to perform any of the functions of the secretary under this section upon a regional basis. The authorization must be formalized by an agreement under chapter 39.34 RCW. The secretary may provide by rule the terms and conditions of the regional services.

(8) A suspension under this section must be completed within twenty-four hours of receipt of all information required in this section.

EXPLANATORY NOTE

RCW 19.34.210 was amended by 1999 c 287 s 11, changing subsection (5) to subsection (7). Also corrects an apparent drafting error.

Sec. 52. RCW 19.34.901 and 1997 c 27 s 28 are each amended to read as follows:

(1) Sections ((~~1 [101]~~)) 101 through 601, 604, and 605, chapter 250, Laws of 1996 take effect January 1, 1998.

(2) Sections 602 and 603, chapter 250, Laws of 1996 take effect July 27, 1997.

EXPLANATORY NOTE

Corrects a manifest drafting error.

Sec. 53. RCW 19.36.100 and 1990 c 211 s 1 are each amended to read as follows:

"Credit agreement" means an agreement, promise, or commitment to lend money, to otherwise extend credit, to forbear with respect to the repayment of any debt or the exercise of any remedy, to modify or amend the terms under which the creditor has lent money or otherwise extended credit, to release any guarantor or ((~~consigner [cosigner]~~)) cosigner, or to make any other financial accommodation pertaining to a debt or other extension of credit.

EXPLANATORY NOTE

Corrects an apparent typographical error.

Sec. 54. RCW 19.40.071 and 1987 c 444 s 7 are each amended to read as follows:

(a) In an action for relief against a transfer or obligation under this chapter, a creditor, subject to the limitations in RCW 19.40.081, may obtain:

(1) Avoidance of the transfer or obligation to the extent necessary to satisfy the creditor's claim;

(2) An attachment or other provisional remedy against the asset transferred or other property of the transferee in accordance with the procedure prescribed by chapter ((~~7.12~~)) 6.25 RCW;

(3) Subject to applicable principles of equity and in accordance with applicable rules of civil procedure:

(i) An injunction against further disposition by the debtor or a transferee, or both, of the asset transferred or of other property;

(ii) Appointment of a receiver to take charge of the asset transferred or of other property of the transferee; or

(iii) Any other relief the circumstances may require.

(b) If a creditor has obtained a judgment on a claim against the debtor, the creditor, if the court so orders, may levy execution on the asset transferred or its proceeds.

EXPLANATORY NOTE

Chapter 7.12 RCW was recodified by 1987 c 442 s 1121. Of the thirty-two sections that previously comprised chapter 7.12 RCW, twenty-four sections were recodified in chapter 6.25 RCW, seven sections were repealed, and one section was recodified in chapter 6.17 RCW.

Sec. 55. RCW 19.56.010 and 1890 p 460 s 1 are each amended to read as follows:

Whenever any person, company or corporation owning or controlling any newspaper or periodical of any kind, or whenever any editor or proprietor of any such newspaper or periodical shall mail or send any such newspaper or periodical to any person or persons in this state without first receiving an order for said newspaper or periodical from such person or persons to whom said newspaper or periodical is mailed or sent, ((~~[it]~~)) it shall be deemed to be a gift, and no debt or obligation shall accrue against such person or persons, whether said newspaper or periodical is received by the person or persons to whom it is sent or not.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 56. RCW 19.60.085 and 1985 c 70 s 2 are each amended to read as follows:

The provisions of this chapter do not apply to transactions conducted by the following:

(1) Motor vehicle dealers licensed under chapter 46.70 RCW;

(2) ((~~Motor~~)) Vehicle wreckers or hulk haulers licensed under chapter 46.79 or 46.80 RCW;

(3) Persons giving an allowance for the trade-in or exchange of second-hand property on the purchase of other merchandise of the same kind of greater value; and

(4) Persons in the business of buying or selling empty food and beverage containers or metal or nonmetal junk.

EXPLANATORY NOTE

"Motor vehicle wrecker" redesignated "vehicle wrecker" by 1995 c 256.

Sec. 57. RCW 19.68.040 and 1949 c 204 s 4 are each amended to read as follows:

It is the intent of this ((~~article [chapter]~~)) chapter, and this ((~~article [chapter]~~)) chapter shall be so construed, that persons so licensed shall only be authorized by law to charge or receive compensation for professional services rendered if such services are actually rendered by the licensee and not otherwise: PROVIDED, HOWEVER, That it is not intended to prohibit two or more licensees who practice their profession as copartners to charge or collect compensation for any professional services by any member of the firm, or to prohibit a licensee who employs another licensee to charge or collect compensation for professional services rendered by the employee licensee.

EXPLANATORY NOTE

Corrects an inaccurate reference.

Sec. 58. RCW 19.72.040 and 1987 c 202 s 186 are each amended to read as follows:

In case such bond or recognizance is given in any action or proceeding commenced or pending in any court, the judge or clerk of any court of record or district court, or any party to the action or proceeding for the security or protection of which such bond or recognizance is made may, upon notice, require any of such sureties to attend before the judge at a time and place specified and to be examined under oath touching the surety's qualifications both as to residence and property as such surety, in such manner as the judge, in the judge's discretion, may think proper. If the party demanding the examination require it, the examination shall be reduced to writing and subscribed by the surety. If the judge ((~~find[s]~~)) finds the surety possesses the requisite qualifications and property, the judge shall endorse the allowance thereof on the bond or recognizance, and cause it to be filed as provided by law, otherwise it shall be of no effect.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 59. RCW 19.80.065 and 1984 c 130 s 8 are each amended to read as follows:

RCW 42.17.260(((~~(5)~~))) (9) does not apply to registrations made under this chapter.

EXPLANATORY NOTE

RCW 42.17.260 was amended by 1989 c 175 s 36, changing subsection (5) to subsection (6). RCW 42.17.260 was subsequently amended by 1992 c 139 s 3, changing subsection (6) to subsection (7). RCW 42.17.260 was subsequently amended by 1995 c 341 s 1, changing subsection (7) to subsection (9).

Sec. 60. RCW 19.85.030 and 1995 c 403 s 402 are each amended to read as follows:

(1) In the adoption of a rule under chapter 34.05 RCW, an agency shall prepare a small business economic impact statement: (a) If the proposed rule will impose more than minor costs on businesses in an industry; or (b) if requested to do so by a majority vote of the joint administrative rules review committee within forty-five days of receiving the notice of proposed rule making under RCW 34.05.320. However, if the agency has completed the pilot rule process as defined by RCW 34.05.313 before filing the notice of a proposed rule, the agency is not required to prepare a small business economic impact statement.

An agency shall prepare the small business economic impact statement in accordance with RCW 19.85.040, and file it with the code reviser along with the notice required under RCW 34.05.320. An agency shall file a statement prepared at the request of the joint administrative rules review committee with the code reviser upon its completion before the adoption of the rule. An agency shall provide a copy of the small business economic impact statement to any person requesting it.

((~~An agency may request assistance from the business assistance center in the preparation of the small business economic impact statement.~~))

(2) ((~~The business assistance center shall develop guidelines to assist agencies in determining whether a proposed rule will impose more than minor costs on businesses in an industry and therefore require preparation of a small business economic impact statement. The business assistance center may review an agency determination that a proposed rule will not impose such costs, and shall advise the joint administrative rules review committee on disputes involving agency determinations under this section.~~

~~(3)~~)) Based upon the extent of disproportionate impact on small business identified in the statement prepared under RCW 19.85.040, the agency shall, where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based, reduce the costs imposed by the rule on small businesses. Methods to reduce the costs on small businesses may include:

(a) Reducing, modifying, or eliminating substantive regulatory requirements;

(b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;

(c) Reducing the frequency of inspections;

(d) Delaying compliance timetables;

(e) Reducing or modifying fine schedules for noncompliance; or

(f) Any other mitigation techniques.

EXPLANATORY NOTE

The business assistance center and its powers and duties were terminated June 30, 1995. See 1993 c 280 ss 80 and 81.

Sec. 61. RCW 19.94.258 and 1995 c 355 s 15 are each amended to read as follows:

(1) Except as authorized by the department, a service agent who intends to provide the examination that permits a weighing or measuring instrument or device to be placed back into commercial service under RCW 19.94.255(3) shall receive an official registration certificate from the director prior to performing such a service. This registration requirement does not apply to the department or a city sealer.

(2) Except as provided in RCW ((~~19.94.035~~)) 19.94.2584, a registration certificate is valid for one year. It may be renewed by submitting a request for renewal to the department.

EXPLANATORY NOTE

RCW 19.94.035 was recodified as RCW 19.94.2584 pursuant to RCW 1.08.015(2)(k), September 1996.

Sec. 62. RCW 19.94.2584 and 1995 c 355 s 17 are each amended to read as follows:

(1) The department shall have the power to revoke, suspend, or refuse to renew the official registration certificate of any service agent for any of the following reasons:

(a) Fraud or deceit in obtaining an official registration certificate under this chapter;

(b) A finding by the department of a pattern of intentional fraudulent or negligent activities in the installation, inspection, testing, checking, adjusting, or systematically standardizing and approving the graduations of any weighing or measuring instrument or device;

(c) Knowingly placing back into commercial service any weighing or measuring instrument or device that is incorrect;

(d) A violation of any provision of this chapter; or

(e) Conviction of a crime or an act constituting a crime under the laws of this state, the laws of another state, or federal law.

(2) Upon the department's revocation of, suspension of, or refusal to ((~~renewal [renew]~~)) renew an official registration certificate, an individual shall have the right to appeal this decision in accordance with the administrative procedure act, chapter 34.05 RCW.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 63. RCW 19.94.310 and 1992 c 237 s 21 are each amended to read as follows:

(1) The governing body of each city for which a city sealer has been appointed as provided for by RCW 19.94.280 shall:

(a) Procure at the expense of the city the official weights and measures standards and any field weights and measures standards necessary for the administration and enforcement of the provisions of this chapter or any rule that may be prescribed by the director;

(b) Provide a suitable office for the city sealer and any deputies that have been duly appointed; and

(c) Make provision for the necessary clerical services, supplies, transportation and for defraying contingent expenses incidental to the official activities of the city sealer and his or her deputies in carrying out the provisions of this chapter.

(2) When the acquisition of the official weights and measures standards required under subsection (1)(a) of this section has been made and such weights and measures standards have been examined and approved by the director, they shall be the certified weights and measures standards for such city.

(3) In order to maintain field weights and ((~~measure[s]~~)) measures standards in accurate condition, the city sealer shall, at least once every two years, compare the field weights and measures standards used within his or her city to the certified weights and measures standards of such city or to the official weights and measures standards of this state.

EXPLANATORY NOTE

Corrects a manifest typographical error.

Sec. 64. RCW 19.94.390 and 1995 c 355 s 20 are each amended to read as follows:

(1) Whenever any commodity or service is sold, or is offered, exposed, or advertised for sale, by weight, measure, or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser. Whenever an advertised, ((~~poster [posted]~~)) posted or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral or

numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and one-half the width of the numerals representing the whole cents.

(2) The examination procedure recommended for price verification by the price verification working group of the laws and regulations committee of the national conference on weights and measures (as reflected in the fourth draft, dated November 1, 1994) for devices such as electronic scanners shall govern such examinations conducted under this chapter. The procedure shall be deemed to be adopted under this chapter. However, the department may revise the procedure as follows: The department shall provide notice of and conduct a public hearing pursuant to chapter 34.05 RCW to determine whether any revisions to this procedure made by the national institute of standards and technology or its successor organization for incorporating the examination procedure into an official handbook of the institute or its successor, or any subsequent revisions of the handbook regarding such procedures shall also be adopted under this chapter. If the department determines that the procedure should be so revised, it may adopt the revisions. Violations of this section regarding the use of devices such as electronic scanners may be found only as provided by the examination procedures adopted by or under this subsection.

(3) Electronic scanner screens installed after January 1, 1996, and used in retail establishments must be visible to the consumer at the checkout line.

EXPLANATORY NOTE

Corrects a manifest typographical error.

Sec. 65. RCW 19.94.505 and 1992 c 237 s 34 are each amended to read as follows:

(1) It is unlawful for any dealer ((~~or service station~~)), as ((~~both are~~)) defined in RCW 82.36.010, to sell ethanol and/or methanol at one percent, by volume, or greater in gasoline for use as motor vehicle fuel unless the dispensing device has a label stating the type and maximum percentage of alcohol contained in the motor vehicle fuel.

(2) In any county, city, or other political subdivision designated as a carbon monoxide nonattainment area pursuant to the provisions of subchapter I of the clean air act amendments of 1990, P.L. 101-549, and in which the sale of oxygenated petroleum products is required by section 211(m) of the clean air act amendments of 1990, 42 U.S.C. 7545(m), any dealer ((~~or service station~~)), as ((~~both are~~)) defined in RCW 82.36.010, who sells or dispenses a petroleum product that contains at least one percent, by volume, ethanol, methanol, or other oxygenate, shall post only such label or notice as may be required pursuant to 42 U.S.C. 7545(m)(4) or any amendments thereto or any successor provision thereof. This provision shall be applicable only during such portion of the year as oxygenated petroleum product sales are required pursuant to 42 U.S.C. 7545(m).

(3) Any person who violates this section is subject to a civil penalty of no more than five hundred dollars.

EXPLANATORY NOTE

RCW 82.36.010 was amended by 1998 c 176 s 6, deleting the definition of "service station."

Sec. 66. RCW 19.98.020 and 1975 1st ex.s. c 277 s 2 are each amended to read as follows:

All repurchase payments to retailers and sellers made pursuant to RCW 19.98.010 shall be less amounts owed on any lien or claim then outstanding upon such items covered by this section. Any wholesaler, manufacturer, or distributor making repurchase payments covered by this chapter to any retailer or seller shall satisfy such secured liens or claims pursuant to ((~~chapter [article]~~)) Article 62A.9 RCW less any interest owed to the lienholder arising from the financing of such items which shall be paid to any such secured lienholder by the retailer or seller. In no case shall the wholesaler, manufacturer, or distributor, in making payments covered by RCW 19.98.010, pay in excess of those amounts prescribed therein.

EXPLANATORY NOTE

Corrects an inaccurate reference.

Sec. 67. RCW 19.98.110 and 1990 c 124 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 19.98.100 through 19.98.150 and 19.98.911:

(1) "Equipment" means machinery consisting of a framework, various fixed and moving parts, driven by an internal combustion engine, and all other implements associated with this machinery that are designed for or adapted and used for agriculture, horticulture, livestock, or grazing use.

(2) "Equipment dealer" or "equipment dealership" means any person, partnership, corporation, association, or other form of business enterprise, primarily engaged in retail sale or service of equipment in this state, pursuant to any oral or written agreement for a definite or indefinite period of time in which there is a continuing commercial relationship in the marketing of the equipment or related services, but does not include dealers covered by chapter 46.70 or 46.94 RCW.

(3) "Supplier" means the manufacturer, wholesaler, or distributor of the equipment to be sold by the equipment dealer.

(4) "Dealer agreement" means a contract or agreement, either expressed or implied, whether oral or written, between a supplier and an equipment dealer, by which the equipment dealer is granted the right to sell, distribute, or service the supplier's equipment where there is a continuing commercial relationship between the supplier and the equipment dealer.

(5) "Continuing commercial relationship" means any relationship in which the equipment dealer has been granted the right to sell or service equipment manufactured by ((~~[the]~~)) the supplier.

(6) "Good cause" means failure by an equipment dealer to substantially comply with essential and reasonable requirements imposed upon the equipment dealer by the dealer agreement, provided such requirements are not different from those requirements imposed on other similarly situated equipment dealers in the state either by their terms or in the manner of their enforcement.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 68. RCW 19.105.330 and 1988 c 159 s 5 are each amended to read as follows:

((~~[(1)]~~)) (1) Unless an order denying effectiveness under RCW 19.105.380 is in effect, or unless declared effective by order of the director prior thereto, the application for registration shall automatically become effective upon the expiration of the twentieth full business day following a filing with the director in complete and proper form, but an applicant may consent to the delay of effectiveness until such time as the director may by order declare registration effective or issue a permit to market.

(2) An application for registration, renewal of registration, or amendment is not in completed form and shall not be deemed a statutory filing until such time as all required fees, completed application forms, and the information and documents required pursuant to RCW 19.105.320(1) and departmental rules have been filed.

It is the operator's responsibility to see that required filing materials and fees arrive at the appropriate mailing address of the department. Within seven business days, excluding the date of receipt, of receiving an application or initial request for registration and the filing fees, the department shall notify the applicant of receipt of the application and whether or not the application is complete and in proper form. If the application is incomplete, the department shall at the same time inform the applicant what additional documents or information is required.

If the application is not in a completed form, the department shall give immediate notice to the applicant. On the date the application is complete and properly filed, the statutory period for an in-depth examination of the filing, prescribed in subsection (1) of this section, shall begin to run, unless the applicant and the department have agreed to a stay of effectiveness or the department has issued a denial of the application or a permit to market.

EXPLANATORY NOTE

Corrects a manifest clerical error.

Sec. 69. RCW 19.105.470 and 1988 c 159 s 23 are each amended to read as follows:

(1) Whenever it appears to the director that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this chapter, any withdrawal of a camping resort property in violation of RCW 19.105.380((~~(1)(j)~~)) (1)(q), or any rule, order, or permit issued under this chapter, the director may in his or her discretion issue an order directing the person to cease and desist from continuing the act or practice. Reasonable notice of and opportunity for a hearing shall be given. However, the director may issue a temporary order pending the hearing which shall be effective immediately upon delivery to the person affected and which shall remain in effect until ten days after the hearing is held and which shall become final if the person to whom notice is addressed does not request a hearing within fifteen days after receipt of notice.

(2) If it appears necessary in order to protect the interests of members and purchasers, whether or not the director has issued a cease and desist order, the attorney general in the name of the state, the director, the proper prosecuting attorney, an affiliated members' common-interest association, or a group of members as a class, may bring an action in any court of competent jurisdiction to enjoin any such acts or practices and to enforce compliance with this chapter or any rule, order, or permit under this chapter. Upon a proper showing, a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant, for the defendant's assets, or to protect the interests or assets of a members' common-interest association or the members of a camping resort as a class. The state, the director, a members' common-interest association, or members as a class shall not be required to post a bond in such proceedings.

EXPLANATORY NOTE

The reference to RCW 19.105.380(1)(j) appears to be erroneous. Before March 20, 1988, the reference was to RCW 19.105.380(9). Chapter 159, Laws of 1988 placed the text of RCW 19.105.380(9) in RCW 19.105.380(1)(q), effective March 20, 1988.

Sec. 70. RCW 19.116.030 and 1990 c 44 s 4 are each amended to read as follows:

Unlawful subleasing or unlawful transfer of an ownership interest in motor vehicles ((~~are [is]~~)) is not reasonable in relation to the development and preservation of business. A violation of this chapter is an unfair or deceptive act in trade or commerce for the purpose of applying the consumer protection act, chapter 19.86 RCW.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 71. RCW 19.116.050 and 1990 c 44 s 6 are each amended to read as follows:

A dealer engages in an act of unlawful transfer of ownership interest in motor vehicles when all of the following circumstances are met:

(1) The dealer does not pay off any balance due to the secured party on a vehicle acquired by the dealer, no later than the close of the second business day after the acquisition date of the vehicle; and

(2) The dealer does not obtain a certificate of ownership under RCW ((~~46.12.140~~)) 46.70.124 for each used vehicle kept in his or her possession unless that certificate is in the possession of the person holding a security interest in the dealer's inventory; and

(3) The dealer does not transfer the certificate of ownership after the transferee has taken possession of the motor vehicle.

EXPLANATORY NOTE

RCW 46.12.140 was recodified as RCW 46.70.124 pursuant to 1993 c 307 s 18.

Sec. 72. RCW 19.120.080 and 1986 c 320 s 9 are each amended to read as follows:

Without limiting the other provisions of this chapter, the following specific rights and prohibitions shall govern the relation between the motor fuel refiner-supplier and the motor fuel retailers:

(1) The parties shall deal with each other in good faith.

(2) For the purposes of this chapter and without limiting its general application, it shall be an unfair or deceptive act or practice or an unfair method of competition and therefore unlawful and a violation of this chapter for any person to:

(a) Require a motor fuel retailer to purchase or lease goods or services of the motor fuel refiner-supplier or from approved sources of supply unless and to the extent that the motor fuel refiner-supplier satisfies the burden of proving that such restrictive purchasing agreements are reasonably necessary for a lawful purpose justified on business grounds, and do not substantially affect competition: PROVIDED, That this provision shall not apply to the initial inventory of the motor fuel franchise. In determining whether a requirement to purchase or lease goods or services constitutes an unfair or deceptive act or practice or an unfair method of competition the courts shall be guided by the decisions of the courts of the United States interpreting and applying the anti-trust laws of the United States.

(b) Discriminate between motor fuel retailers in the charges offered or made for royalties, goods, services, equipment, rentals, advertising services, or in any other business dealing, unless and to the extent that the motor fuel refiner-supplier satisfies the burden of proving that any classification of or discrimination between motor fuel retailers is reasonable, is based on motor fuel franchises granted at materially different times and such discrimination is reasonably related to such difference in time or on other proper and justifiable distinctions considering the purposes of this chapter, and is not arbitrary.

(c) Sell, rent, or offer to sell to a motor fuel retailer any product or service for more than a fair and reasonable price.

(d) Require ((~~[a]~~)) a motor fuel retailer to assent to a release, assignment, novation, or waiver which would relieve any person from liability imposed by this chapter.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 73. RCW 19.138.021 and 1996 c 180 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of licensing.

(2) "Director" means the director of licensing or the director's designee.

(3) "Seller of travel" means a person, firm, or corporation both inside and outside the state of Washington, who transacts business with Washington consumers for travel services.

(a) "Seller of travel" includes a travel agent and any person who is an independent contractor or outside agent for a travel agency or other seller of travel whose principal duties include consulting with and advising persons concerning travel arrangements or accommodations in the conduct or administration of its business. If a seller of travel is employed by a seller of travel who is registered under this chapter, the employee need not also be registered.

(b) "Seller of travel" does not include:

(i) An air carrier;

(ii) An owner or operator of a vessel, including an ocean common carrier as defined in 46 U.S.C. App. 1702(18), an owner or charterer of a vessel that is required to establish its financial responsibility in accordance with the requirements of the federal maritime commission, 46 U.S.C. App. 817 (e), and a steamboat company ((~~as defined in RCW 84.12.200~~)) whether or not operating over and upon the waters of this state;

(iii) A motor carrier;

(iv) A rail carrier;

(v) A charter party carrier of passengers as defined in RCW 81.70.020;

(vi) An auto transportation company as defined in RCW 81.68.010;

(vii) A hotel or other lodging accommodation;

(viii) An affiliate of any person or entity described in (i) through (vii) of this subsection (3)(b) that is primarily engaged in the sale of travel services provided by the person or entity. For purposes of this subsection (3)(b)(viii), an "affiliate" means a person or entity owning, owned by, or under common ownership, with "owning," "owned," and "ownership" referring to equity holdings of at least eighty percent;

(ix) Direct providers of transportation by air, sea, or ground, or hotel or other lodging accommodations who do not book or arrange any other travel services.

(4) "Travel services" includes transportation by air, sea, or ground, hotel or any lodging accommodations, package tours, or vouchers or coupons to be redeemed for future travel or accommodations for a fee, commission, or other valuable consideration.

(5) "Advertisement" includes, but is not limited to, a written or graphic representation in a card, brochure, newspaper, magazine, directory listing, or display, and oral, written, or graphic representations made by radio, television, or cable transmission that relates to travel services.

(6) "Transacts business with Washington consumers" means to directly offer or sell travel services to Washington consumers, including the placement of advertising in media based in the state of Washington or that is primarily directed to Washington residents. Advertising placed in national print or electronic media alone does not constitute "transacting business with Washington consumers." Those entities who only wholesale travel services are not "transacting business with Washington consumers" for the purposes of this chapter.

EXPLANATORY NOTE

RCW 84.12.200 was amended by 1998 c 335 s 1, removing the definition of steamboat company.

Sec. 74. RCW 19.146.260 and 1997 c 106 s 18 are each amended to read as follows:

Every licensed mortgage broker that does not maintain a physical office within the state must maintain a registered agent within the state to receive service of any lawful process in any judicial or administrative noncriminal suit, action, or proceeding against the licensed mortgage broker which arises under this chapter or any rule or order under this chapter, with the same force and validity as if served personally on the licensed mortgage broker. Service upon the registered agent shall not be effective unless the plaintiff, who may be the director in a suit, action, or proceeding instituted by him or her, no later than the next business day sends notice of the service and a copy of the process by registered mail to the defendant or respondent at the last address of the respondent or defendant on file with the director. In any judicial action, suit, or proceeding arising under this chapter or any rule or order adopted under this chapter between the department or director and a licensed mortgage broker who does not maintain a physical office in this state, venue shall be exclusively in the superior court of ((~~the [of]~~)) Thurston county.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 75. RCW 19.166.090 and 1991 c 128 s 9 are each amended to read as follows:

Any person who violates any provision of this chapter or who willfully and knowingly gives false or incorrect information to the secretary ((~~[of state]~~)) <u>of state</u>, attorney general, or county prosecuting attorney in filing statements required by this chapter, whether or not such statement or report is verified, is guilty of a misdemeanor punishable under chapter 9A.20 RCW.

EXPLANATORY NOTE

Clarifies that the reference is to the secretary of state.

Sec. 76. RCW 19.174.020 and 1993 c 324 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Access area" means a paved walkway or sidewalk that is within fifty feet of an automated teller machine or night deposit facility. "Access area" does not include publicly maintained sidewalks or roads.

(2) "Access device" means:

(a) "Access device" as defined in federal reserve board Regulation E, 12 C.F.R. Part 205, promulgated under the Electronic Fund Transfer Act, 15 U.S.C. Sec. 1601, et seq.; or

(b) A key or other mechanism issued by a banking institution to its customer to give the customer access to the banking institution's night deposit facility.

(3) "Automated teller machine" means an electronic information processing device located in this state that accepts or dispenses cash in connection with a credit, deposit, or convenience account. ((~~"Automatic [automated]~~)) "Automated teller machine" does not include a device used primarily to facilitate check guarantees or check authorizations, used in connection with the acceptance or dispensing of cash on a person-to-person basis such as by a store cashier, or used for payment of goods and services.

(4) "Banking institution" means a state or federally chartered bank, trust company, savings bank, savings and loan association, and credit union.

(5) "Candle-foot power" means a light intensity of candles on a horizontal plane at thirty-six inches above ground level and five feet in front of the area to be measured.

(6) "Control of an access area or defined parking area" means to have the present authority to determine how, when, and by whom it is to be used, and how it is to be maintained, lighted, and landscaped.

(7) "Defined parking area" means that portion of a parking area open for customer parking that is:

(a) Contiguous to an access area with respect to an automated teller machine or night deposit facility;

(b) Regularly, principally, and lawfully used for parking by users of the automated teller machine or night deposit facility while conducting transactions during hours of darkness; and

(c) Owned or leased by the operator of the automated teller machine or night deposit facility or owned or controlled by the party leasing the automated teller machine or night deposit facility site to the operator. "Defined parking area" does not include a parking area that is not open or regularly used for parking by users of the automated teller machine or night deposit facility who are conducting transactions during hours of darkness. A parking area is not open if it is physically closed to access or if conspicuous signs indicate that it is closed. If a multiple level parking area satisfies the conditions of this subsection (7)(c) and would therefore otherwise be a defined parking area, only the single parking level deemed by the operator of the automated teller machine and night deposit facility to be the most directly accessible to the users of the automated teller machine and night deposit facility is a defined parking area.

(8) "Hours of darkness" means the period that commences thirty minutes after sunset and ends thirty minutes before sunrise.

(9) "Night deposit facility" means a receptacle that is provided by a banking institution for the use of its customers in delivering cash, checks, and other items to the banking institution.

(10) "Operator" means a banking institution or other business entity or a person who operates an automated teller machine or night deposit facility.

EXPLANATORY NOTE

Corrects a manifest drafting error.

NEW SECTION. **Sec. 77.** The following acts or parts of acts are each repealed:

(1) RCW 18.08.150 (Application for examination--Fee) and 1985 c 7 s 5;

(2) RCW 18.08.190 (Expiration of certificate--Renewal--Fee--Withdrawal of registrant) and 1985 c 7 s 6;

(3) RCW 18.08.220 (Reinstatement of certificate--Replacement of lost or destroyed certificate, charge) and 1985 c 7 s 7;

(4) RCW 18.25.050 (Revocation or refusal of licenses--Hearing--Restoration) and 1985 c 7 s 16;

(5) RCW 18.32.326 (Identification of dental prostheses--Technical assistance);

(6) RCW 18.45.010 (Definitions) and 1979 c 141 s 27;

(7) RCW 18.45.020 (Administration of chapter) and 1979 c 141 s 28;

(8) RCW 18.45.440 (Inspection of premises, records, materials--Powers of secretary) and 1979 c 141 s 29;

(9) RCW 18.45.450 (Condemnation of articles, materials--Grounds--Disposition) and 1979 c 141 s 30;

(10) RCW 18.45.470 (Condemned articles--Failure to relinquish--Penalty) and 1979 c 141 s 31; and

(11) RCW 18.90.010 (Definitions) and 1979 c 158 s 70.

EXPLANATORY NOTE

RCW 18.08.150 was amended by 1985 c 7 s 5 without reference to its repeal by 1985 c 37 s 18. Repealing this section removes the decodified section from the code.

RCW 18.08.190 was amended by 1985 c 7 s 6 without reference to its repeal by 1985 c 37 s 18. Repealing this section removes the decodified section from the code.

RCW 18.08.220 was amended by 1985 c 7 s 7 without reference to its repeal by 1985 c 37 s 18. Repealing this section removes the decodified section from the code.

RCW 18.25.050 was amended by 1985 c 7 s 16 without reference to its repeal by 1986 c 259 s 27. Repealing this section removes the decodified section from the code.

RCW 18.32.326 was both recodified and repealed during the 1989 legislative sessions, each without reference to the other. Repealing this section removes the decodified section from the code.

RCW 18.45.010 was amended by 1979 c 141 s 27 without reference to its repeal by 1979 c 99 s 1, effective June 30, 1982. Repealing this section removes the decodified section from the code.

RCW 18.45.020 was amended by 1979 c 141 s 28 without reference to its repeal by 1979 c 99 s 51, effective June 30, 1982. Repealing this section removes the decodified section from the code.

RCW 18.45.440 was amended by 1979 c 141 s 29 without reference to its repeal by 1979 c 99 s 51, effective June 30, 1982. Repealing this section removes the decodified section from the code.

RCW 18.45.450 was amended by 1979 c 141 s 30 without reference to its repeal by 1979 c 99 s 51, effective June 30, 1982. Repealing this section removes the decodified section from the code.

RCW 18.45.470 was amended by 1979 c 141 s 31 without reference to its repeal by 1979 c 99 s 51, effective June 30, 1982. Repealing this section removes the decodified section from the code.

RCW 18.90.010 was amended by 1979 c 158 s 70 without reference to its repeal by 1979 c 99 s 60, effective June 30, 1982. Repealing this section removes the decodified section from the code."

MOTIONS

On motion of Senator Prentice, the following title amendment was adopted:

On page 1, line 2 of the title, after "laws;" strike the remainder of the title and insert "amending RCW 18.04.295, 18.04.105, 18.20.010, 18.22.040, 18.25.0151, 18.25.0196, 18.25.0197, 18.25.190, 18.27.270, 18.39.010, 18.39.510, 18.44.241, 18.44.261, 18.44.271, 18.44.281, 18.44.291, 18.44.450, 18.48.060, 18.53.040, 18.57.174, 18.57A.060, 18.64.430, 18.71.017, 18.74.012, 18.88A.140, 18.104.020, 18.106.180, 18.106.250, 18.130.172, 18.135.060, 18.145.010, 18.155.010, 18.155.020, 18.155.030, 18.160.030, 18.160.040, 18.165.020, 18.165.130, 18.170.110, 18.185.010, 18.205.030, 18.205.100, 19.02.110, 19.02.800, 19.27A.050, 19.28.015, 19.28.370, 19.30.200, 19.32.150, 19.34.020, 19.34.250, 19.34.901, 19.36.100, 19.40.071, 19.56.010, 19.60.085, 19.68.040, 19.72.040, 19.80.065, 19.85.030, 19.94.258, 19.94.2584, 19.94.310, 19.94.390, 19.94.505, 19.98.020, 19.98.110, 19.105.330, 19.105.470, 19.116.030, 19.116.050, 19.120.080, 19.138.021, 19.146.260, 19.166.090, and 19.174.020; and repealing RCW 18.08.150, 18.08.190, 18.08.220, 18.25.050, 18.32.326, 18.45.010, 18.45.020, 18.45.440, 18.45.450, 18.45.470, and 18.90.010."

On motion of Senator Prentice, the rules were suspended, House Bill No. 2400, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2400, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2400, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 2400, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2078, by House Committee on Natural Resources (originally sponsored by Representatives Buck, Regala, Eickmeyer and Anderson)

Merging Titles 75 and 77 RCW.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the following Committee on Natural Resources, Parks and Recreation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The purpose of this act is to recodify Titles 75 and 77 RCW into Title 77 RCW ensuant to the merger of the departments of wildlife and fisheries.

PART I
TITLE 75
Amendments

Sec. 2. RCW 75.08.012 and 1983 1st ex.s. c 46 s 5 are each amended to read as follows:

Wildlife, fish, and shellfish are the property of the state. The commission, director, and the department shall preserve, protect, perpetuate, and manage the wildlife and food fish, game fish, and shellfish in state waters and offshore waters.

The department shall conserve the wildlife and food fish, game fish, and shellfish resources in a manner that does not impair the resource. In a manner consistent with this goal, the department shall seek to maintain the economic well-being and stability of the fishing industry in the state. The department shall promote orderly fisheries and shall enhance and improve recreational and commercial fishing in this state.

The commission may authorize the taking of wildlife, food fish, game fish, and shellfish only at times or places, or in manners or quantities, as in the judgment of the commission does not impair the supply of these resources.

The commission shall attempt to maximize the public recreational game fishing and hunting opportunities of all citizens, including juvenile, disabled, and senior citizens.

Recognizing that the management of our state wildlife, food fish, game fish, and shellfish resources depends heavily on the assistance of volunteers, the department shall work cooperatively with volunteer groups and individuals to achieve the goals of this title to the greatest extent possible.

Nothing in this title shall be construed to infringe on the right of a private property owner to control the owner's private property.

Sec. 3. RCW 75.08.020 and 1988 c 36 s 31 are each amended to read as follows:

(1) The director shall investigate the habits, supply, and economic use of food fish and shellfish in state and offshore waters.

(2) The director shall make an annual report to the governor on the operation of the department and the statistics of the fishing industry.

(3) Subject to RCW 40.07.040, the director shall provide a comprehensive biennial report of all departmental operations to the chairs of the committees on natural resources ((~~and ways and means~~)) of the senate and house of representatives, the senate ways and means committee, and the house of representatives appropriations committee, including one copy to the staff of each of the committees, to reflect the previous fiscal period. The format of the report shall be similar to reports issued by the department from 1964-1970 and the report shall include, but not be limited to, descriptions of all department activities including: Revenues generated, program costs, capital expenditures, personnel, special projects, new and ongoing research, environmental controls, cooperative projects, intergovernmental agreements, and outlines of ongoing litigation, recent court decisions and orders on major issues with the potential for state liability. The report shall describe the status of the resource and its recreational, commercial, and tribal utilization. The report ((~~shall be given to the house and senate committees on ways and means and the house and senate committees on natural resources and~~)) shall be made available to the public.

Sec. 4. RCW 75.08.040 and 1995 1st sp.s. c 2 s 23 are each amended to read as follows:

The commission may acquire by gift, easement, purchase, lease, or condemnation lands, buildings, water rights, ((~~and~~)) rights of way, or other necessary property, and construct and maintain necessary facilities for purposes consistent with this title. The commission may authorize the director to acquire property under this section, but the power of condemnation may only be

exercised by the director when an appropriation has been made by the legislature for the acquisition of a specific property, except to clear title and acquire access rights of way.

The commission may sell, lease, convey, or grant concessions upon real or personal property under the control of the department.

Sec. 5. RCW 75.08.045 and 1995 1st sp.s. c 2 s 24 are each amended to read as follows:

The ((~~commission~~)) director may accept money or real property from persons under conditions requiring the use of the property or money for the protection, rehabilitation, preservation, or conservation of the state wildlife, food fish, and shellfish resources, or in settlement of claims for damages to wildlife, food fish, and shellfish resources. The ((~~commission~~)) director shall only accept real property useful for the protection, rehabilitation, preservation, or conservation of these fisheries resources.

Sec. 6. RCW 75.08.055 and 1995 1st sp.s. c 2 s 8 are each amended to read as follows:

(1) The commission may enter into agreements with and receive funds from the United States for the construction, maintenance, and operation of fish cultural stations, laboratories, and devices in the Columbia River basin for improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects and for facilitating free migration of fish over obstructions.

(2) The ((~~commission~~)) director and the department may acquire by gift, purchase, lease, easement, or condemnation the use of lands where the construction or improvement is to be carried on by the United States.

Sec. 7. RCW 75.08.080 and 1995 1st sp.s. c 2 s 11 are each amended to read as follows:

(1) The commission may adopt, amend, or repeal rules as follows:

(a) Specifying the times when the taking of wildlife, food fish, or shellfish is lawful or unlawful.

(b) Specifying the areas and waters in which the taking and possession of wildlife, food fish, or shellfish is lawful or unlawful.

(c) Specifying and defining the gear, appliances, or other equipment and methods that may be used to take wildlife, food fish, or shellfish, and specifying the times, places, and manner in which the equipment may be used or possessed.

(d) Regulating the possession, disposal, landing, and sale of wildlife, food fish, or shellfish within the state, whether acquired within or without the state.

(e) Regulating the prevention and suppression of diseases and pests affecting wildlife, food fish, or shellfish.

(f) Regulating the size, sex, species, and quantities of wildlife, food fish, or shellfish that may be taken, possessed, sold, or disposed of.

(g) Specifying the statistical and biological reports required from fishermen, dealers, boathouses, or processors of wildlife, food fish, or shellfish.

(h) Classifying species of marine and freshwater life as food fish or shellfish.

(i) Classifying the species of wildlife, food fish, and shellfish that may be used for purposes other than human consumption.

(j) Other rules necessary to carry out this title and the purposes and duties of the department.

(2) Subsections (1)(a), (b), (c), (d), and (f) of this section do not apply to private tideland owners and lessees and the immediate family members of the owners or lessees of state tidelands, when they take or possess oysters, clams, cockles, borers, or mussels, excluding razor clams, produced on their own private tidelands or their leased state tidelands for personal use.

"Immediate family member" for the purposes of this section means a spouse, brother, sister, grandparent, parent, child, or grandchild.

(3) Except for subsection (1)(g) of this section, this section does not apply to private sector cultured aquatic products as defined in RCW 15.85.020. Subsection (1)(g) of this section does apply to such products.

Sec. 8. RCW 75.08.206 and 1983 1st ex.s. c 46 s 20 are each amended to read as follows:

The director shall provide compensation insurance for ((~~fisheries patrol~~)) fish and wildlife officers, insuring these employees against injury or death in the performance of enforcement duties not covered under the workers' compensation act of the state. The beneficiaries and the compensation and benefits under the compensation insurance shall be the same as provided in chapter 51.32 RCW, and the compensation insurance also shall provide for medical aid and hospitalization to the extent and amount as provided in RCW 51.36.010 and 51.36.020.

Sec. 9. RCW 75.08.208 and 1983 1st ex.s. c 46 s 22 are each amended to read as follows:

The director shall relieve from active duty ((~~fisheries patrol~~)) fish and wildlife officers who are injured in the performance of their official duties to such an extent as to be incapable of active service. While relieved from active duty, the employees shall receive one-half of their salary less any compensation received through the provisions of RCW 41.40.200, 41.40.220, and 75.08.206.

Sec. 10. RCW 75.08.230 and 1996 c 267 s 3 are each amended to read as follows:

(1) Except as provided in this ((~~section~~)) title, state and county officers receiving the following moneys shall deposit them in the state general fund:

(a) The sale of commercial licenses required under this title, except for licenses issued under chapter 77.32 RCW; and

(b) ((~~The sale of property seized or confiscated under this title;~~

~~(c) Fines and forfeitures collected under this title;~~

~~(d) The sale of real or personal property held for department purposes;~~

~~(e) Rentals or concessions of the department;~~

~~(f)~~)) Moneys received for damages to food fish((~~,~~)) or shellfish ((~~or department property; and~~

~~(g) Gifts~~)).

(2) The director shall make weekly remittances to the state treasurer of moneys collected by the department.

(3) All fines and forfeitures collected or assessed by a district court for a violation of this title or rule of the department shall be remitted as provided in chapter 3.62 RCW.

(4) Proceeds from the sale of food fish or shellfish taken in test fishing conducted by the department, to the extent that these proceeds exceed the estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270 to reimburse the department for unanticipated costs for test fishing operations in excess of the allowance in the budget approved by the legislature.

(5) Proceeds from the sale of salmon carcasses and salmon eggs from state general funded hatcheries by the department of general administration shall be deposited in the regional fisheries enhancement group account established in RCW 75.50.100 (as recodified by this act).

(6) Moneys received by the commission under RCW 75.08.045 (as recodified by this act), to the extent these moneys exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for the specific purpose for which the moneys were received, unless the moneys were received in settlement of a claim for damages to food fish or shellfish, in which case the moneys may be expended for the conservation of these resources.

(7) Proceeds from the sale of herring spawn on kelp fishery licenses by the department, to the extent those proceeds exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for herring management, enhancement, and enforcement.

Sec. 11. RCW 75.08.245 and 1988 c 115 s 1 are each amended to read as follows:

The department may supply, at a reasonable charge, surplus salmon eggs to a person for use in the cultivation of salmon. The department shall not intentionally create a surplus of salmon to provide eggs for sale. The department shall only sell salmon eggs from stocks that are not suitable for salmon population rehabilitation or enhancement in state waters in Washington. All sales or transfers shall be consistent with the department's egg transfer and aquaculture disease control regulations as now existing or hereafter amended. Prior to department determination that eggs of a salmon stock are surplus and available for sale, the department shall assess the productivity of each watershed that is suitable for receiving eggs.

((~~The salmon enhancement advisory council, created in RCW 75.48.120, shall consider egg sales at each meeting.~~))

Sec. 12. RCW 75.10.150 and 1996 c 267 s 14 are each amended to read as follows:

Since violation of the rules of the department relating to the accounting of the commercial harvest of food fish and shellfish result in damage to the resources of the state, liability for damage to food fish and shellfish resources is imposed on a wholesale fish dealer for violation of a provision in chapter 75.28 RCW (as recodified by this act) or a rule of the department related to the accounting of the commercial harvest of food fish and shellfish and shall be for the actual damages or for damages imposed as follows:

(1) For violation of rules requiring the timely presentation to the department of documents relating to the accounting of commercial harvest, fifty dollars for each of the first fifteen documents in a series and ten dollars for each subsequent document in the same series. If documents relating to the accounting of commercial harvest of food fish and shellfish are lost or destroyed and the wholesale dealer notifies the department in writing within seven days of the loss or destruction, the director shall waive the requirement for timely presentation of the documents.

(2) For violation of rules requiring accurate and legible information relating to species, value, harvest area, or amount of harvest, twenty-five dollars for each of the first five violations of this subsection following July 28, 1985, and fifty dollars for each violation after the first five violations.

(3) For violations of rules requiring certain signatures, fifty dollars for each of the first two violations and one hundred dollars for each subsequent violation. For the purposes of this subsection, each signature is a separate requirement.

(4) For other violations of rules relating to the accounting of the commercial harvest, fifty dollars for each separate violation.

Sec. 13. RCW 75.12.230 and 1998 c 190 s 81 are each amended to read as follows:

Within the waters described in RCW 75.12.210 (as recodified by this act), a person shall not transport or possess salmon on board a vessel carrying fishing gear of a type other than troll lines or angling gear, unless accompanied by a certificate issued by a state or country showing that the salmon have been lawfully taken within the territorial waters of the state or country.

Sec. 14. RCW 75.20.061 and 1983 1st ex.s. c 46 s 73 are each amended to read as follows:

If the director determines that a fishway or fish guard described in RCW 75.20.040 and 75.20.060 (as recodified by this act) and in existence on September 1, 1963, is inadequate, in addition to other authority granted in this chapter, the director may remove, relocate, reconstruct, or modify the device, without cost to the owner. The director shall not materially modify the amount of flow of water through the device. After the department has completed the improvements, the fishways and fish guards shall be operated and maintained at the expense of the owner in accordance with RCW 75.20.040 and 75.20.060 (as recodified by this act).

Sec. 15. RCW 75.20.098 and 1997 c 424 s 6 are each amended to read as follows:

When reviewing a mitigation plan under RCW 75.20.100 or 75.20.103 (as recodified by this act), the department shall, at the request of the project proponent, follow the guidance contained in RCW 90.74.005 through 90.74.030.

Sec. 16. RCW 75.20.100 and 1998 c 190 s 87 are each amended to read as follows:

(1) In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the approval of the department as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld.

(2)(a) ((~~Except as provided in RCW 75.20.1001,~~)) The department shall grant or deny approval of a standard permit within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section.

(b) The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life.

(c) The forty-five day requirement shall be suspended if:

(i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(ii) The site is physically inaccessible for inspection; or

(iii) The applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(d) For purposes of this section, "standard permit" means a written permit issued by the department when the conditions under subsections (3) and (5)(b) of this section are not met.

(3)(a) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to repair existing structures, move obstructions, restore banks, protect property, or protect fish resources. Expedited permit requests require a complete written application as provided in subsection (2)(b) of this section and shall be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance.

(b) For the purposes of this subsection, "imminent danger" means a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application.

(c) The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

(d) The department or the county legislative authority may determine if an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists.

(4) Approval of a standard permit is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent.

(5)(a) In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately, upon request, oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without

the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval to protect fish life shall be established by the department and reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately, upon request, for a stream crossing during an emergency situation.

(b) For purposes of this section and RCW 75.20.103 (as recodified by this act), "emergency" means an immediate threat to life, the public, property, or of environmental degradation.

(c) The department or the county legislative authority may declare and continue an emergency when one or more of the criteria under (b) of this subsection are met. The county legislative authority shall immediately notify the department if it declares an emergency under this subsection.

(6) The department shall, at the request of a county, develop five-year maintenance approval agreements, consistent with comprehensive flood control management plans adopted under the authority of RCW 86.12.200, or other watershed plan approved by a county legislative authority, to allow for work on public and private property for bank stabilization, bridge repair, removal of sand bars and debris, channel maintenance, and other flood damage repair and reduction activity under agreed-upon conditions and times without obtaining permits for specific projects.

(7) This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 75.20.103 (as recodified by this act).

A landscape management plan approved by the department and the department of natural resources under RCW 76.09.350(2), shall serve as a hydraulic project approval for the life of the plan if fish are selected as one of the public resources for coverage under such a plan.

(8) For the purposes of this section and RCW 75.20.103 (as recodified by this act), "bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

(9) The phrase "to construct any form of hydraulic project or perform other work" does not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

Sec. 17. RCW 75.20.104 and 1993 sp.s. c 2 s 33 are each amended to read as follows:

Whenever the placement of woody debris is required as a condition of a hydraulic permit approval issued pursuant to RCW 75.20.100 or 75.20.103 (as recodified by this act), the department, upon request, shall invite comment regarding that placement from the local governmental authority, affected tribes, affected federal and state agencies, and the project applicant.

Sec. 18. RCW 75.20.1041 and 1993 sp.s. c 2 s 34 are each amended to read as follows:

The department and the department of ecology will work cooperatively with the United States army corps of engineers to develop a memorandum of agreement outlining dike vegetation management guidelines so that dike owners are eligible for coverage under P.L. 84-99, and state requirements established pursuant to RCW 75.20.100 and 75.20.103 (as recodified by this act) are met.

Sec. 19. RCW 75.20.106 and 1993 sp.s. c 2 s 35 are each amended to read as follows:

The department may levy civil penalties of up to one hundred dollars per day for violation of any provisions of RCW 75.20.100 or 75.20.103 (as recodified by this act). The penalty provided shall be imposed by notice in writing, either by certified mail or personal service to the person incurring the penalty, from the director or the director's designee describing the violation. Any person incurring any penalty under this chapter may appeal the same under chapter 34.05 RCW to the director. Appeals shall be filed within thirty days of receipt of notice imposing any penalty. The penalty imposed shall become due and payable thirty days after receipt of a notice imposing the penalty unless an appeal is filed. Whenever an appeal of any penalty incurred under this chapter is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part.

If the amount of any penalty is not paid within thirty days after it becomes due and payable the attorney general, upon the request of the director shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action. All penalties recovered under this section shall be paid into the state's general fund.

Sec. 20. RCW 75.20.130 and 1996 c 276 s 2 are each amended to read as follows:

(1) There is hereby created within the environmental hearings office under RCW 43.21B.005 the hydraulic appeals board of the state of Washington.

(2) The hydraulic appeals board shall consist of three members: The director of the department of ecology or the director's designee, the director of the department of agriculture or the director's designee, and the director or the director's

designee of the department whose action is appealed under subsection (6) of this section. A decision must be agreed to by at least two members of the board to be final.

(3) The board may adopt rules necessary for the conduct of its powers and duties or for transacting other official business.

(4) The board shall make findings of fact and prepare a written decision in each case decided by it, and that finding and decision shall be effective upon being signed by two or more board members and upon being filed at the hydraulic appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The board has exclusive jurisdiction to hear appeals arising from the approval, denial, conditioning, or modification of a hydraulic approval issued by the department: (a) Under the authority granted in RCW 75.20.103 (as recodified by this act) for the diversion of water for agricultural irrigation or stock watering purposes or when associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020; or (b) under the authority granted in RCW 75.20.190 (as recodified by this act) for off-site mitigation proposals.

(6)(a) Any person aggrieved by the approval, denial, conditioning, or modification of a hydraulic approval pursuant to RCW 75.20.103 (as recodified by this act) may seek review from the board by filing a request for the same within thirty days of notice of the approval, denial, conditioning, or modification of such approval.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

Sec. 21. RCW 75.20.320 and 1995 c 328 s 1 are each amended to read as follows:

The department may not require mitigation for adverse impacts on fish life or habitat that occurred at the time a wetland was filled, if the wetland was filled under the provisions of RCW 75.20.300 (as recodified by this act).

Sec. 22. RCW 75.24.060 and 1998 c 245 s 152 are each amended to read as follows:

It is the policy of the state to improve state oyster reserves so that they are productive and yield a revenue sufficient for their maintenance. In fixing the price of oysters and other shellfish sold from the reserves, the director shall take into consideration this policy. It is also the policy of the state to maintain the oyster reserves to furnish shellfish to growers and processors and to stock public beaches.

Shellfish may be harvested from state oyster reserves for personal use as prescribed by rule of the director.

The ((~~department~~)) director shall periodically inventory the state oyster reserves and assign the reserve lands into management categories:

(1) Native Olympia oyster broodstock reserves;

(2) Commercial shellfish harvesting zones;

(3) Commercial shellfish propagation zones designated for long-term leasing to private aquaculturists;

(4) Public recreational shellfish harvesting zones;

(5) Unproductive land.

The ((~~department~~)) director shall manage each category of oyster reserve land to maximize the sustained yield production of shellfish consistent with the purpose for establishment of each management category.

The ((~~department~~)) commission shall develop an oyster reserve management plan, to include recommendations for leasing reserve lands, in coordination with the shellfish industry, by January 1, 1986.

The director shall protect, reseed, improve the habitat of, and replant state oyster reserves ((~~and~~)). The director shall also issue cultch permits and oyster reserve fishery licenses.

Sec. 23. RCW 75.24.065 and 1993 sp.s. c 2 s 40 are each amended to read as follows:

The legislature finds that current environmental and economic conditions warrant a renewal of the state's historical practice of actively cultivating and managing its oyster reserves in Puget Sound to produce the state's native oyster, the Olympia oyster. The ((~~department~~)) director shall reestablish dike cultivated production of Olympia oysters on such reserves on a trial basis as a tool for planning more comprehensive cultivation by the state.

Sec. 24. RCW 75.24.070 and 1983 1st ex.s. c 46 s 82 are each amended to read as follows:

The director shall determine the time, place, and method of sale of oysters and other shellfish from state oyster reserves. Any person who commercially takes shellfish from state oyster reserves must possess an oyster reserve fishery license issued by the director pursuant to RCW 75.28.290 (as recodified by this act). Any person engaged in the commercial cultching of oysters on state oyster reserves must possess an oyster cultch permit issued by the director pursuant to RCW 75.28.295 (as recodified by this act).

To maintain local communities and industries and to restrain the formation of monopolies in the industry, the director shall determine the number of bushels which shall be sold to a person. When the shellfish are sold at public auction, the director may reject any and all bids.

Sec. 25. RCW 75.24.100 and 1998 c 190 s 91 are each amended to read as follows:

(1) The ((~~department~~)) director may not authorize a person to take geoduck clams for commercial purposes outside the harvest area designated in a current department of natural resources geoduck harvesting agreement issued under RCW 79.96.080. The ((~~department~~)) director may not authorize commercial harvest of geoduck clams from bottoms that are shallower than eighteen feet below mean lower low water (0.0. ft.), or that lie in an area bounded by the line of ordinary high tide (mean high tide) and a line two hundred yards seaward from and parallel to the line of ordinary high tide. This section does not apply to the harvest of private sector cultured aquatic products as defined in RCW 15.85.020.

(2) Commercial geoduck harvesting shall be done with a hand-held, manually operated water jet or suction device guided and controlled from under water by a diver. Periodically, the ((~~commission~~)) director shall determine the effect of each type or unit of gear upon the geoduck population or the substrate they inhabit. The ((~~commission~~)) director may require modification of the gear or stop its use if it is being operated in a wasteful or destructive manner or if its operation may cause permanent damage to the bottom or adjacent shellfish populations.

Sec. 26. RCW 75.24.130 and 1995 1st sp.s. c 2 s 30 are each amended to read as follows:

The commission may examine the clam, mussel, and oyster beds located on aquatic lands belonging to the state and request the commissioner of public lands to withdraw these lands from sale and lease for the purpose of establishing reserves or public beaches. The ((~~commission~~)) director shall conserve, protect, and develop these reserves and the oyster, shrimp, clam, and mussel beds on state lands.

Sec. 27. RCW 75.25.092 and 1999 c 243 s 3 are each amended to read as follows:

(1) A personal use shellfish and seaweed license is required for all persons other than residents or nonresidents under fifteen years of age to fish for, take, dig for, or possess seaweed or shellfish for personal use from state waters or offshore waters including national park beaches.

(2) The fees for annual personal use shellfish and seaweed licenses are:

(a) For a resident fifteen years of age or older, seven dollars;

(b) For a nonresident fifteen years of age or older, twenty dollars; and

(c) For a senior, five dollars.

(3) The license fee for a two-day personal use shellfish and seaweed license is six dollars for residents or nonresidents fifteen years of age or older.

(4) The personal use shellfish and seaweed license shall be visible on the licensee while harvesting shellfish or seaweed.

Sec. 28. RCW 75.28.011 and 1997 c 418 s 1 are each amended to read as follows:

(1) Unless otherwise provided in this title, a license issued under this chapter is not transferable from the license holder to any other person.

(2) The following restrictions apply to transfers of commercial fishery licenses, salmon delivery licenses, and salmon charter licenses that are transferable between license holders:

(a) The license holder shall surrender the previously issued license to the department.

(b) The department shall complete no more than one transfer of the license in any seven-day period.

(c) The fee to transfer a license from one license holder to another is:

(i) The same as the resident license renewal fee if the license is not limited under chapter 75.30 RCW (as recodified by this act);

(ii) Three and one-half times the resident renewal fee if the license is not a commercial salmon license and the license is limited under chapter 75.30 RCW (as recodified by this act);

(iii) Fifty dollars if the license is a commercial salmon license and is limited under chapter 75.30 RCW (as recodified by this act);

(iv) Five hundred dollars if the license is a Dungeness crab-coastal fishery license; or

(v) If a license is transferred from a resident to a nonresident, an additional fee is assessed that is equal to the difference between the resident and nonresident license fees at the time of transfer, to be paid by the transferee.

(3) A commercial license that is transferable under this title survives the death of the holder. Though such licenses are not personal property, they shall be treated as analogous to personal property for purposes of inheritance and intestacy. Such licenses are subject to state laws governing wills, trusts, estates, intestate succession, and community property, except that such licenses are exempt from claims of creditors of the estate and tax liens. The surviving spouse, estate, or beneficiary of the estate may apply for a renewal of the license. There is no fee for transfer of a license from a license holder to the license holder's surviving spouse or estate, or to a beneficiary of the estate.

Sec. 29. RCW 75.28.020 and 1994 c 244 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this title, a person ((~~as defined in RCW 75.08.011~~)) may hold a commercial license established by this chapter.

(2) Except as otherwise provided in this title, an individual may hold a commercial license only if the individual is sixteen years of age or older and a bona fide resident of the United States.

(3) A corporation may hold a commercial license only if it is authorized to do business in this state.

(4) No person may hold a limited-entry license unless the person meets the qualifications that this title establishes for the license.

(5) The residency requirements in subsection (2) of this section do not apply to holders of nonsalmon delivery licenses.

Sec. 30. RCW 75.28.034 and 1995 c 227 s 1 are each amended to read as follows:

If, for any reason, the department does not allow any opportunity for a commercial fishery during a calendar year, the ((~~department~~)) director shall either: (1) Waive the requirement to obtain a license for that commercial fishery for that year; or (2) refund applicable license fees upon return of the license.

Sec. 31. RCW 75.28.042 and 1997 c 58 s 882 are each amended to read as follows:

(1) The department shall immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order ((~~or a residential or visitation order~~)).

(2) A listing on the department of licensing's data base that an individual's license is currently suspended pursuant to RCW 46.20.291(((~~7~~))) (8) shall be prima facie evidence that the individual is in noncompliance with a support order ((~~or residential or visitation order~~)). Presentation of a written release issued by the department of social and health services or a court stating that the person is in compliance with an order shall serve as proof of compliance.

Sec. 32. RCW 75.28.046 and 1998 c 267 s 2 are each amended to read as follows:

This section applies to all commercial fishery licenses and delivery licenses, except for whiting--Puget Sound fishery licenses and emergency salmon delivery licenses.

(1) The license holder may engage in the activity authorized by a license subject to this section. With the exception of Dungeness crab--coastal fishery class B licensees licensed under RCW 75.30.350(4) (as recodified by this act), the holder of a license subject to this section may also designate up to two alternate operators for the license. Dungeness crab--coastal fishery class B licensees may not designate alternate operators. A person designated as an alternate operator must possess an alternate operator license issued under RCW 75.28.048 (as recodified by this act).

(2) The fee to change the alternate operator designation is twenty-two dollars.

Sec. 33. RCW 75.28.047 and 1998 c 267 s 3 are each amended to read as follows:

(1) Only the license holder and any alternate operators designated on the license may sell or deliver food fish or shellfish under a commercial fishery license or delivery license. A commercial fishery license or delivery license authorizes no taking or delivery of food fish or shellfish unless the license holder or an alternate operator designated on the license is present or aboard the vessel.

(2) Notwithstanding RCW 75.28.010(1)(c) (as recodified by this act), an alternate operator license is not required for an individual to operate a vessel as a charter boat.

Sec. 34. RCW 75.28.048 and 1998 c 267 s 4 are each amended to read as follows:

(1) A person who holds a commercial fishery license or a delivery license may operate the vessel designated on the license. A person who is not the license holder may operate the vessel designated on the license only if:

(a) The person holds an alternate operator license issued by the director; and

(b) The person is designated as an alternate operator on the underlying commercial fishery license or delivery license under RCW 75.28.046 (as recodified by this act).

(2) Only an individual at least sixteen years of age may hold an alternate operator license.

(3) No individual may hold more than one alternate operator license. An individual who holds an alternate operator license may be designated as an alternate operator on an unlimited number of commercial fishery licenses or delivery licenses under RCW 75.28.046 (as recodified by this act).

(4) An individual who holds two Dungeness crab--Puget Sound fishery licenses may operate the licenses on one vessel if the vessel owner or alternate operator is on the vessel. The department shall allow a license holder to operate up to one hundred crab pots for each license.

(5) As used in this section, to "operate" means to control the deployment or removal of fishing gear from state waters while aboard a vessel or to operate a vessel delivering food fish or shellfish taken in offshore waters to a port within the state.

Sec. 35. RCW 75.28.055 and 1997 c 421 s 1 are each amended to read as follows:

The ((~~fish and wildlife commission~~)) director may, by rule, increase the number of alternate operators beyond the level authorized by RCW 75.28.030 and 75.28.046 (as recodified by this act) for a commercial fishery license, delivery license, or charter license.

Sec. 36. RCW 75.28.095 and 1998 c 190 s 95 are each amended to read as follows:

(1) The director shall issue the charter licenses and angler permits listed in this section according to the requirements of this title. The licenses and permits and their annual fees and surcharges are:

	License or Permit Annual Fee Governing (RCW 75.50.100 (as recodified by this act) Surcharge) Section	
	Resident	Nonresident
(a) Nonsalmon charter	$225	$375
(b) Salmon charter	$380	$685 RCW 75.30.065
		(as recodified by this act)
(c) Salmon angler	$ 0 (plus $100)	$ 0 (plus $100) RCW 75.30.070
		(as recodified by this act)
(d) Salmon roe	$ 95	$ 95 RCW 75.28.690
		(as recodified by this act)

(2) A salmon charter license designating a vessel is required to operate a charter boat to take salmon, other food fish, and shellfish. The director may issue a salmon charter license only to a person who meets the qualifications of RCW 75.30.065 (as recodified by this act).

(3) A nonsalmon charter license designating a vessel is required to operate a charter boat to take food fish other than salmon and shellfish. As used in this subsection, "food fish" does not include salmon.

(4) "Charter boat" means a vessel from which persons may, for a fee, fish for food fish or shellfish for personal use, and that brings food fish or shellfish into state ports or brings food fish or shellfish taken from state waters into United States ports. The director may specify by rule when a vessel is a "charter boat" within this definition. "Charter boat" does not mean a vessel used by a guide for clients fishing for food fish for personal use in freshwater rivers, streams, and lakes, other than Lake Washington or that part of the Columbia River below the bridge at Longview.

(5) A charter boat licensed in Oregon may fish without a Washington charter license under the same rules as Washington charter boat operators in ocean waters within the jurisdiction of Washington state from the southern border of the state of Washington to Leadbetter Point, as long as the Oregon vessel does not land at any Washington port with the purpose of taking on or discharging passengers. The provisions of this subsection shall be in effect as long as the state of Oregon has reciprocal laws and regulations.

(6) A salmon charter license under subsection (1)(b) of this section may be renewed if the license holder notifies the department by May 1st of that year that he or she will not participate in the fishery during that calendar year. The license holder must pay the one hundred-dollar enhancement surcharge, plus a fifteen-dollar handling charge, in order to be considered a valid renewal and eligible to renew the license the following year.

Sec. 37. RCW 75.28.110 and 1997 c 76 s 1 are each amended to read as follows:

(1) The following commercial salmon fishery licenses are required for the license holder to use the specified gear to fish for salmon in state waters. Only a person who meets the qualifications of RCW 75.30.120 (as recodified by this act) may hold a license listed in this subsection. The licenses and their annual fees and surcharges under RCW 75.50.100 (as recodified by this act) are:

Fishery License	Resident Fee	Nonresident Fee	Surcharge
(a) Salmon Gill Net--Grays Harbor-Columbia river	$380	$685	plus $100
(b) Salmon Gill Net--Puget Sound	$380	$685	plus $100
(c) Salmon Gill Net--Willapa	$380	$685	plus $100

Bay-Columbia river

(d) Salmon purse seine $530 $985 plus $100

(e) Salmon reef net $380 $685 plus $100

(f) Salmon troll $380 $685 plus $100

(2) A license issued under this section authorizes no taking or delivery of salmon or other food fish unless a vessel is designated under RCW 75.28.045 (as recodified by this act).

(3) Holders of commercial salmon fishery licenses may retain incidentally caught food fish other than salmon, subject to rules of the department.

(4) A salmon troll license includes a salmon delivery license.

(5) A salmon gill net license authorizes the taking of salmon only in the geographical area for which the license is issued. The geographical designations in subsection (1) of this section have the following meanings:

(a) "Puget Sound" includes waters of the Strait of Juan de Fuca, Georgia Strait, Puget Sound and all bays, inlets, canals, coves, sounds, and estuaries lying easterly and southerly of the international boundary line and a line at the entrance to the Strait of Juan de Fuca projected northerly from Cape Flattery to the lighthouse on Tatoosh Island and then to Bonilla Point on Vancouver Island.

(b) "Grays Harbor-Columbia river" includes waters of Grays Harbor and tributary estuaries lying easterly of a line projected northerly from Point Chehalis Light to Point Brown and those waters of the Columbia river and tributary sloughs and estuaries easterly of a line at the entrance to the Columbia river projected southerly from the most westerly point of the North jetty to the most westerly point of the South jetty.

(c) "Willapa Bay-Columbia river" includes waters of Willapa Bay and tributary estuaries and easterly of a line projected northerly from Leadbetter Point to the Cape Shoalwater tower and those waters of the Columbia river and tributary sloughs described in (b) of this subsection.

(6) A commercial salmon troll fishery license may be renewed under this section if the license holder notifies the department by May 1st of that year that he or she will not participate in the fishery during that calendar year. A commercial salmon gill net, reef net, or seine fishery license may be renewed under this section if the license holder notifies the department by August 1st of that year that he or she will not participate in the fishery during that calendar year. The license holder must pay the one hundred-dollar enhancement surcharge, plus a fifteen-dollar handling charge, in order to be considered a valid renewal and eligible to renew the license the following year.

Sec. 38. RCW 75.28.113 and 1998 c 190 s 96 are each amended to read as follows:

(1) A salmon delivery license is required to deliver salmon taken in offshore waters to a place or port in the state. The annual fee for a salmon delivery license is three hundred eighty dollars for residents and six hundred eighty-five dollars for nonresidents. The annual surcharge under RCW 75.50.100 (as recodified by this act) is one hundred dollars for each license. Holders of nonlimited entry delivery licenses issued under RCW 75.28.125 (as recodified by this act) may apply the nonlimited entry delivery license fee against the salmon delivery license fee.

(2) Only a person who meets the qualifications established in RCW 75.30.120 (as recodified by this act) may hold a salmon delivery license issued under this section.

(3) A salmon delivery license authorizes no taking of salmon or other food fish or shellfish from the waters of the state.

(4) If the director determines that the operation of a vessel under a salmon delivery license results in the depletion or destruction of the state's salmon resource or the delivery into this state of salmon products prohibited by law, the director may revoke the license under the procedures of chapter 34.05 RCW.

Sec. 39. RCW 75.28.114 and 1999 c 103 s 1 are each amended to read as follows:

(1) The legislature finds that landing salmon into the ports of Washington state, regardless of where such salmon have been harvested, is economically beneficial to those ports as well as to the citizens of the state of Washington. It is therefore the intent of the legislature to encourage this practice.

(2) Notwithstanding the provisions of RCW 75.28.010(1)(b) and 75.28.113 (as recodified by this act), a Washington citizen who holds a valid Oregon or California salmon troll license may land salmon taken during lawful seasons in Oregon and California into Washington ports without obtaining a salmon delivery license. This exception is valid only when the salmon were taken in offshore waters south of Cape Falcon.

(3) The department shall adopt rules necessary to implement this section, including rules identifying the appropriate methods for verifying that salmon were in fact taken south of Cape Falcon.

Sec. 40. RCW 75.28.116 and 1993 sp.s. c 17 s 37 are each amended to read as follows:

A person who does not qualify for a license under RCW 75.30.120 (as recodified by this act) shall obtain a nontransferable emergency salmon delivery license to make one delivery of salmon taken in offshore waters. The director shall not

issue an emergency salmon delivery license unless, as determined by the director, a bona fide emergency exists. The license fee is two hundred twenty-five dollars for residents and four hundred seventy-five dollars for nonresidents. An applicant for an emergency salmon delivery license shall designate no more than one vessel that will be used with the license. Alternate operator licenses are not required of persons delivering salmon under an emergency salmon delivery license. Emergency salmon delivery licenses are not renewable.

Sec. 41. RCW 75.28.120 and 1993 sp.s. c 17 s 38 are each amended to read as follows:

(1) This section establishes commercial fishery licenses required for food fish fisheries and the annual fees for those licenses. As used in this section, "food fish" does not include salmon. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

Fishery (Governing section(s))	Annual Fee Resident	Vessel Fee Nonresident	Limited Entry Required?	Limited Entry?
(a) Baitfish Lampara	$185	$295	Yes	No
(b) Baitfish purse seine	$530	$985	Yes	No
(c) Bottom fish jig	$130	$185	Yes	No
(d) Bottom fish pot	$130	$185	Yes	No
(e) Bottom fish troll	$130	$185	Yes	No
(f) Carp	$130	$185	No	No
(g) Columbia river smelt	$380	$685	No	No
(h) Dog fish set net	$130	$185	Yes	No
(i) Emerging commercial fishery (RCW 75.30.220 and 75.28.740 (as recodified by this act))	$185	$295	Determined by rule	Determined by rule
(j) Food fish drag seine	$130	$185	Yes	No
(k) Food fish set line	$130	$185	Yes	No
(l) Food fish trawl- Non-Puget Sound	$240	$405	Yes	No
(m) Food fish trawl- Puget Sound	$185	$295	Yes	No
(n) Herring dip bag net (RCW 75.30.140 (as recodified by this act))	$175	$275	Yes	Yes
(o) Herring drag seine (RCW 75.30.140 (as recodified by this act))	$175	$275	Yes	Yes
(p) Herring gill net (RCW 75.30.140 (as recodified by this act))	$175	$275	Yes	Yes
(q) Herring Lampara (RCW 75.30.140 (as recodified by this act))	$175	$275	Yes	Yes
(r) Herring purse seine (RCW 75.30.140 (as recodified by this act))	$175	$275	Yes	Yes
(s) Herring spawn-on-kelp (RCW 75.30.270 (as recodified by this act))	N/A	N/A	Yes	Yes
(t) Smelt dip bag net	$130	$185	No	No
(u) Smelt gill net	$380	$685	Yes	No
(v) Whiting-Puget Sound (RCW 75.30.170 (as recodified by this act))	$295	$520	Yes	Yes

(2) The director may by rule determine the species of food fish that may be taken with the commercial fishery licenses established in this section, the gear that may be used with the licenses, and the areas or waters in which the licenses may be used. Where a fishery license has been established for a particular species, gear, geographical area, or combination thereof, a more general fishery license may not be used to take food fish in that fishery.

Sec. 42. RCW 75.28.125 and 1998 c 190 s 97 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person may not use a commercial fishing vessel to deliver food fish or shellfish taken in offshore waters to a port in the state without a nonlimited entry delivery license. As used in this section, "food fish" does not include salmon. As used in this section, "shellfish" does not include ocean pink shrimp or coastal crab. The annual license fee for a nonlimited entry delivery license is one hundred ten dollars for residents and two hundred dollars for nonresidents.

(2) Holders of salmon troll fishery licenses issued under RCW 75.28.110 (as recodified by this act), salmon delivery licenses issued under RCW 75.28.113 (as recodified by this act), crab pot fishery licenses issued under RCW 75.28.130 (as recodified by this act), food fish trawl--Non-Puget Sound fishery licenses issued under RCW 75.28.120 (as recodified by this act), Dungeness crab--coastal fishery licenses, ocean pink shrimp delivery licenses, and shrimp trawl--Non-Puget Sound fishery licenses issued under RCW 75.28.130 (as recodified by this act) may deliver food fish or shellfish taken in offshore waters without a nonlimited entry delivery license.

(3) A nonlimited entry delivery license authorizes no taking of food fish or shellfish from state waters.

Sec. 43. RCW 75.28.130 and 1999 c 239 s 2 are each amended to read as follows:

(1) This section establishes commercial fishery licenses required for shellfish fisheries and the annual fees for those licenses. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

Fishery (Governing section(s))	Annual Fee Resident	Annual Fee Nonresident	Vessel Required?	Limited Entry?
(a) Burrowing shrimp	$185	$295	Yes	No
(b) Crab ring net- Non-Puget Sound	$130	$185	Yes	No
(c) Crab ring net- Puget Sound	$130	$185	Yes	No
(d) Dungeness crab- coastal (RCW 75.30.350 (as recodified by this act))	$295	$520	Yes	Yes
(e) Dungeness crab- coastal, class B (RCW 75.30.350 (as recodified by this act))	$295	$520	Yes	Yes
(f) Dungeness crab- Puget Sound (RCW 75.30.130 (as recodified by this act))	$130	$185	Yes	Yes
(g) Emerging commercial fishery (RCW 75.30.220 and 75.28.740 (as recodified by this act))	$185	$295	Determined by rule	Determined by rule
(h) Geoduck (RCW 75.30.280 (as recodified by this act))	$ 0	$ 0	Yes	Yes
(i) Hardshell clam mechanical harvester (RCW 75.28.280 (as recodified by this act))	$530	$985	Yes	No
(j) Oyster reserve (RCW 75.28.290 (as recodified by this act))	$130	$185	No	No

(k) Razor clam $130 $185 No No
(l) Sea cucumber dive $130 $185 Yes Yes
(RCW 75.30.250
(as recodified by this act))
(m) Sea urchin dive $130 $185 Yes Yes
(RCW 75.30.210
(as recodified by this act))
(n) Shellfish dive $130 $185 Yes No
(o) Shellfish pot $130 $185 Yes No
(p) Shrimp pot- $185 $295 Yes Yes
Puget Sound
(RCW 75.30.490
(as recodified by this act))
(q) Shrimp trawl- $240 $405 Yes No
Non-Puget Sound
(r) Shrimp trawl- $185 $295 Yes Yes
Puget Sound
(RCW 75.30.500
(as recodified by this act))
(s) Squid $185 $295 Yes No

(2) The director may by rule determine the species of shellfish that may be taken with the commercial fishery licenses established in this section, the gear that may be used with the licenses, and the areas or waters in which the licenses may be used. Where a fishery license has been established for a particular species, gear, geographical area, or combination thereof, a more general fishery license may not be used to take shellfish in that fishery.

Sec. 44. RCW 75.28.132 and 1994 c 260 s 15 are each amended to read as follows:

A surcharge of fifty dollars shall be collected with each Dungeness crab-coastal fishery license issued under RCW 75.28.130 (as recodified by this act) until June 30, 2000, and with each Dungeness crab-coastal class B fishery license issued under RCW 75.28.130 (as recodified by this act) until December 31, 1997. Moneys collected under this section shall be placed in the Dungeness crab appeals account hereby created in the state treasury. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. Expenditures from the account shall only be used for processing appeals related to the issuance of Dungeness crab-coastal fishery licenses.

Sec. 45. RCW 75.28.133 and 1997 c 418 s 5 are each amended to read as follows:

A surcharge of one hundred twenty dollars shall be collected with each Dungeness crab-coastal fishery license and with each Dungeness crab-coastal class B fishery license issued under RCW 75.28.130 (as recodified by this act). Moneys collected under this section shall be placed in the coastal crab account created under RCW 75.30.390 (as recodified by this act).

Sec. 46. RCW 75.28.280 and 1993 c 340 s 19 are each amended to read as follows:

A hardshell clam mechanical harvester fishery license is required to operate a mechanical or hydraulic device for commercially harvesting clams, other than geoduck clams, unless the requirements of RCW 75.20.100 (as recodified by this act) are fulfilled for the proposed activity.

Sec. 47. RCW 75.28.290 and 1993 c 340 s 20 are each amended to read as follows:

A person who commercially takes shellfish from state oyster reserves under RCW 75.24.070 (as recodified by this act) must have an oyster reserve fishery license.

Sec. 48. RCW 75.28.300 and 1993 sp.s. c 17 s 43 are each amended to read as follows:

A wholesale fish dealer's license is required for:

(1) A business in the state to engage in the commercial processing of food fish or shellfish, including custom canning or processing of personal use food fish or shellfish.

(2) A business in the state to engage in the wholesale selling, buying, or brokering of food fish or shellfish. A wholesale fish dealer's license is not required of those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail.

(3) Fishermen who land and sell their catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state.

(4) A business to engage in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish.

(5) A business employing a fish buyer as defined under RCW 75.28.340 (as recodified by this act).

The annual license fee for a wholesale dealer is two hundred fifty dollars. A wholesale fish dealer's license is not required for persons engaged in the processing, wholesale selling, buying, or brokering of private sector cultured aquatic products as defined in RCW 15.85.020. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

Sec. 49. RCW 75.28.323 and 1996 c 267 s 30 are each amended to read as follows:

(1) A wholesale fish dealer shall not take possession of food fish or shellfish until the dealer has deposited with the department an acceptable performance bond on forms prescribed and furnished by the department. This performance bond shall be a corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under chapter 48.28 RCW and approved by the department. The bond shall be filed and maintained in an amount equal to one thousand dollars for each buyer engaged by the wholesale dealer. In no case shall the bond be less than two thousand dollars nor more than fifty thousand dollars.

(2) A wholesale dealer shall, within seven days of engaging additional fish buyers, notify the department and increase the amount of the bonding required in subsection (1) of this section.

(3) The director may suspend and refuse to reissue a wholesale fish dealer's license of a dealer who has taken possession of food fish or shellfish without an acceptable performance bond on deposit with the department.

(4) The bond shall be conditioned upon the compliance with the requirements of this chapter and rules of the department relating to the payment of fines for violations of rules for the accounting of the commercial harvest of food fish or shellfish. In lieu of the surety bond required by this section the wholesale fish dealer may file with the department a cash deposit, negotiable securities acceptable to the department, or an assignment of a savings account or of a savings certificate in a Washington bank on an assignment form prescribed by the department.

(5) Liability under the bond shall be maintained as long as the wholesale fish dealer engages in activities under RCW 75.28.300 (as recodified by this act) unless released. Liability under the bond may be released only upon written notification from the department. Notification shall be given upon acceptance by the department of a substitute bond or forty-five days after the expiration of the wholesale fish dealer's annual license. In no event shall the liability of the surety exceed the amount of the surety bond required under this chapter.

Sec. 50. RCW 75.28.340 and 1993 sp.s. c 17 s 46 are each amended to read as follows:

(1) A fish buyer's license is required of and shall be carried by each individual engaged by a wholesale fish dealer to purchase food fish or shellfish from a licensed commercial fisherman. A fish buyer may represent only one wholesale fish dealer.

(2) ((~~Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,~~)) The annual fee for a fish buyer's license is ninety-five dollars.

Sec. 51. RCW 75.28.730 and 1993 c 376 s 4 are each amended to read as follows:

An ocean pink shrimp delivery license is required to deliver ocean pink shrimp taken in offshore waters and delivered to a port in the state. ((~~Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,~~)) The annual license fee is one hundred fifty dollars for residents and three hundred dollars for nonresidents. Ocean pink shrimp delivery licenses are transferable.

Sec. 52. RCW 75.28.740 and 1998 c 190 s 99 are each amended to read as follows:

(1) The director may by rule designate a fishery as an emerging commercial fishery. The director shall include in the designation whether the fishery is one that requires a vessel.

(2) "Emerging commercial fishery" means the commercial taking of a newly classified species of food fish or shellfish, the commercial taking of a classified species with gear not previously used for that species, or the commercial taking of a classified species in an area from which that species has not previously been commercially taken. Any species of food fish or shellfish commercially harvested in Washington state as of June 7, 1990, may be designated as a species in an emerging commercial fishery, except that no fishery subject to a license limitation program in chapter 75.30 RCW (as recodified by this act) may be designated as an emerging commercial fishery.

(3) A person shall not take food fish or shellfish in a fishery designated as an emerging commercial fishery without an emerging commercial fishery license and a permit from the director. The director shall issue two types of permits to accompany emerging commercial fishery licenses: Trial fishery permits and experimental fishery permits. Trial fishery permits are governed by subsection (4) of this section. Experimental fishery permits are governed by RCW 75.30.220 (as recodified by this act).

(4) The director shall issue trial fishery permits for a fishery designated as an emerging commercial fishery unless the director determines there is a need to limit the number of participants under RCW 75.30.220 (as recodified by this act). A person who meets the qualifications of RCW 75.28.020 (as recodified by this act) may hold a trial fishery permit. The holder of a trial fishery

permit shall comply with the terms of the permit. Trial fishery permits are not transferable from the permit holder to any other person.

Sec. 53. RCW 75.28.760 and 1993 sp.s. c 4 s 2 are each amended to read as follows:

By July 1, 1994, the ((~~departments of fisheries and wildlife~~)) commission jointly with the appropriate Indian tribes, shall each establish a wild salmonid policy. The policy shall ensure that department actions and programs are consistent with the goals of rebuilding wild stock populations to levels that permit commercial and recreational fishing opportunities.

Sec. 54. RCW 75.28.770 and 1998 c 245 s 153 are each amended to read as follows:

The ((~~department~~)) director shall evaluate and recommend, in consultation with the Indian tribes, salmon fishery management strategies and gear types, as well as a schedule for implementation, that will minimize the impact of commercial and recreational fishing in the mixed stock fishery on critical and depressed wild stocks of salmonids. As part of this evaluation, the ((~~department~~)) director, in conjunction with the commercial and recreational fishing industries, shall evaluate commercial and recreational salmon fishing gear types developed by these industries.

Sec. 55. RCW 75.28.780 and 1993 sp.s. c 17 s 42 are each amended to read as follows:

The director shall issue the personal licenses listed in this section according to the requirements of this title. The licenses and their annual fees are:

Personal License	Annual Fee Governing (RCW 75.50.100 (as recodified by this act) Surcharge)		Section
	Resident	Nonresident	
(1) Alternate Operator	$ 35	$ 35	RCW 75.28.048
(2) Geoduck Diver	$185	$295 (as recodified by this act)	RCW 75.28.750
(3) Salmon Guide	$130 (plus $20)	$630 (plus $100) (as recodified by this act)	RCW 75.28.710

Sec. 56. RCW 75.30.021 and 1995 c 227 s 2 are each amended to read as follows:

(1) The ((~~department~~)) director shall waive license requirements, including landing or poundage requirements, if, during the calendar year that a license issued pursuant to chapter 75.28 RCW (as recodified by this act) is valid, no harvest opportunity occurs in the fishery corresponding to the license.

(2) For each license limitation program, where the person failed to hold the license and failed to make landing or poundage requirements because of a license waiver by the ((~~department~~)) director during the previous year, the person shall qualify for a license by establishing that the person held the license during the last year in which the license was not waived.

Sec. 57. RCW 75.30.050 and 1999 c 151 s 1601 are each amended to read as follows:

(1) The director shall appoint three-member advisory review boards to hear cases as provided in RCW 75.30.060 (as recodified by this act). Members shall be from:

(a) The commercial sea urchin and sea cucumber fishery in cases involving sea urchin and sea cucumber dive fishery licenses; ((~~[and]~~)) and

(b) The commercial coastal crab fishery in cases involving Dungeness crab-coastal fishery licenses and Dungeness crab-coastal class B fishery licenses. The members shall include one person from the commercial crab processors, one Dungeness crab-coastal fishery license holder, and one citizen representative of a coastal community.

(2) Members shall serve at the discretion of the director and shall be reimbursed for travel expenses as provided in RCW 43.03.050, 43.03.060, and 43.03.065.

Sec. 58. RCW 75.30.060 and 1995 1st sp.s. c 2 s 32 are each amended to read as follows:

A person aggrieved by a decision of the department under this chapter may request administrative review under the informal procedure established by this section.

In an informal hearing before a review board, the rules of evidence do not apply. A record of the proceeding shall be kept as provided by chapter 34.05 RCW. After hearing the case the review board shall notify in writing the ((~~commission~~)) director and the initiating party whether the review board agrees or disagrees with the department's decision and the reasons for the review board's findings. Upon receipt of the review board's findings the ((~~commission~~)) director may order such relief as the ((~~commission~~)) director deems appropriate under the circumstances.

Nothing in this section: (1) Impairs an aggrieved person's right to proceed under chapter 34.05 RCW; or (2) imposes a liability on members of a review board for their actions under this section.

Sec. 59. RCW 75.30.065 and 1993 c 340 s 28 are each amended to read as follows:

(1) After May 28, 1977, the director shall issue no new salmon charter licenses. A person may renew an existing salmon charter license only if the person held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person.

(2) Salmon charter licenses may be renewed each year. A salmon charter license which is not renewed each year shall not be renewed further.

(3) Subject to the restrictions in ((~~section 11 of this act~~)) RCW 75.28.011 (as recodified by this act), salmon charter licenses are transferrable from one license holder to another.

Sec. 60. RCW 75.30.070 and 1998 c 190 s 100 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, a person shall not operate a vessel as a charter boat from which salmon are taken in salt water without an angler permit. The angler permit shall specify the maximum number of persons that may fish from the charter boat per trip. The angler permit expires if the salmon charter license is not renewed.

(2) Only a person who holds a salmon charter license issued under RCW 75.28.095 and 75.30.065 (as recodified by this act) may hold an angler permit.

(3) An angler permit shall not be required for charter boats licensed in Oregon and fishing in ocean waters within the jurisdiction of Washington state from the southern border of the state of Washington to Leadbetter Point under the same regulations as Washington charter boat operators, as long as the Oregon vessel does not land at any Washington port with the purpose of taking on or discharging passengers. The provisions of this subsection shall be in effect as long as the state of Oregon has reciprocal laws and regulations.

Sec. 61. RCW 75.30.090 and 1993 c 340 s 30 are each amended to read as follows:

A salmon charter boat may not carry more anglers than the number specified in the angler permit issued under RCW 75.30.070 (as recodified by this act). Members of the crew may fish from the boat only to the extent that the number of anglers specified in the angler permit exceeds the number of noncrew passengers on the boat at that time.

Sec. 62. RCW 75.30.100 and 1993 c 340 s 31 are each amended to read as follows:

(1) The total number of anglers authorized by the ((~~department~~)) director shall not exceed the total number authorized for 1980.

(2) Angler permits issued under RCW 75.30.070 (as recodified by this act) are transferable. All or a portion of the permit may be transferred to another salmon charter license holder.

(3) The angler permit holder and proposed transferee shall notify the department when transferring an angler permit, and the ((~~department~~)) director shall issue a new angler permit certificate. If the original permit holder retains a portion of the permit, the ((~~department~~)) director shall issue a new angler permit certificate reflecting the decrease in angler capacity.

(4) The department shall collect a fee of ten dollars for each certificate issued under subsection (3) of this section.

Sec. 63. RCW 75.30.120 and 1995 c 135 s 7 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, after May 6, 1974, the director shall issue no new commercial salmon fishery licenses or salmon delivery licenses. A person may renew an existing license only if the person held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person.

(2) Where the person failed to obtain the license during the previous year because of a license suspension, the person may qualify for a license by establishing that the person held such a license during the last year in which the license was not suspended.

(3) Subject to the restrictions in RCW 75.28.011 (as recodified by this act), commercial salmon fishery licenses and salmon delivery licenses are transferable from one license holder to another.

Sec. 64. RCW 75.30.125 and 1993 c 340 s 33 are each amended to read as follows:

Any commercial salmon fishery license issued under RCW 75.28.110 (as recodified by this act) or salmon delivery license issued under RCW 75.28.113 (as recodified by this act) shall revert to the department when any government confiscates and sells the vessel designated on the license. Upon application of the person named on the license as license holder and the approval of

the director, the department shall transfer the license to the applicant. Application for transfer of the license must be made within the calendar year for which the license was issued.

Sec. 65. RCW 75.30.130 and 1999 c 151 s 1602 are each amended to read as follows:

(1) A person shall not commercially take Dungeness crab (Cancer magister) in Puget Sound without first obtaining a Dungeness crab--Puget Sound fishery license. As used in this section, "Puget Sound" has the meaning given in RCW 75.28.110(5)(a) (as recodified by this act). A Dungeness crab--Puget Sound fishery license is not required to take other species of crab, including red rock crab (Cancer productus).

(2) Except as provided in subsections (3) and (6) of this section, after January 1, 1982, the director shall issue no new Dungeness crab--Puget Sound fishery licenses. Only a person who meets the following qualification may renew an existing license: The person shall have held the Dungeness crab--Puget Sound fishery license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and shall not have subsequently transferred the license to another person.

(3) Where the person failed to obtain the license during the previous year because of a license suspension, the person may qualify for a license by establishing that the person held such a license during the last year in which the license was not suspended.

(4) This section does not restrict the issuance of commercial crab licenses for areas other than Puget Sound or for species other than Dungeness crab.

(5) Dungeness crab--Puget Sound fishery licenses are transferable from one license holder to another.

(6) If fewer than one hundred twenty-five persons are eligible for Dungeness crab--Puget Sound fishery licenses, the director may accept applications for new licenses. The director shall determine by random selection the successful applicants for the additional licenses. The number of additional licenses issued shall be sufficient to maintain one hundred twenty-five licenses in the Puget Sound Dungeness crab fishery. The director shall adopt rules governing the application, selection, and issuance procedures for new Dungeness crab--Puget Sound fishery licenses.

Sec. 66. RCW 75.30.140 and 1998 c 190 s 102 are each amended to read as follows:

(1) A person shall not fish commercially for herring in state waters without a herring fishery license. As used in this section, "herring fishery license" means any of the following commercial fishery licenses issued under RCW 75.28.120 (as recodified by this act): Herring dip bag net; herring drag seine; herring gill net; herring lampara; herring purse seine.

(2) Except as provided in this section, a herring fishery license may be issued only to a person who held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person.

(3) Herring fishery licenses may be renewed each year. A herring fishery license that is not renewed each year shall not be renewed further.

(4) The ((~~department~~)) director may issue additional herring fishery licenses if the stocks of herring will not be jeopardized by granting additional licenses.

(5) Subject to the restrictions of RCW 75.28.011 (as recodified by this act), herring fishery licenses are transferable from one license holder to another.

Sec. 67. RCW 75.30.170 and 1993 c 340 s 39 are each amended to read as follows:

(1) A person shall not commercially take whiting from areas that the department designates within the waters described in RCW 75.28.110(5)(a) (as recodified by this act) without a whiting-Puget Sound fishery license.

(2) A whiting-Puget Sound fishery license may be issued only to an individual who:

(a) Delivered at least fifty thousand pounds of whiting during the period from January 1, 1981, through February 22, 1985, as verified by fish delivery tickets;

(b) Possessed, on January 1, 1986, all equipment necessary to fish for whiting; and

(c) Held a whiting-Puget Sound fishery license during the previous year or acquired such a license by transfer from someone who held it during the previous year.

(((~~(2)~~))) (3) After January 1, 1995, the director shall issue no new whiting-Puget Sound fishery licenses. After January 1, 1995, only an individual who meets the following qualifications may renew an existing license: The individual shall have held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and shall not have subsequently transferred the license to another person.

(((~~(3)~~))) (4) Whiting-Puget Sound fishery licenses may be renewed each year. A whiting-Puget Sound fishery license that is not renewed each year shall not be renewed further.

Sec. 68. RCW 75.30.180 and 1993 c 340 s 40 are each amended to read as follows:

A whiting-Puget Sound fishery license may be transferred through gift, devise, bequest, or descent to members of the license holder's immediate family which shall be limited to spouse, children, or stepchildren. The holder of a whiting-Puget Sound fishery license shall be present on any vessel taking whiting under the license. In no instance may temporary permits be issued.

The director may adopt rules necessary to implement RCW ((~~75.30.160 through~~)) 75.30.170 and 75.30.180 (as recodified by this act).

Sec. 69. RCW 75.30.220 and 1993 c 340 s 42 are each amended to read as follows:

(1) The director may issue experimental fishery permits for commercial harvest in an emerging commercial fishery for which the director has determined there is a need to limit the number of participants. The director shall determine by rule the number and qualifications of participants for such experimental fishery permits. Only a person who holds an emerging commercial fishery license issued under RCW 75.28.740 (as recodified by this act) and who meets the qualifications established in those rules may hold an experimental fishery permit. The director shall limit the number of these permits to prevent habitat damage, ensure conservation of the resource, and prevent overharvesting. In developing rules for limiting participation in an emerging or expanding commercial fishery, the director shall appoint a five-person advisory board representative of the affected fishery industry. The advisory board shall review and make recommendations to the director on rules relating to the number and qualifications of the participants for such experimental fishery permits.

(2) RCW 34.05.422(3) does not apply to applications for new experimental fishery permits.

(3) Experimental fishery permits are not transferable from the permit holder to any other person.

Sec. 70. RCW 75.30.270 and 1993 c 340 s 37 are each amended to read as follows:

(1) A herring spawn on kelp fishery license is required to commercially take herring eggs which have been deposited on vegetation of any type.

(2) A herring spawn on kelp fishery license may be issued only to a person who:

(a) Holds a herring fishery license issued under RCW 75.28.120 and 75.30.140 (as recodified by this act); and

(b) Is the highest bidder in an auction conducted under subsection (3) of this section.

(3) The department shall sell herring spawn on kelp commercial fishery licenses at auction to the highest bidder. Bidders shall identify their sources of kelp. Kelp harvested from state-owned aquatic lands as defined in RCW 79.90.465 requires the written consent of the department of natural resources. The department shall give all holders of herring fishery licenses thirty days' notice of the auction.

Sec. 71. RCW 75.30.280 and 1998 c 190 s 106 are each amended to read as follows:

(1) A person shall not harvest geoduck clams commercially without a geoduck fishery license. This section does not apply to the harvest of private sector cultured aquatic products as defined in RCW 15.85.020.

(2) Only a person who has entered into a geoduck harvesting agreement with the department of natural resources under RCW 79.96.080 may hold a geoduck fishery license.

(3) A geoduck fishery license authorizes no taking of geoducks outside the boundaries of the public lands designated in the underlying harvesting agreement, or beyond the harvest ceiling set in the underlying harvesting agreement.

(4) A geoduck fishery license expires when the underlying geoduck harvesting agreement terminates.

(5) The director shall determine the number of geoduck fishery licenses that may be issued for each geoduck harvesting agreement, the number of units of gear whose use the license authorizes, and the type of gear that may be used, subject to RCW 75.24.100 (as recodified by this act). In making those determinations, the director shall seek to conserve the geoduck resource and prevent damage to its habitat.

(6) The holder of a geoduck fishery license and the holder's agents and representatives shall comply with all applicable commercial diving safety regulations adopted by the federal occupational safety and health administration established under the federal occupational safety and health act of 1970 as such law exists on May 8, 1979, 84 Stat. 1590 et seq.; 29 U.S.C. Sec. 651 et seq. A violation of those regulations is a violation of this subsection. For the purposes of this section, persons who dive for geoducks are "employees" as defined by the federal occupational safety and health act. A violation of this subsection is grounds for suspension or revocation of a geoduck fishery license following a hearing under the procedures of chapter 34.05 RCW. The ((~~department~~)) director shall not suspend or revoke a geoduck fishery license if the violation has been corrected within ten days of the date the license holder receives written notice of the violation. If there is a substantial probability that a violation of the commercial diving standards could result in death or serious physical harm to a person engaged in harvesting geoduck clams, the ((~~department~~)) director shall suspend the license immediately until the violation has been corrected. If the license holder is not the operator of the harvest vessel and has contracted with another person for the harvesting of geoducks, the ((~~department~~)) director shall not suspend or revoke the license if the license holder terminates its business relationship with that person until compliance with this subsection is secured.

Sec. 72. RCW 75.30.290 and 1998 c 190 s 107 are each amended to read as follows:

A person shall not commercially deliver into any Washington state port ocean pink shrimp caught in offshore waters without an ocean pink shrimp delivery license issued under RCW 75.28.730 (as recodified by this act), or an ocean pink shrimp single delivery license issued under RCW 75.30.320 (as recodified by this act). An ocean pink shrimp delivery license shall be issued to a vessel that:

(1) Landed a total of at least five thousand pounds of ocean pink shrimp in Washington in any single calendar year between January 1, 1983, and December 31, 1992, as documented by a valid shellfish receiving ticket; and

(2) Can show continuous participation in the Washington, Oregon, or California ocean pink shrimp fishery by being eligible to land ocean pink shrimp in either Washington, Oregon, or California each year since the landing made under subsection (1) of this section. Evidence of such eligibility shall be a certified statement from the relevant state licensing agency that the applicant for a Washington ocean pink shrimp delivery license held at least one of the following permits:

(a) For Washington: Possession of a delivery permit or delivery license issued under RCW 75.28.125 ((~~or a trawl license (other than Puget Sound) issued under RCW 75.28.140~~)) (as recodified by this act);

(b) For Oregon: Possession of a vessel permit issued under Oregon Revised Statute 508.880; or

(c) For California: A trawl permit issued under California Fish and Game Code sec. 8842.

Sec. 73. RCW 75.30.300 and 1993 c 376 s 6 are each amended to read as follows:

An applicant who can show historical participation under RCW 75.30.290(1) (as recodified by this act) but does not satisfy the continuous participation requirement of RCW 75.30.290(2) (as recodified by this act) shall be issued an ocean pink shrimp delivery license if:

(1) The owner can prove that the owner was in the process on December 31, 1992, of constructing a vessel for the purpose of ocean pink shrimp harvest. For purposes of this section, "construction" means having the keel laid, and "for the purpose of ocean pink shrimp harvest" means the vessel is designed as a trawl vessel. An ocean pink shrimp delivery license issued to a vessel under construction is not renewable after December 31, 1994, unless the vessel lands a total of at least five thousand pounds of ocean pink shrimp into a Washington state port before December 31, 1994; or

(2) The applicant's vessel is a replacement for a vessel that is otherwise eligible for an ocean pink shrimp delivery license.

Sec. 74. RCW 75.30.320 and 1993 c 376 s 8 are each amended to read as follows:

The owner of an ocean pink shrimp fishing vessel that does not qualify for an ocean pink shrimp delivery license issued under RCW 75.28.730 (as recodified by this act) shall obtain an ocean pink shrimp single delivery license in order to make a landing into a state port of ocean pink shrimp taken in offshore waters. The director shall not issue an ocean pink shrimp single delivery license unless, as determined by the director, a bona fide emergency exists. A maximum of six ocean pink shrimp single delivery licenses may be issued annually to any vessel. ((~~Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,~~)) The fee for an ocean pink shrimp single delivery license is one hundred dollars.

Sec. 75. RCW 75.30.330 and 1993 c 376 s 10 are each amended to read as follows:

The director may reduce the landing requirements established under RCW 75.30.290 (as recodified by this act) upon the recommendation of an advisory review board established under RCW 75.30.050 (as recodified by this act), but the director may not entirely waive the landing requirement. The advisory review board may recommend a reduction of the landing requirement in individual cases if in the advisory review board's judgment, extenuating circumstances prevented achievement of the landing requirement. The director shall adopt rules governing the operation of the advisory review board and defining "extenuating circumstances."

Sec. 76. RCW 75.30.350 and 1998 c 190 s 108 are each amended to read as follows:

(1) A person shall not commercially fish for coastal crab in Washington state waters without a Dungeness crab--coastal or a Dungeness crab--coastal class B fishery license. Gear used must consist of one buoy attached to each crab pot. Each crab pot must be fished individually.

(2) A Dungeness crab--coastal fishery license is transferable. Except as provided in subsection (3) of this section, such a license shall only be issued to a person who proved active historical participation in the coastal crab fishery by having designated, after December 31, 1993, a vessel or a replacement vessel on the qualifying license that singly or in combination meets the following criteria:

(a) Made a minimum of eight coastal crab landings totaling a minimum of five thousand pounds per season in at least two of the four qualifying seasons identified in subsection (5) of this section, as documented by valid Washington state shellfish receiving tickets; and showed historical and continuous participation in the coastal crab fishery by having held one of the following licenses or their equivalents each calendar year beginning 1990 through 1993, and was designated on the qualifying license of the person who held one of the following licenses in 1994:

(i) Crab pot--Non-Puget Sound license, issued under RCW 75.28.130(1)(b) (as recodified by this act);

(ii) Nonsalmon delivery license, issued under RCW 75.28.125 (as recodified by this act);

(iii) Salmon troll license, issued under RCW 75.28.110 (as recodified by this act);

(iv) Salmon delivery license, issued under RCW 75.28.113 (as recodified by this act);

(v) Food fish trawl license, issued under RCW 75.28.120 (as recodified by this act); or

(vi) Shrimp trawl license, issued under RCW 75.28.130 (as recodified by this act); or

(b) Made a minimum of four Washington landings of coastal crab totaling two thousand pounds during the period from December 1, 1991, to March 20, 1992, and made a minimum of eight crab landings totaling a minimum of five thousand pounds of coastal crab during each of the following periods: December 1, 1991, to September 15, 1992; December 1, 1992, to September 15, 1993; and December 1, 1993, to September 15, 1994. For landings made after December 31, 1993, the vessel shall have been designated on the qualifying license of the person making the landings; or

(c) Made any number of coastal crab landings totaling a minimum of twenty thousand pounds per season in at least two of the four qualifying seasons identified in subsection (5) of this section, as documented by valid Washington state shellfish receiving tickets, showed historical and continuous participation in the coastal crab fishery by having held one of the qualifying licenses each calendar year beginning 1990 through 1993, and the vessel was designated on the qualifying license of the person who held that license in 1994.

(3) A Dungeness crab-coastal fishery license shall be issued to a person who had a new vessel under construction between December 1, 1988, and September 15, 1992, if the vessel made coastal crab landings totaling a minimum of five thousand pounds by September 15, 1993, and the new vessel was designated on the qualifying license of the person who held that license in 1994. All landings shall be documented by valid Washington state shellfish receiving tickets. License applications under this subsection may be subject to review by the advisory review board in accordance with RCW 75.30.050 (as recodified by this act). For purposes of this subsection, "under construction" means either:

(a)(i) A contract for any part of the work was signed before September 15, 1992; and

(ii) The contract for the vessel under construction was not transferred or otherwise alienated from the contract holder between the date of the contract and the issuance of the Dungeness crab-coastal fishery license; and

(iii) Construction had not been completed before December 1, 1988; or

(b)(i) The keel was laid before September 15, 1992; and

(ii) Vessel ownership was not transferred or otherwise alienated from the owner between the time the keel was laid and the issuance of the Dungeness crab-coastal fishery license; and

(iii) Construction had not been completed before December 1, 1988.

(4) A Dungeness crab--coastal class B fishery license is not transferable. Such a license shall be issued to persons who do not meet the qualification criteria for a Dungeness crab--coastal fishery license, if the person has designated on a qualifying license after December 31, 1993, a vessel or replacement vessel that, singly or in combination, made a minimum of four landings totaling a minimum of two thousand pounds of coastal crab, documented by valid Washington state shellfish receiving tickets, during at least one of the four qualifying seasons, and if the person has participated continuously in the coastal crab fishery by having held or by having owned a vessel that held one or more of the licenses listed in subsection (2) of this section in each calendar year subsequent to the qualifying season in which qualifying landings were made through 1994. Dungeness crab--coastal class B fishery licenses cease to exist after December 31, 1999, and the continuing license provisions of RCW 34.05.422(3) are not applicable.

(5) The four qualifying seasons for purposes of this section are:

(a) December 1, 1988, through September 15, 1989;

(b) December 1, 1989, through September 15, 1990;

(c) December 1, 1990, through September 15, 1991; and

(d) December 1, 1991, through September 15, 1992.

(6) For purposes of this section and RCW 75.30.420 (as recodified by this act), "coastal crab" means Dungeness crab (cancer magister) taken in all Washington territorial and offshore waters south of the United States-Canada boundary and west of the Bonilla-Tatoosh line (a line from the western end of Cape Flattery to Tatoosh Island lighthouse, then to the buoy adjacent to Duntz Rock, then in a straight line to Bonilla Point of Vancouver island), Grays Harbor, Willapa Bay, and the Columbia river.

(7) For purposes of this section, "replacement vessel" means a vessel used in the coastal crab fishery in 1994, and that replaces a vessel used in the coastal crab fishery during any period from 1988 through 1993, and which vessel's licensing and catch history, together with the licensing and catch history of the vessel it replaces, qualifies a single applicant for a Dungeness crab--coastal or Dungeness crab--coastal class B fishery license. A Dungeness crab--coastal or Dungeness crab--coastal class B fishery license may only be issued to a person who designated a vessel in the 1994 coastal crab fishery and who designated the same vessel in 1995.

Sec. 77. RCW 75.30.370 and 1994 c 260 s 4 are each amended to read as follows:

A person commercially fishing for Dungeness crab in offshore waters outside of Washington state jurisdiction shall obtain a Dungeness crab offshore delivery license from the director if the person does not possess a valid Dungeness crab-coastal fishery license or a valid Dungeness crab-coastal class B fishery license and the person wishes to land Dungeness crab into a place or a

port in the state. The annual fee for a Dungeness crab offshore delivery license is two hundred fifty dollars. The director may specify restrictions on landings of offshore Dungeness crab in Washington state as authorized in RCW 75.30.360 (as recodified by this act).

Fees from the offshore Dungeness crab delivery license shall be placed in the ((~~costal [coastal]~~)) coastal crab account created in RCW 75.30.390 (as recodified by this act).

Sec. 78. RCW 75.30.380 and 1997 c 418 s 3 are each amended to read as follows:

Dungeness crab-coastal fishery licenses are freely transferable on a willing seller-willing buyer basis after paying the transfer fee in RCW 75.28.011 (as recodified by this act).

Sec. 79. RCW 75.30.390 and 1997 c 418 s 4 are each amended to read as follows:

The coastal crab account is created in the custody of the state treasurer. The account shall consist of revenues from fees from the transfer of each Dungeness crab-coastal fishery license assessed under RCW 75.28.011 (as recodified by this act), delivery fees assessed under RCW 75.30.370 (as recodified by this act), and the license surcharge under RCW 75.28.133 (as recodified by this act). Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW but no appropriation is required for expenditures. Funds may be used for coastal crab management activities as provided in RCW 75.30.410 (as recodified by this act).

Sec. 80. RCW 75.30.420 and 1994 c 260 s 9 are each amended to read as follows:

(1) An Oregon resident who can show historical and continuous participation in the Washington state coastal crab fishery by having held a nonresident non-Puget Sound crab pot license issued under RCW 75.28.130 (as recodified by this act) each year from 1990 through 1994, and who has delivered a minimum of eight landings totaling five thousand pounds of crab into Oregon during any two of the four qualifying seasons as provided in RCW 75.30.350(((~~4~~))) (5) (as recodified by this act) as evidenced by valid Oregon fish receiving tickets, shall be issued a nonresident Dungeness crab-coastal fishery license valid for fishing in Washington state waters north from the Oregon-Washington boundary to United States latitude forty-six degrees thirty minutes north. Such license shall be issued upon application and submission of proof of delivery.

(2) This section shall become effective contingent upon reciprocal statutory authority in the state of Oregon providing for equal access for Washington state coastal crab fishers to Oregon territorial coastal waters north of United States latitude forty-five degrees fifty-eight minutes north, and Oregon waters of the Columbia river.

Sec. 81. RCW 75.30.440 and 1994 c 260 s 13 are each amended to read as follows:

Except as provided under RCW 75.30.460 (as recodified by this act), the director shall issue no new Dungeness crab-coastal fishery licenses after December 31, 1995. A person may renew an existing license only if the person held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person. Where the person failed to obtain the license during the previous year because of a license suspension, the person may qualify for a license by establishing that the person held such a license during the last year in which the license was not suspended.

Sec. 82. RCW 75.30.460 and 1994 c 260 s 17 are each amended to read as follows:

If fewer than one hundred seventy-five persons are eligible for Dungeness crab-coastal fishery licenses, the director may accept applications for new licenses. Additional licenses issued may maintain a maximum of one hundred seventy-five licenses in the Washington coastal crab fishery. If additional licenses are to be issued, the director shall adopt rules governing the notification, application, selection, and issuance procedures for new Dungeness crab-coastal fishery licenses, based on recommendations of the advisory review board established under RCW 75.30.050 (as recodified by this act).

Sec. 83. RCW 75.30.470 and 1994 c 260 s 19 are each amended to read as follows:

The director may reduce the landing requirements established under RCW 75.30.350 (as recodified by this act) upon the recommendation of an advisory review board established under RCW 75.30.050 (as recodified by this act), but the director may not entirely waive the landing requirement. The advisory review board may recommend a reduction of the landing requirement in individual cases if in the advisory review board's judgment, extenuating circumstances prevented achievement of the landing requirement. The director shall adopt rules governing the operation of the advisory review board and defining "extenuating circumstances." Extenuating circumstances may include situations in which a person had a vessel under construction such that qualifying landings could not be made. In defining extenuating circumstances, special consideration shall be given to individuals who can provide evidence of lack of access to capital based on past discrimination due to race, creed, color, sex, national origin, or disability.

Sec. 84. RCW 75.30.490 and 1999 c 239 s 3 are each amended to read as follows:

(1) The Puget Sound shrimp emerging fishery management regime is converted from an emerging fishery status to a limited entry fishery status effective January 1, 2000.

(2) Effective January 1, 2000, a person shall not fish for shrimp taken from Puget Sound for commercial purposes with shrimp pot gear except under the provisions of a shrimp pot-Puget Sound fishery license issued under RCW 75.28.130 (as recodified by this act).

(3) Effective January 1, 2000, a shrimp pot-Puget Sound fishery license shall only be issued to a natural person who held an emerging commercial fishery license and Puget Sound shrimp pot experimental fishery permit during 1999. Beginning January 1, 2001, a shrimp pot-Puget Sound fishery license shall only be issued to a natural person who held a shrimp pot-Puget Sound fishery license during the previous year.

(4) Shrimp pot-Puget Sound fishery licenses are nontransferable.

(5) The department, by rule, may set licensee participation requirements for Puget Sound shellfish pot shrimp harvest.

Sec. 85. RCW 75.30.500 and 1999 c 239 s 4 are each amended to read as follows:

(1) The Puget Sound shrimp emerging fishery management regime is converted from an emerging fishery status to a limited entry fishery status effective January 1, 2000.

(2) Effective January 1, 2000, a person shall not fish for shrimp taken from Puget Sound for commercial purposes with shrimp trawl gear except under the provisions of a shrimp trawl-Puget Sound fishery license issued under RCW 75.28.130 (as recodified by this act).

(3) Effective January 1, 2000, a shrimp trawl-Puget Sound fishery license shall only be issued to a natural person who held an emerging commercial fishery license and Puget Sound shrimp trawl experimental fishery permit during 1999. Beginning January 1, 2001, a shrimp trawl-Puget Sound fishery license shall only be issued to a natural person who held a shrimp trawl-Puget Sound fishery license during the previous licensing year.

(4) The department, by rule, may set licensee participation requirements for Puget Sound shellfish trawl shrimp harvest.

(5) Shrimp trawl-Puget Sound fishery licenses are nontransferable.

Sec. 86. RCW 75.40.020 and 1995 1st sp.s. c 2 s 19 are each amended to read as follows:

The commission may give to the state of Oregon such consent and approbation of the state of Washington as is necessary under the compact set out in RCW 75.40.010 (as recodified by this act). For the purposes of RCW 75.40.010 (as recodified by this act), the states of Washington and Oregon have concurrent jurisdiction in the concurrent waters of the Columbia river ((~~as defined in RCW 75.08.011~~)).

Sec. 87. RCW 75.40.110 and 1994 c 148 s 2 are each amended to read as follows:

Until such time as the agencies in California, Idaho, Oregon, and Washington present a final proposed interstate compact for enactment by their respective legislative bodies, the governor may establish cooperative agreements with the states of California, Idaho, and Oregon that allow the states to coordinate their individual efforts in developing state programs that further the region-wide goals set forth under RCW 75.40.100 (as recodified by this act).

Sec. 88. RCW 75.44.100 and 1985 c 7 s 150 are each amended to read as follows:

As used in this chapter:

(1) "Case areas" means those areas of the Western district of Washington and in the adjacent offshore waters which are within the jurisdiction of the state of Washington, as defined in *United States of America et al. v. State of Washington et al.,* Civil No. 9213, United States District Court for Western District of Washington, February 12, 1974, and in *Sohappy v. Smith,* 302 F. Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F. 2d 570 (9th Cir., 1976), or an area in which fishing rights are affected by court decision in a manner consistent with the above-mentioned decisions;

(2) "Program" means the program established under RCW 75.44.100 through 75.44.150 (as recodified by this act).

Sec. 89. RCW 75.44.120 and 1983 1st ex.s. c 46 s 157 are each amended to read as follows:

The purchase price of a vessel and appurtenant gear shall be based on a survey conducted by a qualified marine surveyor. A license or delivery permit shall be valued separately.

The director may specify a maximum price to be paid for a vessel, gear, license, or delivery permit purchased under RCW 75.44.110 (as recodified by this act). A license or delivery permit purchased under RCW 75.44.110 (as recodified by this act) shall be permanently retired by the department.

Sec. 90. RCW 75.44.130 and 1983 1st ex.s. c 46 s 158 are each amended to read as follows:

The department may arrange for the insurance, storage, and resale or other disposition of vessels and gear purchased under RCW 75.44.110 (as recodified by this act). Vessels shall not be resold by the department to the seller or the seller's immediate family. The vessels shall not be used by any owner or operator: (1) As a commercial fishing or charter vessel in state waters; or (2) to deliver fish to a place or port in the state. The department shall require that the purchasers and other users of vessels sold by the department execute suitable instruments to insure compliance with the requirements of this section. The director may commence suit or be sued on such an instrument in a state court of record or United States district court having jurisdiction.

Sec. 91. RCW 75.44.150 and 1983 1st ex.s. c 46 s 160 are each amended to read as follows:

The director is responsible for the administration and disbursement of all funds, goods, commodities, and services received by the state under the program.

There is created within the state treasury a fund to be known as the "vessel, gear, license, and permit reduction fund". This fund shall be used for purchases under RCW 75.44.110 (as recodified by this act) and for the administration of the program. This fund shall be credited with federal or other funds received to carry out the purposes of the program and the proceeds from the sale or other disposition of property purchased under RCW 75.44.110 (as recodified by this act).

Sec. 92. RCW 75.46.010 and 1998 c 246 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Critical pathways methodology" means a project scheduling and management process for examining interactions between habitat projects and salmonid species, prioritizing habitat projects, and assuring positive benefits from habitat projects.

(3) "Habitat project list" is the list of projects resulting from the critical pathways methodology under RCW 75.46.070(2) (as recodified by this act). Each project on the list must have a written agreement from the landowner on whose land the project will be implemented. Projects include habitat restoration projects, habitat protection projects, habitat projects that improve water quality, habitat projects that protect water quality, habitat-related mitigation projects, and habitat project maintenance and monitoring activities.

(4) "Habitat work schedule" means those projects from the habitat project list that will be implemented during the current funding cycle. The schedule shall also include a list of the entities and individuals implementing projects, the start date, duration, estimated date of completion, estimated cost, and funding sources for the projects.

(5) "Limiting factors" means conditions that limit the ability of habitat to fully sustain populations of salmon. These factors are primarily fish passage barriers and degraded estuarine areas, riparian corridors, stream channels, and wetlands.

(6) "Project sponsor" is a county, city, special district, tribal government, a combination of such governments through interlocal agreements provided under chapter 39.34 RCW, a nonprofit organization, or one or more private citizens.

(7) "Salmon" includes all species of the family Salmonidae which are capable of self-sustaining, natural production.

(8) "Salmon recovery plan" means a state plan developed in response to a proposed or actual listing under the federal endangered species act that addresses limiting factors including, but not limited to harvest, hatchery, hydropower, habitat, and other factors of decline.

(9) "Tribe" or "tribes" means federally recognized Indian tribes.

(10) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997.

(11) "Owner" means the person holding title to the land or the person under contract with the owner to lease or manage the legal owner's property.

Sec. 93. RCW 75.46.040 and 1999 1st sp.s. c 13 s 8 are each amended to read as follows:

(1) The salmon recovery office is created within the office of the governor to coordinate state strategy to allow for salmon recovery to healthy sustainable population levels with productive commercial and recreational fisheries. The primary purpose of the office is to coordinate and assist in the development of salmon recovery plans for evolutionarily significant units, and submit those plans to the appropriate tribal governments and federal agencies as an integral part of a state-wide strategy developed consistent with the guiding principles and procedures under RCW 75.46.190 (as recodified by this act). The governor's salmon recovery office may also:

(a) Act as liaison to local governments, the state congressional delegation, the United States congress, federally recognized tribes, and the federal executive branch agencies for issues related to the state's endangered species act salmon recovery plans; and

(b) Provide the biennial state of the salmon report to the legislature pursuant to RCW 75.46.030 (as recodified by this act).

(2) This section expires June 30, 2006.

Sec. 94. RCW 75.46.050 and 1999 1st sp.s. c 13 s 10 are each amended to read as follows:

(1) The governor shall request the national academy of sciences, the American fisheries society, or a comparable institution to screen candidates to serve as members on the independent science panel. The institution that conducts the screening of the candidates shall submit a list of the nine most qualified candidates to the governor, the speaker of the house of representatives, and the majority leader of the senate. The candidates shall reflect expertise in habitat requirements of salmon, protection and restoration of salmon populations, artificial propagation of salmon, hydrology, or geomorphology.

(2) The speaker of the house of representatives and the majority leader in the senate may each remove one name from the nomination list. The governor shall consult with tribal representatives and the governor shall appoint five scientists from the remaining names on the nomination list.

(3) The members of the independent science panel shall serve four-year terms. Vacant positions on the panel shall be filled in the same manner as the original appointments. Members shall serve no more than two full terms. The independent science panel members shall elect the chair of the panel among themselves every two years. Based upon available funding, the governor's salmon recovery office may contract for services with members of the independent science panel for compensation under chapter 39.29 RCW.

(4) The independent science panel shall be governed by generally accepted guidelines and practices governing the activities of independent science boards such as the national academy of sciences. The purpose of the independent science panel is to help ensure that sound science is used in salmon recovery efforts. The governor's salmon recovery office shall request review of salmon recovery plans by the science review panel. The science panel does not have the authority to review individual projects or habitat project lists developed under RCW 75.46.060, 75.46.070, and 75.46.080 (as recodified by this act) or to make policy decisions. The panel shall periodically submit its findings and recommendations under this subsection to the legislature and the governor.

(5) The independent science panel, in conjunction with the technical review team, shall recommend standardized monitoring indicators and data quality guidelines for use by entities involved in habitat projects and salmon recovery activities across the state.

(6) The independent science panel, in conjunction with the technical review team, shall also recommend criteria for the systematic and periodic evaluation of monitoring data in order for the state to be able to answer critical questions about the effectiveness of the state's salmon recovery efforts.

(7) The recommendations on monitoring as required in this section shall be provided in a report to the governor and to the legislature by the independent science panel, in conjunction with the salmon recovery office, no later than December 31, 2000. The report shall also include recommendations on the level of effort needed to sustain monitoring of salmon projects and other recovery efforts, and any other recommendations on monitoring deemed important by the independent science panel and the technical review team. The report may be included in the biennial state of the salmon report required under RCW 75.46.030 (as recodified by this act).

Sec. 95. RCW 75.46.070 and 1999 1st sp.s. c 13 s 12 are each amended to read as follows:

(1) Critical pathways methodology shall be used to develop a habitat project list and a habitat work schedule that ensures salmon habitat projects will be prioritized and implemented in a logical sequential manner that produces habitat capable of sustaining healthy populations of salmon.

(2) The critical pathways methodology shall:

(a) Include a limiting factors analysis for salmon in streams, rivers, tributaries, estuaries, and subbasins in the region. The technical advisory group shall have responsibility for the limiting factors analysis;

(b) Identify local habitat projects that sponsors are willing to undertake. The projects identified must have a written agreement from the landowner on which the project is to be implemented. Project sponsors shall have the lead responsibility for this task;

(c) Identify how projects will be monitored and evaluated. The project sponsor, in consultation with the technical advisory group and the appropriate landowner, shall have responsibility for this task;

(d) Include a review of monitoring data, evaluate project performance, and make recommendations to the committee established under RCW 75.46.060 (as recodified by this act) and to the technical review team. The technical advisory group has responsibility for this task; and

(e) Describe the adaptive management strategy that will be used. The committee established under RCW 75.46.060 (as recodified by this act) shall have responsibility for this task. If a committee has not been formed, the technical advisory group shall have the responsibility for this task.

(3) The habitat work schedule shall include all projects developed pursuant to subsection (2) of this section, and shall identify and coordinate with any other salmon habitat project implemented in the region, including habitat preservation projects funded through the Washington wildlife and recreation program, the conservation reserve enhancement program, and other conservancy programs. The habitat work schedule shall also include the start date, duration, estimated date of completion, estimated cost, and, if appropriate, the affected salmonid species of each project. Each schedule shall be updated on an annual basis to depict new activities.

Sec. 96. RCW 75.46.080 and 1999 1st sp.s. c 13 s 15 are each amended to read as follows:

(1) Representatives from the conservation commission, the department of transportation, the department of natural resources, the department of ecology, and the department of fish and wildlife shall establish an interagency review team. Habitat restoration project lists shall be submitted to the interagency review team by January 1st and July 1st of each year. The purpose of the team is to assist the salmon recovery funding board in developing procedures and standards for state-wide funding allocation, and to assist the board in reviewing funding applications to identify the highest priority projects and activities for funding.

(2) If a lead entity established under RCW 75.46.060 (as recodified by this act) has been formed, the interagency review team shall evaluate habitat project lists developed pursuant to RCW 75.46.060 (as recodified by this act) and submitted to the board for consideration for funding. The team shall advise the board on whether the list for the area complies with the list development procedures and critical path methodology provided by RCW 75.46.060 and 75.46.070 (as recodified by this act). When the board determines the list to comply with those requirements it shall accord substantial weight to the list's project priorities when making determinations among applications for funding of projects and activities within the area covered by the list. Projects that include use of side channels, off-stream rearing enhancement, improvement in overwintering habitat, or use of acclimation ponds shall receive consideration for funding.

(3) The board may annually establish a maximum amount of funding available for any individual project, subject to available funding.

(4) Where a lead entity has been established pursuant to RCW 75.46.060 (as recodified by this act), the board may provide grants to the lead entity to assist in carrying out lead entity functions under this chapter, subject to available funding.

(5) The interagency review team shall review, rank, and approve projects submitted for funding until January 1, 2000.

(6) This section expires July 1, 2000.

Sec. 97. RCW 75.46.090 and 1998 c 246 s 10 are each amended to read as follows:

(1) The conservation commission, in consultation with local government and the tribes, shall invite private, federal, state, tribal, and local government personnel with appropriate expertise to act as a technical advisory group.

(2) For state personnel, involvement on the technical advisory group shall be at the discretion of the particular agency. Unless specifically provided for in the budget, technical assistance participants shall be provided from existing full-time equivalent employees.

(3) The technical advisory group shall identify the limiting factors for salmonids to respond to the limiting factors relating to habitat pursuant to RCW 75.46.070(2) (as recodified by this act).

(4) Where appropriate, the conservation district within the area implementing this chapter shall take the lead in developing and maintaining relationships between the technical advisory group and the private landowners under RCW 75.46.080 (as recodified by this act). The conservation districts may assist landowners to organize around river, tributary, estuary, or subbasins of a watershed.

(5) Fishery enhancement groups and other volunteer organizations may participate in the activities under this section.

Sec. 98. RCW 75.46.100 and 1999 1st sp.s. c 13 s 14 are each amended to read as follows:

The sea grant program at the University of Washington is authorized to provide technical assistance to volunteer groups and other project sponsors in designing and implementing habitat projects that address the limiting factors analysis required under RCW 75.46.070 (as recodified by this act). The cost for such assistance may be covered on a fee-for-service basis.

Sec. 99. RCW 75.46.110 and 1998 c 246 s 12 are each amended to read as follows:

The southwest Washington salmon recovery region, whose boundaries are provided in chapter 60, Laws of 1998, is created. ((~~If chapter 60, Laws of 1998 is not enacted by July 1, 1998, this section is null and void.~~))

Sec. 100. RCW 75.46.120 and 1998 c 246 s 16 are each amended to read as follows:

(1) The departments of transportation, fish and wildlife, and ecology, and tribes shall convene a work group to develop policy guidance to evaluate mitigation alternatives. The policy guidance shall be designed to enable committees established under RCW 75.46.060 (as recodified by this act) to develop and implement habitat project lists that maximize environmental benefits from project mitigation while reducing project design and permitting costs. The work group shall seek technical assistance to ensure that federal, state, treaty right, and local environmental laws and ordinances are met. The purpose of this section is not to increase regulatory requirements or expand departmental authority.

(2) The work group shall develop guidance for determining alternative mitigation opportunities. Such guidance shall include criteria and procedures for identifying and evaluating mitigation opportunities within a watershed. Such guidance shall create procedures that provide alternative mitigation that has a low risk to the environment, yet has high net environmental, social, and economic benefits compared to status quo options.

(3) The evaluation shall include:

(a) All elements of mitigation, including but not limited to data requirements, decision making, state and tribal agency coordination, and permitting; and

(b) Criteria and procedures for identifying and evaluating mitigation opportunities, including but not limited to the criteria in chapter 90.74 RCW.

(4) Committees established under RCW 75.46.060 (as recodified by this act) shall coordinate voluntary collaborative efforts between habitat project proponents and mitigation project proponents. Mitigation funds may be used to implement projects identified by a work plan to mitigate for the impacts of a transportation or other development proposal or project.

(5) For the purposes of this section, "mitigation" has the same meaning as provided in RCW 90.74.010.

Sec. 101. RCW 75.46.160 and 1999 1st sp.s. c 13 s 4 are each amended to read as follows:

(1) The (([~~salmon recovery funding~~])) salmon recovery funding board is responsible for making grants and loans for salmon habitat projects and salmon recovery activities from the amounts appropriated to the board for this purpose. To accomplish this purpose the board may:

(a) Provide assistance to grant applicants regarding the procedures and criteria for grant and loan awards;

(b) Make and execute all manner of contracts and agreements with public and private parties as the board deems necessary, consistent with the purposes of this chapter;

(c) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms that are not in conflict with this chapter;

(d) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter; and

(e) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

(2) The interagency committee for outdoor recreation shall provide all necessary grants and loans administration assistance to the board, and shall distribute funds as provided by the board in RCW 75.46.170 (as recodified by this act).

Sec. 102. RCW 75.46.170 and 1999 1st sp.s. c 13 s 5 are each amended to read as follows:

(1) The (([~~salmon recovery funding~~])) salmon recovery funding board shall develop procedures and criteria for allocation of funds for salmon habitat projects and salmon recovery activities on a state-wide basis to address the highest priorities for salmon habitat protection and restoration. To the extent practicable the board shall adopt an annual allocation of funding. The allocation should address both protection and restoration of habitat, and should recognize the varying needs in each area of the state on an equitable basis. The board has the discretion to partially fund, or to fund in phases, salmon habitat projects. The board may annually establish a maximum amount of funding available for any individual project, subject to available funding. No projects required solely as a mitigation or a condition of permitting are eligible for funding.

(2)(a) In evaluating, ranking, and awarding funds for projects and activities the board shall give preference to projects that:

(i) Are based upon the limiting factors analysis identified under RCW 75.46.070 (as recodified by this act);

(ii) Provide a greater benefit to salmon recovery based upon the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHIAP), and any comparable science-based assessment when available;

(iii) Will benefit listed species and other fish species; and

(iv) Will preserve high quality salmonid habitat.

(b) In evaluating, ranking, and awarding funds for projects and activities the board shall also give consideration to projects that:

(i) Are the most cost-effective;

(ii) Have the greatest matched or in-kind funding; and

(iii) Will be implemented by a sponsor with a successful record of project implementation.

(3) The board may reject, but not add, projects from a habitat project list submitted by a lead entity for funding.

(4) For fiscal year 2000, the board may authorize the interagency review team to evaluate, rank, and make funding decisions for categories of projects or activities or from funding sources provided for categories of projects or activities. In delegating such authority the board shall consider the review team's staff resources, procedures, and technical capacity to meet the purposes and objectives of this chapter. The board shall maintain general oversight of the team's exercise of such authority.

(5) The board shall seek the guidance of the technical review team to ensure that scientific principles and information are incorporated into the allocation standards and into proposed projects and activities. If the technical review team determines that a habitat project list complies with the critical pathways methodology under RCW 75.46.070 (as recodified by this act), it shall provide substantial weight to the list's project priorities when making determinations among applications for funding of projects within the area covered by the list.

(6) The board shall establish criteria for determining when block grants may be made to a lead entity or other recognized regional recovery entity consistent with one or more habitat project lists developed for that region. Where a lead entity has been established pursuant to RCW 75.46.060 (as recodified by this act), the board may provide grants to the lead entity to assist in carrying out lead entity functions under this chapter, subject to available funding. The board shall determine an equitable minimum amount of funds for each region, and shall distribute the remainder of funds on a competitive basis.

(7) The board may waive or modify portions of the allocation procedures and standards adopted under this section in the award of grants or loans to conform to legislative appropriations directing an alternative award procedure or when the funds to be awarded are from federal or other sources requiring other allocation procedures or standards as a condition of the board's receipt of the funds. The board shall develop an integrated process to manage the allocation of funding from federal and state sources to minimize delays in the award of funding while recognizing the differences in state and legislative appropriation timing.

Sec. 103. RCW 75.46.180 and 1999 1st sp.s. c 13 s 6 are each amended to read as follows:

(1) Habitat project lists shall be submitted to the salmon recovery funding board for funding by January 1st and July 1st of each year beginning in 2000. The board shall provide the legislature with a list of the proposed projects and a list of the projects funded by October 1st of each year beginning in 2000 for informational purposes.

(2) The interagency committee for outdoor recreation shall track all funds allocated for salmon habitat projects and salmon recovery activities on behalf of the board, including both funds allocated by the board and funds allocated by other state or federal agencies for salmon recovery or water quality improvement.

(3) Beginning in December 2000, the board shall provide a biennial report to the governor and the legislature on salmon recovery expenditures. This report shall be coordinated with the state of the salmon report required under RCW 75.46.030 (as recodified by this act).

Sec. 104. RCW 75.48.100 and 1983 1st ex.s. c 46 s 170 are each amended to read as follows:

The bonds authorized by this chapter shall be issued only after the director has certified, based upon reasonable estimates and data provided to the department, that sufficient revenues will be available from sport and commercial salmon license sales and from salmon fees and taxes to meet the requirements of RCW 75.48.080 (as recodified by this act) during the life of the bonds.

Sec. 105. RCW 75.50.080 and 1997 c 389 s 5 are each amended to read as follows:

Regional fisheries enhancement groups, consistent with the long-term regional policy statements developed under RCW 75.50.020 (as recodified by this act), shall seek to:

(1) Enhance the salmon and steelhead resources of the state;

(2) Maximize volunteer efforts and private donations to improve the salmon and steelhead resources for all citizens;

(3) Assist the department in achieving the goal to double the state-wide salmon and steelhead catch by the year 2000; and

(4) Develop projects designed to supplement the fishery enhancement capability of the department.

Sec. 106. RCW 75.50.100 and 1998 c 245 s 155 and 1998 c 191 s 27 are each reenacted and amended to read as follows:

The dedicated regional fisheries enhancement group account is created in the custody of the state treasurer. Only the commission or the commission's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

A portion of each recreational fishing license fee shall be used as provided in RCW 77.32.440. A surcharge of one hundred dollars shall be collected on each commercial salmon fishery license, each salmon delivery license, and each salmon charter license sold in the state. All receipts shall be placed in the regional fisheries enhancement group account and shall be used exclusively for regional fisheries enhancement group projects for the purposes of RCW 75.50.110 (as recodified by this act). Funds from the regional fisheries enhancement group account shall not serve as replacement funding for department operated salmon projects that exist on January 1, 1991.

All revenue from the department's sale of salmon carcasses and eggs that return to group facilities shall be deposited in the regional fisheries enhancement group account for use by the regional fisheries enhancement group that produced the surplus. The commission shall adopt rules to implement this section pursuant to chapter 34.05 RCW.

Sec. 107. RCW 75.50.105 and 1997 c 389 s 2 are each amended to read as follows:

The department may provide start-up funds to regional fisheries enhancement groups for costs associated with any enhancement project. The regional fisheries enhancement group advisory board and the ((~~department~~)) commission shall develop guidelines for providing funds to the regional fisheries enhancement groups.

Sec. 108. RCW 75.50.110 and 1995 1st sp.s. c 2 s 40 and 1995 c 367 s 5 are each reenacted and amended to read as follows:

(1) A regional fisheries enhancement group advisory board is established to make recommendations to the commission. The members shall be appointed by the commission and consist of two commercial fishing representatives, two recreational fishing representatives, and three at-large positions. At least two of the advisory board members shall be members of a regional fisheries enhancement group. Advisory board members shall serve three-year terms. The advisory board membership shall include two members serving ex officio to be nominated, one through the Northwest Indian fisheries commission, and one through the Columbia river intertribal fish commission. The chair of the regional fisheries enhancement group advisory board shall be elected annually by members of the regional fisheries enhancement (({~~group~~})) group advisory board. The advisory board shall meet at least quarterly. All meetings of the advisory board shall be open to the public under the open public meetings act, chapter 42.30 RCW.

The department shall invite the advisory board to comment and provide input into all relevant policy initiatives, including, but not limited to, wild stock, hatcheries, and habitat restoration efforts.

(2) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The department may use account funds to provide agency assistance to the groups, to provide professional, administrative or clerical services to the advisory board, or to implement the training and technical ((~~[assistance]~~)) assistance services plan as developed by the advisory board pursuant to RCW 75.50.115 (as recodified by this act). The level of account funds used by the department shall be determined by the commission after review of recommendation by the regional fisheries enhancement group advisory board and shall not exceed twenty percent of annual contributions to the account.

Sec. 109. RCW 75.50.115 and 1998 c 96 s 1 are each amended to read as follows:

(1) The regional fisheries enhancement group advisory board shall:

(a) Assess the training and technical assistance needs of the regional fisheries enhancement groups;

(b) Develop a training and technical assistance services plan in order to provide timely, topical technical assistance and training services to regional fisheries enhancement groups. The plan shall be provided to the director and to the senate and house of representatives natural resources committees no later than October 1, 1995, and shall be updated not less than every year. The advisory board shall provide ample opportunity for the public and interested parties to participate in the development of the plan. The plan shall include but is not limited to:

(i) Establishment of an information clearinghouse service that is readily available to regional fisheries enhancement groups. The information clearinghouse shall collect, collate, and make available a broad range of information on subjects that affect the development, implementation, and operation of diverse fisheries and habitat enhancement projects. The information clearinghouse service may include periodical news and informational bulletins;

(ii) An ongoing program in order to provide direct, on-site technical assistance and services to regional fisheries enhancement groups. The advisory board shall assist regional fisheries enhancement groups in soliciting federal, state, and local agencies, tribal governments, institutions of higher education, and private business for the purpose of providing technical assistance and services to regional fisheries enhancement group projects; and

(iii) A cost estimate for implementing the plan;

(c) Propose a budget to the director for operation of the advisory board and implementation of the technical assistance plan;

(d) Make recommendations to the director regarding regional enhancement group project proposals and funding of those proposals; and

(e) Establish criteria for the redistribution of unspent project funds for any regional enhancement group that has a year ending balance exceeding one hundred thousand dollars.

(2) The regional fisheries enhancement group advisory board may:

(a) Facilitate resolution of disputes between regional fisheries enhancement groups and the department;

(b) Promote community and governmental partnerships that enhance the salmon resource and habitat;

(c) Promote environmental ethics and watershed stewardship;

(d) Advocate for watershed management and restoration;

(e) Coordinate regional fisheries enhancement group workshops and training;

(f) Monitor and evaluate regional fisheries enhancement projects;

(g) Provide guidance to regional fisheries enhancement groups; and

(h) Develop recommendations to the director to address identified impediments to the success of regional fisheries enhancement groups.

(3)(a) The regional fisheries enhancement group advisory board shall develop recommendations for limitations on the amount of overhead that a regional fisheries enhancement group may charge from each of the following categories of funding provided to the group:

(i) Federal funds;

(ii) State funds;

(iii) Local funds; and

(iv) Private donations.

(b) The advisory board shall develop recommendations for limitations on the number and salary of paid employees that are employed by a regional fisheries enhancement group. The regional fisheries enhancement group advisory board shall adhere to the founding principles for regional groups that emphasize the volunteer nature of the groups, maximization of field-related fishery resource benefits, and minimization of overhead.

(c) The advisory board shall evaluate and make recommendations for the limitation or elimination of commissions, finders fees, or other reimbursements to regional fisheries enhancement group employees.

(((~~(d) The regional fisheries enhancement group advisory board shall report to the appropriate legislative committees by January 1, 1999, on the board recommendations for overhead limitations, paid employee limitations, and commission limitations for regional fisheries enhancement groups.~~)))

Sec. 110. RCW 75.50.160 and 1997 c 389 s 6 are each amended to read as follows:

The department and the department of transportation shall convene a fish passage barrier removal task force. The task force shall consist of one representative each from the department, the department of transportation, the department of ecology, tribes, cities, counties, a business organization, an environmental organization, regional fisheries enhancement groups, and other interested entities as deemed appropriate by the cochairs. The persons representing the department and the department of transportation shall serve as cochairs of the task force and shall appoint members to the task force. The task force shall make recommendations to expand the program in RCW 75.50.170 (as recodified by this act) to identify and expedite the removal of human-made or caused impediments to anadromous fish passage in the most efficient manner practical. Program recommendations shall include a funding mechanism and other necessary mechanisms to coordinate and prioritize state, tribal, local, and volunteer efforts within each water resource inventory area. A priority shall be given to projects that immediately increase access to available and improved spawning and rearing habitat for depressed, threatened, and endangered stocks. The department or the department of transportation may contract with cities and counties to assist in the identification and removal of impediments to anadromous fish passage.

((~~A report on the recommendations to develop a program to identify and remove fish passage barriers and any additional legislative action needed to implement the program shall be submitted to the appropriate standing committees of the legislature no later than December 1, 1997.~~))

Sec. 111. RCW 75.52.020 and 1993 sp.s. c 2 s 50 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Volunteer group" means any person or group of persons interested in or party to an agreement with the department relating to a cooperative fish or wildlife project.

(2) "Cooperative project" means a project conducted by a volunteer group that will benefit the fish, shellfish, game bird, nongame wildlife, or game animal resources of the state and for which the benefits of the project, including fish and wildlife reared and released, are available to all citizens of the state. Indian tribes may elect to participate in cooperative fish and wildlife projects with the department.

(((~~(3) "Department" means the department of fish and wildlife.~~))

Sec. 112. RCW 75.52.050 and 1995 1st sp.s. c 2 s 42 are each amended to read as follows:

The commission shall establish by rule:

(1) The procedure for entering a cooperative agreement and the application forms for a permit to release fish or wildlife required by RCW 75.08.295 ((~~or 77.16.150~~)) (as recodified by this act). The procedure shall indicate the information required from the volunteer group as well as the process of review by the department. The process of review shall include the means to coordinate with other agencies and Indian tribes when appropriate and to coordinate the review of any necessary hydraulic permit approval applications.

(2) The procedure for providing within forty-five days of receipt of a proposal a written response to the volunteer group indicating the date by which an acceptance or rejection of the proposal can be expected, the reason why the date was selected, and a written summary of the process of review. The response should also include any suggested modifications to the proposal which would increase its likelihood of approval and the date by which such modified proposal could be expected to be accepted. If the proposal is rejected, the department must provide in writing the reasons for rejection. The volunteer group may request the director or the director's designee to review information provided in the response.

(3) The priority of the uses to which eggs, seed, juveniles, or brood stock are put. Use by cooperative projects shall be second in priority only to the needs of programs of the department or of other public agencies within the territorial boundaries of the state. Sales of eggs, seed, juveniles, or brood stock have a lower priority than use for cooperative projects.

(4) The procedure for ((~~notice in writing to a volunteer group of cause to revoke~~)) the director to notify a volunteer group that the agreement for the project is being revoked for cause and the procedure for revocation. Revocation shall be documented in writing to the volunteer group. Cause for revocation may include: (a) The unavailability of adequate biological or financial resources; (b) the development of unacceptable biological or resource management conflicts; or (c) a violation of agreement provisions. Notice of cause to revoke for a violation of agreement provisions may specify a reasonable period of time within which the volunteer group must comply with any violated provisions of the agreement.

(5) An appropriate method of distributing among volunteer groups fish, bird, or animal food or other supplies available for the program.

Sec. 113. RCW 75.52.070 and 1984 c 72 s 7 are each amended to read as follows:

(1) The volunteer group shall:

(a) Provide care and diligence in conducting the cooperative project; and

(b) Maintain accurately the required records of the project on forms provided by the department.

(2) The volunteer group shall acknowledge that fish and game reared in cooperative projects are public property and must be handled and released for the benefit of all citizens of the state. The fish and game are to remain public property until reduced to private ownership under rules of the ((~~department~~)) commission.

Sec. 114. RCW 75.52.100 and 1993 sp.s. c 2 s 52 are each amended to read as follows:

A salmon spawning channel shall be constructed on the Cedar river with the assistance and cooperation of the department. The department shall use existing personnel and the volunteer fisheries enhancement program outlined under chapter 75.52 RCW (as recodified by this act) to assist in the planning, construction, and operation of the spawning channel.

Sec. 115. RCW 75.52.110 and 1998 c 245 s 156 are each amended to read as follows:

The department shall chair a technical committee, which shall review the preparation of enhancement plans and construction designs for a Cedar river sockeye spawning channel. The technical committee shall consist of not more than eight members: One representative each from the department, national marine fisheries service, United States fish and wildlife service, and Muckleshoot Indian tribe; and four representatives from the public utility described in RCW 75.52.130 (as recodified by this act). The technical committee will be guided by a policy committee, also to be chaired by the department, which shall consist of not more than six members: One representative from the department, one from the Muckleshoot Indian tribe, and one from either the national marine fisheries service or the United States fish and wildlife service; and three representatives from the public utility described in RCW 75.52.130 (as recodified by this act). The policy committee shall oversee the operation and evaluation of the spawning channel. The policy committee will continue its oversight until the policy committee concludes that the channel is meeting the production goals specified in RCW 75.52.120 (as recodified by this act).

Sec. 116. RCW 75.52.130 and 1989 c 85 s 6 are each amended to read as follows:

The legislature recognizes that, if funding for planning, design, evaluation, construction, and operating expenses is provided by a public utility that diverts water for beneficial public use, and if the performance of the spawning channel meets the production goals described in RCW 75.52.120 (as recodified by this act), the spawning channel project will serve, at a minimum, as compensation for lost sockeye salmon spawning habitat upstream of the Landsburg diversion. The amount of funding to be supplied by ((~~said~~)) the utility will fully fund the total cost of planning, design, evaluation, and construction of the spawning channel.

Sec. 117. RCW 75.52.140 and 1989 c 85 s 7 are each amended to read as follows:

In order to provide operation and maintenance funds for the facility authorized by RCW 75.52.100 through 75.52.160 (as recodified by this act), the utility shall place two million five hundred thousand dollars in the state general fund Cedar river channel construction and operation account herein created. The interest from the fund shall be used for operation and maintenance of the spawning channel and any unused interest shall be added to the fund to increase the principal to cover possible future operation cost increases. The state treasurer may invest funds from the account as provided by law.

Sec. 118. RCW 75.52.160 and 1993 sp.s. c 2 s 54 are each amended to read as follows:

Should the requirements of RCW 75.52.100 through 75.52.160 (as recodified by this act) not be met, the department shall seek immediate legal clarification of the steps which must be taken to fully mitigate water diversion projects on the Cedar river.

Sec. 119. RCW 75.54.140 and 1998 c 191 s 28 are each amended to read as follows:

As provided in RCW 77.32.440, a portion of each saltwater and combination fishing license fee shall be deposited in the recreational fisheries enhancement account created in RCW 75.54.150 (as recodified by this act).

Sec. 120. RCW 75.54.150 and 1993 sp.s. c 2 s 98 are each amended to read as follows:

The recreational fisheries enhancement account is created in the state treasury. All receipts from RCW 75.54.140 (as recodified by this act) shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for recreational fisheries enhancement programs.

Sec. 121. RCW 75.56.050 and 1998 c 60 s 2 are each amended to read as follows:

(1) A pilot program for steelhead recovery is established in Clark, Cowlitz, Lewis, Skamania, and Wahkiakum counties within the habitat area classified as evolutionarily significant unit 4 by the federal national marine fisheries service. The management board created under subsection (2) of this section is responsible for implementing the habitat portion of the approved steelhead recovery initiative and is empowered to receive and disburse funds for the approved steelhead recovery initiative. The management board created pursuant to this section shall constitute the ((~~regional council for this area responsible for fulfilling the requirements and exercising the powers of a regional council under chapter 246, Laws of 1998~~)) lead entity and the committee established under RCW 75.46.060 (as recodified by this act) responsible for fulfilling the requirements and exercising powers under this chapter.

(2) A management board consisting of fifteen voting members is created within evolutionarily significant unit 4. The members shall consist of one county commissioner or designee from each of the five participating counties selected by each county legislative authority; one member representing the cities contained within evolutionarily significant unit 4 as a voting member selected by the cities in evolutionarily significant unit 4; a representative of the Cowlitz Tribe appointed by the tribe; one state legislator elected from one of the legislative districts contained within evolutionarily significant unit 4 selected by that group of state

legislators representing the area; five representatives to include at least one member who represents private property interests appointed by the five county commissioners or designees; one hydro utility representative nominated by hydro utilities and appointed by the five county commissioners or designees; and one representative nominated from the environmental community who resides in evolutionarily significant unit 4 appointed by the five county commissioners or designees. The board shall appoint and consult a technical advisory committee, which shall include four representatives of state agencies one each appointed by the directors of the departments of ecology, fish and wildlife, and transportation, and the commissioner of public lands. The board may also appoint additional persons to the technical advisory committee as needed. The chair of the board shall be selected from among the five county commissioners or designees and the legislator on the board. In making appointments under this subsection, the county commissioners shall consider recommendations of interested parties. Vacancies shall be filled in the same manner as the original appointments were selected. No action may be brought or maintained against any management board member, the management board, or any of its agents, officers, or employees for any noncontractual acts or omissions in carrying out the purposes of this section.

(3)(a) The management board shall participate in the development of a recovery plan to implement its responsibilities under (b) of this subsection. The management board shall consider local watershed efforts and activities as well as habitat conservation plans in the implementation of the recovery plan. Any of the participating counties may continue its own efforts for restoring steelhead habitat. Nothing in this section limits the authority of units of local government to enter into interlocal agreements under chapter 39.34 RCW or any other provision of law.

(b) The management board is responsible for implementing the habitat portions of the local government responsibilities of the lower Columbia steelhead conservation initiative approved by the state and the national marine fisheries service. The management board may work in cooperation with the state and the national marine fisheries service to modify the initiative, or to address habitat for other aquatic species that may be subsequently listed under the federal endangered species act. The management board may not exercise authority over land or water within the individual counties or otherwise preempt the authority of any units of local government.

(c) The management board shall prioritize as appropriate and approve projects and programs related to the recovery of lower Columbia river steelhead runs, including the funding of those projects and programs, and coordinate local government efforts as prescribed in the recovery plan. The management board shall establish criteria for funding projects and programs based upon their likely value in steelhead recovery. The management board may consider local economic impact among the criteria, but jurisdictional boundaries and factors related to jurisdictional population may not be considered as part of the criteria.

(d) The management board shall assess the factors for decline along each prioritized stream as listed in the lower Columbia steelhead conservation initiative. The management board is encouraged to take a stream-by-stream approach in conducting the assessment which utilizes state and local expertise, including volunteer groups, interest groups, and affected units of local government.

(4) The management board has the authority to hire and fire staff, including an executive director, enter into contracts, accept grants and other moneys, disburse funds, make recommendations to cities and counties about potential code changes and the development of programs and incentives upon request, pay all necessary expenses, and may choose a fiduciary agent. The management board shall report on its progress on a quarterly basis to the legislative bodies of the five participating counties and the state natural resource-related agencies. <u>The management board shall prepare a final report at the conclusion of the pilot program describing its efforts and successes in implementing the habitat portion of the lower Columbia steelhead conservation initiative. The final report shall be transmitted to the appropriate committees of the legislature, the legislative bodies of the participating counties, and the state natural resource-related agencies.</u>

(5) The pilot program terminates on July 1, 2002.

(6) For purposes of this section, "evolutionarily significant unit" means the habitat area identified for an evolutionarily significant unit of an aquatic species listed or proposed for listing as a threatened or endangered species under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.).

Sec. 122. RCW 75.58.010 and 1998 c 190 s 110 are each amended to read as follows:

(1) The director of agriculture and the director shall jointly develop a program of disease inspection and control for aquatic farmers as defined in RCW 15.85.020. The program shall be administered by the department under rules established under this section. The purpose of the program is to protect the aquaculture industry and wildstock fisheries from a loss of productivity due to aquatic diseases or maladies. As used in this section "diseases" means, in addition to its ordinary meaning, infestations of parasites or pests. The disease program may include, but is not limited to, the following elements:

(a) Disease diagnosis;

(b) Import and transfer requirements;

(c) Provision for certification of stocks;

(d) Classification of diseases by severity;

(e) Provision for treatment of selected high-risk diseases;

(f) Provision for containment and eradication of high-risk diseases;

(g) Provision for destruction of diseased cultured aquatic products;

(h) Provision for quarantine of diseased cultured aquatic products;

(i) Provision for coordination with state and federal agencies;

(j) Provision for development of preventative or control measures;

(k) Provision for cooperative consultation service to aquatic farmers; and

(l) Provision for disease history records.

(2) The commission shall adopt rules implementing this section. However, such rules shall have the prior approval of the director of agriculture and shall provide therein that the director of agriculture has provided such approval. The director of agriculture or the director's designee shall attend the rule-making hearings conducted under chapter 34.05 RCW and shall assist in conducting those hearings. The authorities granted the department by these rules and by RCW 75.08.080(1)(g), 75.24.080, 75.24.110, 75.28.125, 75.58.020, 75.58.030, and 75.58.040 (as recodified by this act) constitute the only authorities of the department to regulate private sector cultured aquatic products and aquatic farmers as defined in RCW 15.85.020. Except as provided in subsection (3) of this section, no action may be taken against any person to enforce these rules unless the department has first provided the person an opportunity for a hearing. In such a case, if the hearing is requested, no enforcement action may be taken before the conclusion of that hearing.

(3) The rules adopted under this section shall specify the emergency enforcement actions that may be taken by the department, and the circumstances under which they may be taken, without first providing the affected party with an opportunity for a hearing. Neither the provisions of this subsection nor the provisions of subsection (2) of this section shall preclude the department from requesting the initiation of criminal proceedings for violations of the disease inspection and control rules.

(4) A person shall not violate the rules adopted under subsection (2) or (3) of this section or violate RCW 75.58.040 (as recodified by this act).

(5) In administering the program established under this section, the department shall use the services of a pathologist licensed to practice veterinary medicine.

(6) The director in administering the program shall not place constraints on or take enforcement actions in respect to the aquaculture industry that are more rigorous than those placed on the department or other fish-rearing entities.

Sec. 123. RCW 75.58.020 and 1993 sp.s. c 2 s 56 are each amended to read as follows:

The directors of agriculture and fish and wildlife shall jointly adopt by rule, in the manner prescribed in RCW 75.58.010(2) (as recodified by this act), a schedule of user fees for the disease inspection and control program established under RCW 75.58.010 (as recodified by this act). The fees shall be established such that the program shall be entirely funded by revenues derived from the user fees by the beginning of the 1987-89 biennium.

There is established in the state treasury an account known as the aquaculture disease control account which is subject to appropriation. Proceeds of fees charged under this section shall be deposited in the account. Moneys from the account shall be used solely for administering the disease inspection and control program established under RCW 75.58.010 (as recodified by this act).

Sec. 124. RCW 75.58.030 and 1993 sp.s. c 2 s 57 are each amended to read as follows:

(1) The director shall consult regarding the disease inspection and control program established under RCW 75.58.010 (as recodified by this act) with federal agencies and Indian tribes to assure protection of state, federal, and tribal aquatic resources and to protect private sector cultured aquatic products from disease that could originate from waters or facilities managed by those agencies.

(2) With regard to the program, the director may enter into contracts or interagency agreements for diagnostic field services with government agencies and institutions of higher education and private industry.

(3) The director shall provide for the creation and distribution of a roster of biologists having a ((~~speciality [specialty]~~)) specialty in the diagnosis or treatment of diseases of fish or shellfish. The director shall adopt rules specifying the qualifications which a person must have in order to be placed on the roster.

Repealed Sections

NEW SECTION. **Sec. 125.** The following acts or parts of acts are each repealed:

(1) RCW 75.08.010 (Fisheries Code) and 1983 1st ex.s. c 46 s 2 & 1955 c 12 s 75.08.010;

(2) RCW 75.08.011 (Definitions) and 1998 c 190 s 70, 1996 c 267 s 2, 1995 1st sp.s. c 2 s 6, & 1994 c 255 s 2;

(3) RCW 75.08.014 (Authority of director to administer department--Qualifications of director) and 1995 1st sp.s. c 2 s 22, 1993 sp.s. c 2 s 21, 1983 1st ex.s. c 46 s 6, & 1953 c 207 s 10;

(4) RCW 75.08.035 (Senior environmental corps--Department powers and duties) and 1993 sp.s. c 2 s 22 & 1992 c 63 s 11;

(5) RCW 75.08.274 (Taking food fish for propagation or scientific purposes--Permit required) and 1998 c 190 s 72, 1995 1st sp.s. c 2 s 15, 1983 1st ex.s. c 46 s 28, 1971 c 35 s 1, & 1955 c 12 s 75.16.010;

(6) RCW 75.10.070 (Service of summons and forfeiture if unable to prosecute violator) and 1983 1st ex.s. c 46 s 38 & 1955 c 12 s 75.36.030;

(7) RCW 75.10.160 (Enforcement of watercraft registration and boating safety education) and 1989 c 393 s 16;

(8) RCW 75.25.090 (Personal use fishing licenses--Fees) and 1993 c 215 s 1, 1989 c 305 s 5, & 1987 c 87 s 1;

(9) RCW 75.25.160 (Recreational licenses--Penalties) and 1989 c 305 s 15, 1987 c 87 s 8, 1984 c 80 s 10, 1983 1st ex.s. c 46 s 100, & 1977 ex.s. c 327 s 16;

(10) RCW 75.25.210 (Duplicate licenses, permits, tags, stamps, and catch record cards--Fees) and 1994 c 255 s 9;

(11) RCW 75.28.012 (Licensing districts--Created) and 1993 c 20 s 3, 1983 1st ex.s. c 46 s 102, 1971 ex.s. c 283 s 2, & 1957 c 171 s 1;

(12) RCW 75.28.335 (Wholesale fish dealers--Additional penalties) and 1985 c 248 s 8; and

(13) RCW 75.30.160 (Whiting license required in designated areas) and 1998 c 190 s 103, 1993 c 340 s 38, & 1986 c 198 s 6.

Recodified Sections

NEW SECTION. **Sec. 126.** RCW 75.08.012, 75.08.013, 75.08.020, 75.08.090, and 75.08.110 are each recodified as sections in chapter 77.04 RCW.

NEW SECTION. **Sec. 127.** RCW 75.08.025, 75.08.040, 75.08.045, 75.08.055, 75.08.058, 75.08.065, 75.08.070, 75.08.080, 75.08.120, 75.08.160, 75.08.206, 75.08.208, 75.08.230, 75.08.235, 75.08.255, 75.08.265, 75.08.285, 75.08.295, and 75.08.300 are each recodified as sections in chapter 77.12 RCW.

NEW SECTION. **Sec. 128.** RCW 75.12.010, 75.12.015, 75.12.040, 75.12.132, 75.12.140, 75.12.155, 75.12.210, 75.12.230, 75.12.390, 75.12.440, and 75.12.650 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. **Sec. 129.** RCW 75.20.005, 75.20.015, 75.20.025, 75.20.040, 75.20.050, 75.20.060, 75.20.061, 75.20.090, 75.20.098, 75.20.100, 75.20.103, 75.20.104, 75.20.1041, 75.20.106, 75.20.108, 75.20.110, 75.20.130, 75.20.140, 75.20.150, 75.20.160, 75.20.170, 75.20.180, 75.20.190, 75.20.310, 75.20.320, 75.20.325, 75.20.330, 75.20.340, 75.20.350, and 77.12.830 are each recodified as sections in a new chapter added to Title 77 RCW.

NEW SECTION. **Sec. 130.** RCW 75.24.010, 75.24.030, 75.24.060, 75.24.065, 75.24.070, 75.24.080, 75.24.100, 75.24.110, 75.24.120, 75.24.130, 75.24.140, and 75.24.150 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. **Sec. 131.** RCW 75.28.010, 75.28.011, 75.28.014, 75.28.020, 75.28.030, 75.28.034, 75.28.040, 75.28.042, 75.28.044, 75.28.045, 75.28.046, 75.28.047, 75.28.048, 75.28.055, 75.28.095, 75.28.110, 75.28.113, 75.28.114, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.132, 75.28.133, 75.28.280, 75.28.290, 75.28.295, 75.28.300, 75.28.302, 75.28.305, 75.28.315, 75.28.323, 75.28.328, 75.28.340, 75.28.690, 75.28.700, 75.28.710, 75.28.720, 75.28.730, 75.28.740, 75.28.750, 75.28.760, 75.28.770, 75.28.780, 75.28.900, 77.32.191, 77.32.197, 77.32.199, and 77.32.211 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. **Sec. 132.** RCW 75.30.015, 75.30.021, 75.30.050, 75.30.060, 75.30.065, 75.30.070, 75.30.090, 75.30.100, 75.30.120, 75.30.125, 75.30.130, 75.30.140, 75.30.170, 75.30.180, 75.30.210, 75.30.220, 75.30.230, 75.30.240, 75.30.250, 75.30.260, 75.30.270, 75.30.280, 75.30.290, 75.30.300, 75.30.310, 75.30.320, 75.30.330, 75.30.350, 75.30.360, 75.30.370, 75.30.380, 75.30.390, 75.30.410, 75.30.420, 75.30.430, 75.30.440, 75.30.450, 75.30.460, 75.30.470, 75.30.480, 75.30.490, and 75.30.500 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. **Sec. 133.** A new chapter is added to Title 77 RCW and is named "Compacts and other agreements." The following sections are recodified under the following subchapter headings:

(1) "Columbia river compact" as follows:

RCW 75.40.010; and

RCW 75.40.020.

(2) "Pacific marine fisheries compact" as follows:

RCW 75.40.030; and

RCW 75.40.040.

(3) "Coastal ecosystems compact" as follows:

RCW 75.40.100; and

RCW 75.40.110.

(4) "Wildlife violator compact" as follows:
RCW 77.17.010;
RCW 77.17.020; and
RCW 77.17.030.
(5) "Snake river boundary" as follows:
RCW 77.12.450;
RCW 77.12.470;
RCW 77.12.480; and
RCW 77.12.490.
(6) "Miscellaneous" as follows:
RCW 75.40.060;
RCW 77.12.430; and
RCW 77.12.440.

NEW SECTION. **Sec. 134.** RCW 75.44.100, 75.44.110, 75.44.120, 75.44.130, 75.44.140, and 75.44.150 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. **Sec. 135.** RCW 75.46.005, 75.46.010, 75.46.030, 75.46.040, 75.46.050, 75.46.060, 75.46.070, 75.46.080, 75.46.090, 75.46.100, 75.46.110, 75.46.120, 75.46.150, 75.46.160, 75.46.170, 75.46.180, 75.46.190, 75.46.200, 75.46.210, 75.46.300, 75.46.350, 75.56.050, and 75.46.900 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. **Sec. 136.** RCW 75.48.020, 75.48.040, 75.48.050, 75.48.060, 75.48.070, 75.48.080, 75.48.100, and 75.48.110 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. **Sec. 137.** RCW 75.50.010, 75.50.020, 75.50.030, 75.50.040, 75.50.060, 75.50.070, 75.50.080, 75.50.090, 75.50.100, 75.50.105, 75.50.110, 75.50.115, 75.50.125, 75.50.130, 75.50.150, 75.50.160, 75.50.165, 75.50.170, 75.50.180, 75.50.190, 75.08.245, 75.08.400, 75.08.410, 75.08.420, 75.08.430, 75.08.440, 75.08.450, 75.08.500, 75.08.510, 75.08.520, 75.08.530, and 75.50.900 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. **Sec. 138.** RCW 75.52.010, 75.52.020, 75.52.030, 75.52.035, 75.52.040, 75.52.050, 75.52.060, 75.52.070, 75.08.047, 75.52.080, 75.52.100, 75.52.110, 75.52.120, 75.52.130, 75.52.140, 75.52.150, 75.52.160, and 75.52.900 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. **Sec. 139.** RCW 75.54.005, 75.54.010, 75.54.020, 75.54.030, 75.54.040, 75.54.050, 75.54.060, 75.54.070, 75.54.080, 75.54.090, 75.54.100, 75.54.110, 75.54.120, 75.54.130, 75.54.140, 75.54.150, 75.54.900, and 75.54.901 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. **Sec. 140.** RCW 75.56.010, 75.56.020, 75.56.030, 75.56.040, 75.56.900, and 75.56.905 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. **Sec. 141.** RCW 75.58.010, 75.58.020, 75.58.030, and 75.58.040 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. **Sec. 142.** RCW 75.25.092 is recodified as a new section in chapter 77.32 RCW.

NEW SECTION. **Sec. 143.** RCW 75.10.150 is recodified as a new section in chapter 77.15 RCW.

NEW SECTION. **Sec. 144.** RCW 75.25.901, 75.25.902, 75.30.055, 75.98.005, 75.98.006, 75.98.007, and 75.98.030 are each decodified.

PART II
TITLE 77
Amendments

Sec. 201. RCW 77.04.010 and 1990 c 84 s 1 are each amended to read as follows:

This title is known and may be cited as "Fish and Wildlife Code of the State of Washington."

Sec. 202. RCW 77.04.020 and 1996 c 267 s 32 are each amended to read as follows:

The department consists of the state fish and wildlife commission and the director. ((~~The director is responsible for the administration and operation of the department, subject to the provisions of this title.~~)) The commission may delegate to the director any of the powers and duties vested in the commission. ((~~The director shall perform the duties prescribed by law and shall carry out the basic goals and objectives prescribed under RCW 77.04.055.~~))

Sec. 203. RCW 77.04.030 and 1994 c 264 s 52 are each amended to read as follows:

The fish and wildlife commission consists of nine registered voters of the state. In January of each odd-numbered year, the governor shall appoint with the advice and consent of the senate two registered voters to the commission to serve for terms of six years from that January or until their successors are appointed and qualified. If a vacancy occurs on the commission prior to the

expiration of a term, the governor shall appoint a registered voter within sixty days to complete the term. Three members shall be residents of that portion of the state lying east of the summit of the Cascade mountains, and three shall be residents of that portion of the state lying west of the summit of the Cascade mountains. Three additional members shall be appointed at-large ((~~effective July 1, 1993; one of whom shall serve a one and one-half year term to end December 31, 1994; one of whom shall serve a three and one-half year term to end December 31, 1996; and one of whom shall serve a five and one-half year term to end December 31, 1998. Thereafter all members are to serve a six-year term~~)). No two members may be residents of the same county. The legal office of the commission is at the administrative office of the department in Olympia.

Sec. 204. RCW 77.04.055 and 1995 1st sp.s. c 2 s 4 are each amended to read as follows:

(1) In establishing policies to preserve, protect, and perpetuate wildlife, fish, and wildlife and fish habitat, the commission shall meet annually with the governor to:

(a) Review and prescribe basic goals and objectives related to those policies; and

(b) Review the performance of the department in implementing fish and wildlife policies.

The commission shall maximize fishing, hunting, and outdoor recreational opportunities compatible with healthy and diverse fish and wildlife populations.

(2) The commission shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy game fish and wildlife.

(3) The commission shall establish provisions regulating food fish and shellfish as provided in RCW 75.08.080 (as recodified by this act).

(4) The commission shall have final approval authority for tribal, interstate, international, and any other department agreements relating to fish and wildlife.

(5) The commission shall adopt rules to implement the state's fish and wildlife laws.

(6) The commission shall have final approval authority for the department's budget proposals.

(7) The commission shall select its own staff and shall appoint the director of the department. The director and commission staff shall serve at the pleasure of the commission.

Sec. 205. RCW 77.04.080 and 1995 1st sp.s. c 2 s 5 are each amended to read as follows:

Persons eligible for appointment as director shall have practical knowledge of the habits and distribution of fish and wildlife. The director shall supervise the administration and operation of the department and perform the duties prescribed by law and delegated by the commission. The director shall carry out the basic goals and objectives prescribed under RCW 77.04.055. The director may appoint and employ necessary personnel. The director may delegate, in writing, to department personnel the duties and powers necessary for efficient operation and administration of the department.

Only persons having general knowledge of the fisheries and wildlife resources and of the commercial and recreational fishing industry in this state are eligible for appointment as director. The director shall not have a financial interest in the fishing industry or a directly related industry. The director shall receive the salary fixed by the governor under RCW 43.03.040.

The director is the ex officio secretary of the commission and shall attend its meetings and keep a record of its business.

((~~The director may appoint and employ necessary departmental personnel. The director may delegate to department personnel the duties and powers necessary for efficient operation and administration of the department.~~))

Sec. 206. RCW 77.04.100 and 1993 sp.s. c 2 s 65 are each amended to read as follows:

The director shall develop proposals to reinstate the natural salmon and steelhead trout fish runs in the Tilton and upper Cowlitz rivers in accordance with RCW 75.08.020(3) (as recodified by this act).

Sec. 207. RCW 77.08.010 and 1998 c 190 s 111 are each amended to read as follows:

As used in this title ((~~or Title 75 RCW~~)) or rules adopted ((~~pursuant to those~~)) under this title((~~s~~)), unless the context clearly requires otherwise:

(1) "Director" means the director of fish and wildlife.

(2) "Department" means the department of fish and wildlife.

(3) "Commission" means the state fish and wildlife commission.

(4) "Person" means and includes an individual((~~,~~)); a corporation((~~,~~)); a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(5) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce ((~~laws~~)) this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

(6) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned

officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(9) "To fish," "to harvest," and "to take," and ((~~its~~)) their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

(10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, ((~~or~~)) game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(11) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, or game fish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, or possess by rule of the commission as an open season.

(12) "Closed area" means a place where the hunting of some species of wild animals or wild birds is prohibited.

(13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing for game fish is prohibited.

(14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia (((~~old world rats and mice~~))), or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species Rana catesbeiana (bullfrog). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia (((~~old world rats and mice~~))).

(18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(27) "Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.

(28) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(29) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(30) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(31) "Senior" means a person seventy years old or older.

(32) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(33) "Saltwater" means those marine waters seaward of river mouths.

(34) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(35) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(36) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(37) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(38) "Resident" means a person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state.

(39) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(40) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(41) "Commercial" means related to or connected with buying, selling, or bartering. Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.

(42) "To process" and its derivatives mean preparing or preserving food fish or shellfish.

(43) "Personal use" means for the private use of the individual taking the food fish or shellfish and not for sale or barter.

(44) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(45) "Fishery" means the taking of one or more particular species of food fish or shellfish with particular gear in a particular geographical area.

(46) "Limited-entry license" means a license subject to a license limitation program established in chapter 75.30 RCW (as recodified by this act).

(47) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

(48) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

NEW SECTION. **Sec. 208.** A new section is added to chapter 77.08 RCW to read as follows:

"Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that have been classified and that shall not be fished for except as authorized by rule of the commission. The term "food fish" includes all stages of development and the bodily parts of food fish species.

NEW SECTION. **Sec. 209.** A new section is added to chapter 77.08 RCW to read as follows:

"Salmon" means all species of the genus Oncorhynchus, except those classified as game fish in RCW 77.08.020, and includes:

Scientific Name	Common Name
Oncorhynchus tshawytscha	Chinook salmon
Oncorhynchus kisutch	Coho salmon
Oncorhynchus keta	Chum salmon
Oncorhynchus gorbuscha	Pink salmon
Oncorhynchus nerka	Sockeye salmon

Sec. 210. RCW 77.12.010 and 1985 c 438 s 1 are each amended to read as follows:

((~~Wildlife is the property of the state. The department shall preserve, protect, and perpetuate wildlife. Game animals, game birds, and game fish may be taken only at times or places, or in manners or quantities as in the judgment of the commission maximizes public recreational opportunities without impairing the supply of wildlife.~~))

The commission shall not adopt rules that categorically prohibit fishing with bait or artificial lures in streams, rivers, beaver ponds, and lakes except that the commission may adopt rules and regulations restricting fishing methods upon a determination by the director that an individual body of water or part thereof clearly requires a fishing method prohibition to conserve or enhance the

fisheries resource or to provide selected fishing alternatives. ((~~The commission shall attempt to maximize the public recreational fishing opportunities of all citizens, particularly juvenile, handicapped, and senior citizens.~~

~~Nothing contained herein shall be construed to infringe on the right of a private property owner to control the owner's private property.~~))

Sec. 211. RCW 77.12.035 and 1995 c 370 s 1 are each amended to read as follows:

The ((~~department~~)) commission shall protect grizzly bears and develop management programs on publicly owned lands that will encourage the natural regeneration of grizzly bears in areas with suitable habitat. Grizzly bears shall not be transplanted or introduced into the state. Only grizzly bears that are native to Washington state may be utilized by the department for management programs. The department is directed to fully participate in all discussions and negotiations with federal and state agencies relating to grizzly bear management and shall fully communicate, support, and implement the policies of this section.

Sec. 212. RCW 77.12.055 and 1998 c 190 s 112 are each amended to read as follows:

(1) Fish and wildlife officers and ex officio fish and wildlife officers shall enforce this title, ((~~Title 75 RCW,~~)) rules of the department, and other statutes as prescribed by the legislature. However, when acting within the scope of these duties and when an offense occurs in the presence of the fish and wildlife officer who is not an ex officio fish and wildlife officer, the fish and wildlife officer may enforce all criminal laws of the state. The fish and wildlife officer must have successfully completed the basic law enforcement academy course sponsored by the criminal justice training commission, or a course approved by the department and the criminal justice training commission and provided by the department or the criminal justice training commission, prior to enforcing the criminal laws of the state.

(2) Fish and wildlife officers are peace officers.

(3) Any liability or claim of liability under chapter 4.92 RCW that arises out of the exercise or alleged exercise of authority by a fish and wildlife officer rests with the department unless the fish and wildlife officer acts under the direction and control of another agency or unless the liability is otherwise assumed under an agreement between the department and another agency.

(4) Fish and wildlife officers may serve and execute warrants and processes issued by the courts.

(5) Fish and wildlife officers may enforce RCW 79.01.805 and 79.01.810.

(6) Fish and wildlife officers are authorized to enforce all provisions of chapter 88.02 RCW and any rules adopted under that chapter, and the provisions of RCW 79A.05.310 and any rules adopted under that section.

(7) To enforce the laws of this title ((~~and Title 75 RCW~~)), fish and wildlife officers may call to their aid any ex officio fish and wildlife officer or citizen and that person shall render aid.

Sec. 213. RCW 77.12.080 and 1998 c 190 s 114 are each amended to read as follows:

Fish and wildlife officers and ex officio fish and wildlife officers may arrest without warrant persons found violating the law or rules adopted pursuant to this title ((~~and Title 75 RCW~~)).

Sec. 214. RCW 77.12.090 and 1998 c 190 s 115 are each amended to read as follows:

Fish and wildlife officers and ex officio fish and wildlife officers may make a reasonable search without warrant of a vessel, ((~~container, or~~)) conveyances, vehicles, containers, packages, ((~~game baskets, game coats,~~)) or other receptacles for fish and wildlife((~~, or tents, camps, or similar places~~)) which they have reason to believe contain evidence of a violation of law or rules adopted pursuant to this title ((~~or Title 75 RCW~~)) and seize evidence as needed for law enforcement. This authority does not extend to quarters in a boat, building, or other property used exclusively as a private domicile, does not extend to transitory residences in which a person has a reasonable expectation of privacy, and does not allow search and seizure without a warrant if the thing or place is protected from search without warrant within the meaning of Article I, section 7 of the state Constitution. Seizure of property as evidence of a crime does not preclude seizure of the property ((~~if authorized~~)) for forfeiture as authorized by law.

Sec. 215. RCW 77.12.103 and 1993 sp.s. c 2 s 68 are each amended to read as follows:

(1) ((~~The burden of proof of any exemption or exception to seizure or forfeiture of personal property involved with wildlife offenses is upon the person claiming it.~~

~~(2)~~)) An authorized state, county, or municipal officer may be subject to civil liability under RCW ((~~77.12.101~~)) 77.15.070 for willful misconduct or gross negligence in the performance of his or her duties.

(((~~(3)~~))) (2) The director, the fish and wildlife commission, or the department may be subject to civil liability for their willful or reckless misconduct in matters involving the seizure and forfeiture of personal property involved with fish or wildlife offenses.

Sec. 216. RCW 77.12.170 and 1998 c 191 s 38 and 1998 c 87 s 2 are each reenacted and amended to read as follows:

(1) There is established in the state treasury the state wildlife fund which consists of moneys received from:

(a) Rentals or concessions of the department;

(b) The sale of real or personal property held for department purposes;

(c) The sale of licenses, permits, tags, stamps, and punchcards required by this title, except annual resident adult saltwater and all shellfish licenses, which shall be deposited into the state general fund;

(d) Fees for informational materials published by the department;

(e) Fees for personalized vehicle license plates as provided in chapter 46.16 RCW;

(f) Articles or wildlife sold by the director under this title;

(g) Compensation for damage to department property or wildlife losses or contributions, gifts, or grants received under RCW 77.12.320 or 77.32.380;

(h) Excise tax on anadromous game fish collected under chapter 82.27 RCW;

(i) The sale of personal property seized by the department for food fish, shellfish, or wildlife violations; and

(j) The department's share of revenues from auctions and raffles authorized by the commission.

(2) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state wildlife fund.

Sec. 217. RCW 77.12.204 and 1993 sp.s. c 4 s 6 are each amended to read as follows:

The department of fish and wildlife shall implement practices necessary to meet the standards developed under RCW 79.01.295 on agency-owned and managed agricultural and grazing lands. The standards may be modified on a site-specific basis as necessary and as determined by the department of ((~~fisheries or~~)) fish and wildlife, for species that these agencies respectively manage, to achieve the goals established under RCW 79.01.295(1). Existing lessees shall be provided an opportunity to participate in any site-specific field review. Department agricultural and grazing leases issued after December 31, 1994, shall be subject to practices to achieve the standards that meet those developed pursuant to RCW 79.01.295.

This section shall in no way prevent the department of fish and wildlife from managing its lands ((~~to accomplish its statutory mandate pursuant to RCW 77.12.010, nor shall it prevent the department from managing its lands~~)) according to the provisions of RCW 75.08.012, 77.12.210, or rules adopted pursuant to this chapter.

Sec. 218. RCW 77.12.210 and 1987 c 506 s 30 are each amended to read as follows:

The director shall maintain and manage real or personal property owned, leased, or held by the department and shall control the construction of buildings, structures, and improvements in or on the property. The director may adopt rules for the operation and maintenance of the property.

The commission may authorize the director to sell, lease, convey, or grant concessions upon real or personal property under the control of the department. This includes the authority to sell timber, gravel, sand, and other materials or products from real property held by the department ((~~and may authorize the director~~)), and to sell or lease the department's real or personal property or grant concessions or rights of way for roads or utilities in the property. Oil and gas resources owned by the state which lie below lands owned, leased, or held by the department shall be offered for lease by the commissioner of public lands pursuant to chapter 79.14 RCW with the proceeds being deposited in the state wildlife fund: PROVIDED, That the commissioner of public lands shall condition such leases at the request of the department to protect wildlife and its habitat.

If the commission determines that real or personal property held by the department cannot be used advantageously by the department, the director may dispose of that property if it is in the public interest.

If the state acquired real property with use limited to specific purposes, the director may negotiate terms for the return of the property to the donor or grantor. Other real property shall be sold to the highest bidder at public auction. After appraisal, notice of the auction shall be published at least once a week for two successive weeks in a newspaper of general circulation within the county where the property is located at least twenty days prior to sale.

Proceeds from the sales shall be deposited in the state wildlife fund.

Sec. 219. RCW 77.12.220 and 1987 c 506 s 31 are each amended to read as follows:

For purposes of this title, the commission may make agreements to obtain real or personal property or to transfer or convey property held by the state to the United States or its agencies or instrumentalities, ((~~political subdivisions~~)) units of local government of this state, public service companies, or other persons, if in the judgment of the commission and the attorney general the transfer and conveyance is consistent with public interest. For purposes of this section, "local government" means any city, town, county, special district, municipal corporation, or quasi-municipal corporation.

If the commission agrees to a transfer or conveyance under this section or to a sale or return of real property under RCW 77.12.210, the director shall certify, with the attorney general, to the governor that the agreement has been made. The certification shall describe the real property. The governor then may execute and the secretary of state attest and deliver to the appropriate entity or person the instrument necessary to fulfill the agreement.

Sec. 220. RCW 77.12.250 and 1980 c 78 s 42 are each amended to read as follows:

The director, ((~~wildlife agents~~)) fish and wildlife officers, ex officio ((~~wildlife agents~~)) fish and wildlife officers, and department employees may enter upon lands or waters and remain there while performing their duties without liability for trespass. It is lawful for aircraft operated by the department to land and take off from beaches or waters of the state.

Sec. 221. RCW 77.12.315 and 1987 c 506 s 40 are each amended to read as follows:

If the director determines that a severe problem exists in an area of the state because deer and elk are being pursued, harassed, attacked or killed by dogs, the director may declare by emergency rule that an emergency exists and specify the area

where it is lawful for fish and wildlife ((~~agents~~)) officers to take into custody or destroy the dogs if necessary. Fish and wildlife ((~~agents~~)) officers who take into custody or destroy a dog pursuant to this section are immune from civil or criminal liability arising from their actions.

Sec. 222. RCW 77.12.470 and 1980 c 78 s 63 are each amended to read as follows:

To enforce RCW 77.12.480 and 77.12.490 (as recodified by this act), courts in the counties contiguous to the boundary waters, fish and wildlife ((~~agents~~)) officers, and ex officio fish and wildlife ((~~agents~~)) officers have jurisdiction over the boundary waters to the furthermost shoreline. This jurisdiction is concurrent with the courts and law enforcement officers of Idaho.

Sec. 223. RCW 77.12.480 and 1980 c 78 s 64 are each amended to read as follows:

The taking of wildlife from the boundary waters or islands of the Snake river shall be in accordance with the wildlife laws of the respective states. Fish and wildlife ((~~agents~~)) officers and ex officio fish and wildlife ((~~agents~~)) officers shall honor the license of either state and the right of the holder to take wildlife from the boundary waters and islands in accordance with the laws of the state issuing the license.

Sec. 224. RCW 77.12.490 and 1980 c 78 s 65 are each amended to read as follows:

The purpose of RCW 77.12.450 through 77.12.490 (as recodified by this act) is to avoid the conflict, confusion, and difficulty of locating the state boundary in or on the boundary waters and islands of the Snake river. These sections do not allow the holder of a Washington license to fish or hunt on the shoreline, sloughs, or tributaries on the Idaho side, nor allow the holder of an Idaho license to fish or hunt on the shoreline, sloughs, or tributaries on the Washington side.

Sec. 225. RCW 77.12.610 and 1982 c 155 s 1 are each amended to read as follows:

The purposes of RCW 77.12.610 through 77.12.630 ((~~and 77.16.610~~)) are to facilitate the department's gathering of biological data for managing wildlife, fish, and shellfish resources of this state and to protect ((~~wildlife~~)) these resources by assuring compliance with Title 77 RCW, and rules adopted thereunder, in a manner designed to minimize inconvenience to the public.

Sec. 226. RCW 77.12.620 and 1982 c 155 s 2 are each amended to read as follows:

The department is authorized to require hunters and fishermen occupying a motor vehicle approaching or entering a check station to stop and produce for inspection: (1) Any wildlife, fish, shellfish, or seaweed in their possession; (2) licenses, permits, tags, stamps, or ((~~punchcards~~)) catch record cards, required under Title 77 RCW, or rules adopted thereunder. For these purposes, the department is authorized to operate check stations which shall be plainly marked by signs, operated by at least one uniformed fish and wildlife ((~~agent~~)) officer, and operated in a safe manner.

Sec. 227. RCW 77.12.630 and 1982 c 155 s 4 are each amended to read as follows:

The powers conferred by RCW 77.12.610 through 77.12.630 ((~~and 77.16.610~~)) are in addition to all other powers conferred by law upon the department. Nothing in RCW 77.12.610 through 77.12.630 ((~~and 77.16.610~~)) shall be construed to prohibit the department from operating wildlife information stations at which persons shall not be required to stop and report, or from executing arrests, searches, or seizures otherwise authorized by law.

Sec. 228. RCW 77.12.655 and 1990 c 84 s 3 are each amended to read as follows:

The department, in accordance with chapter 34.05 RCW, shall adopt and enforce necessary rules defining the extent and boundaries of habitat buffer zones for bald eagles. Rules shall take into account the need for variation of the extent of the zone from case to case, and the need for protection of bald eagles. The rules shall also establish guidelines and priorities for purchase or trade and establishment of conservation easements and/or leases to protect such designated properties. The department shall also adopt rules to provide adequate notice to property owners of their options under RCW 77.12.650 ((~~through 77.12.655~~)) and this section.

Sec. 229. RCW 77.12.830 and 1997 c 425 s 3 are each amended to read as follows:

(1) Beginning in January 1998, the department of fish and wildlife and the department of natural resources shall implement a habitat incentives program based on the recommendations of federally recognized Indian tribes, landowners, the regional fisheries enhancement groups, the timber, fish, and wildlife cooperators, and other interested parties. The program shall allow a private landowner to enter into an agreement with the departments to enhance habitat on the landowner's property for food fish, game fish, or other wildlife species. In exchange, the landowner shall receive state regulatory certainty with regard to future applications for hydraulic project approval or a forest practices permit on the property covered by the agreement. The overall goal of the program is to provide a mechanism that facilitates habitat development on private property while avoiding an adverse state regulatory impact to the landowner at some future date. A single agreement between the departments and a landowner may encompass up to one thousand acres. A landowner may enter into multiple agreements with the departments, provided that the total acreage covered by such agreements with a single landowner does not exceed ten thousand acres. The departments are not obligated to enter into an agreement unless the departments find that the agreement is in the best interest of protecting fish or wildlife species or their habitat.

(2) A habitat incentives agreement shall be in writing and shall contain at least the following: A description of the property covered by the agreement, an expiration date, a description of the condition of the property prior to the implementation of the agreement, and other information needed by the landowner and the departments for future reference and decisions.

(3) As part of the agreement, the department of fish and wildlife may stipulate the factors that will be considered when the department evaluates a landowner's application for hydraulic project approval under RCW 75.20.100 or 75.20.103 (as recodified by this act) on property covered by the agreement. The department's identification of these evaluation factors shall be in concurrence with the department of natural resources and affected federally recognized Indian tribes. In general, future decisions related to the issuance, conditioning, or denial of hydraulic project approval shall be based on the conditions present on the landowner's property at the time of the agreement, unless all parties agree otherwise.

(4) As part of the agreement, the department of natural resources may stipulate the factors that will be considered when the department evaluates a landowner's application for a forest practices permit under chapter 76.09 RCW on property covered by the agreement. The department's identification of these evaluation factors shall be in concurrence with the department of fish and wildlife and affected federally recognized Indian tribes. In general, future decisions related to the issuance, conditioning, or denial of forest practices permits shall be based on the conditions present on the landowner's property at the time of the agreement, unless all parties agree otherwise.

(5) The agreement is binding on and may be used by only the landowner who entered into the agreement with the department. The agreement shall not be appurtenant with the land. However, if a new landowner chooses to maintain the habitat enhancement efforts on the property, the new landowner and the departments may jointly choose to retain the agreement on the property.

(6) If the departments receive multiple requests for agreements with private landowners under the habitat incentives program, the departments shall prioritize these requests and shall enter into as many agreements as possible within available budgetary resources.

Sec. 230. RCW 77.12.858 and 1999 c 342 s 6 are each amended to read as follows:

All receipts from the salmon stamp program created under RCW 77.12.850 through 77.12.860 must be deposited into the regional fisheries enhancement salmonid recovery account created under RCW 75.50.125 (as recodified by this act). Expenditures from the account may be used only for the purposes specified in RCW 75.50.125 (as recodified by this act) and chapter 342, Laws of 1999. The department shall report biennially to the legislature on the amount of money the salmon stamp program has generated.

Sec. 231. RCW 77.15.070 and 1998 c 190 s 69 are each amended to read as follows:

(1) Fish and wildlife officers and ex officio fish and wildlife officers may seize without warrant boats, airplanes, vehicles, motorized implements, conveyances, gear, appliances, or other articles they have probable cause to believe have been held with intent to violate or used in violation of this ((~~chapter~~)) title or rule of the commission or director. However, fish and wildlife officers or ex officio fish and wildlife officers may not seize any item or article, other than for evidence, if under the circumstances, it is reasonable to conclude that the violation was inadvertent. The property seized is subject to forfeiture to the state under this section regardless of ownership. Property seized may be recovered by its owner by depositing into court a cash bond equal to the value of the seized property but not more than twenty-five thousand dollars. Such cash bond is subject to forfeiture in lieu of the property. Forfeiture of property seized under this section is a civil forfeiture against property and is intended to be a remedial civil sanction.

(2) In the event of a seizure of property under this section, jurisdiction to begin the forfeiture proceedings shall commence upon seizure. Within fifteen days following the seizure, the seizing authority shall serve a written notice of intent to forfeit property on the owner of the property seized and on any person having any known right or interest in the property seized. Notice may be served by any method authorized by law or court rule, including service by certified mail with return receipt requested. Service by mail is deemed complete upon mailing within the fifteen-day period following the seizure.

(3) Persons claiming a right of ownership or right to possession of property are entitled to a hearing to contest forfeiture. Such a claim shall specify the claim of ownership or possession and shall be made in writing and served on the director within forty-five days of the seizure. If the seizing authority has complied with notice requirements and there is no claim made within forty-five days, then the property shall be forfeited to the state.

(4) If any person timely serves the director with a claim to property, the person shall be afforded an opportunity to be heard as to the person's claim or right. The hearing shall be before the director or director's designee, or before an administrative law judge appointed under chapter 34.12 RCW, except that a person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the property seized is more than five thousand dollars.

(5) The hearing to contest forfeiture and any subsequent appeal shall be as provided for in ((~~Title 34 RCW~~)) chapter 34.05 RCW, the administrative procedure act. The seizing authority has the burden to demonstrate that it had reason to believe the property was held with intent to violate or was used in violation of this title or rule of the commission or director. The person

contesting forfeiture has the burden of production and proof by a preponderance of evidence that the person owns or has a right to possess the property and:

(a) That the property was not held with intent to violate or used in violation of this title ((~~or Title 75 RCW~~)); or

(b) If the property is a boat, airplane, or vehicle, that the illegal use or planned illegal use of the boat, airplane, or vehicle occurred without the owner's knowledge or consent, and that the owner acted reasonably to prevent illegal uses of such boat, airplane, or vehicle.

(6) A forfeiture of a conveyance encumbered by a perfected security interest is subject to the interest of the secured party if the secured party neither had knowledge (([~~of~~])) of nor consented to the act or omission. No security interest in seized property may be perfected after seizure.

(7) If seized property is forfeited under this section the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release such property to the agency for the use of enforcing this title, or sell such property, and deposit the proceeds to the wildlife fund, as provided for in RCW 77.12.170.

NEW SECTION. **Sec. 232.** A new section is added to chapter 77.15 RCW to read as follows:

Fish and wildlife officers and ex officio fish and wildlife officers may seize without a warrant wildlife, fish, and shellfish they have probable cause to believe have been taken, transported, or possessed in violation of this title or rule of the commission or director.

Sec. 233. RCW 77.15.080 and 1998 c 190 s 113 are each amended to read as follows:

Based upon articulable facts that a person is engaged in fishing or hunting activities, fish and wildlife officers have the authority to temporarily stop the person and check for valid licenses, tags, permits, stamps, or catch record cards, and to inspect all fish and wildlife in possession as well as the equipment being used to ensure compliance with the requirements of this title ((~~and Title 75 RCW~~)).

Sec. 234. RCW 77.15.090 and 1998 c 190 s 117 are each amended to read as follows:

On a showing of probable cause that there has been a violation of any fish or wildlife law of the state of Washington, or upon a showing of probable cause to believe that evidence of such violation may be found at a place, a court shall issue a search warrant or arrest warrant. Fish and wildlife officers may execute any such arrest or search warrant reasonably necessary to their duties under this title ((~~or Title 75 RCW~~)) and may seize fish and wildlife or any evidence of a crime and the fruits or instrumentalities of a crime as provided by warrant. The court may have a building, enclosure, vehicle, vessel, container, or receptacle opened or entered and the contents examined.

Sec. 235. RCW 77.15.100 and 1998 c 190 s 63 are each amended to read as follows:

(1) Unless otherwise provided in this title ((~~or Title 75 RCW~~)), fish, shellfish, or wildlife unlawfully taken or possessed, or involved in a violation shall be forfeited to the state upon conviction. Unless already held by, sold, destroyed, or disposed of by the department, the court shall order such fish or wildlife to be delivered to the department. Where delay will cause loss to the value of the property and a ready wholesale buying market exists, the department may sell property to a wholesale buyer at a fair market value.

(2) ((~~The department may use, sell, or destroy any other~~)) When seized property is forfeited ((~~by the court or~~)) to the department, the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release the property to the agency for the use of enforcing this title, or sell such property and deposit the proceeds into the state wildlife fund established under RCW 77.12.170. Any sale of other property shall be at public auction or after public advertisement reasonably designed to obtain the highest price. The time, place, and manner of holding the sale shall be determined by the director. The director may contract for the sale to be through the department of general administration as state surplus property, or, except where not justifiable by the value of the property, the director shall publish notice of the sale once a week for at least two consecutive weeks before the sale in at least one newspaper of general circulation in the county in which the sale is to be held. ((~~Proceeds of the sale shall be deposited in the state treasury to be credited to the state wildlife fund.~~))

Sec. 236. RCW 77.15.120 and 1998 c 190 s 13 are each amended to read as follows:

(1) A person is guilty of unlawful taking of endangered fish or wildlife in the second degree if the person hunts, fishes, possesses, maliciously harasses or kills fish or wildlife, or maliciously destroys the nests or eggs of fish or wildlife and the fish or wildlife is designated by the commission as endangered, and the taking has not been authorized by rule of the commission.

(2) A person is guilty of unlawful taking of endangered fish or wildlife in the first degree if the person has been:

(a) Convicted under subsection (1) of this section or convicted of any crime under this title involving the killing, possessing, harassing, or harming of endangered fish or wildlife; and

(b) Within five years of the date of the prior conviction the person commits the act described by subsection (1) of this section.

(3)(a) Unlawful taking of endangered fish or wildlife in the second degree is a gross misdemeanor.

(b) Unlawful taking of endangered fish or wildlife in the first degree is a class C felony. The department shall revoke any licenses or tags used in connection with the crime and order the person's privileges to hunt, fish, trap, or obtain licenses under this title ((~~and Title 75 RCW~~)) to be suspended for two years.

Sec. 237. RCW 77.15.160 and 1998 c 190 s 17 are each amended to read as follows:

A person is guilty of an infraction, which shall be cited and punished as provided under chapter 7.84 RCW, if the person:

(1) Fails to immediately record a catch of fish or shellfish on a catch record card required by RCW ((~~75.25.190 or 77.32.050~~)) 77.32.430, or required by rule of the commission under this title ((~~or Title 75 RCW~~)); or

(2) Fishes for personal use using barbed hooks in violation of any rule; or

(3) Violates any other rule of the commission or director that is designated by rule as an infraction.

NEW SECTION. **Sec. 238.** A new section is added to chapter 77.15 RCW to read as follows:

Any person who is damaged by any act prohibited in RCW 77.15.210 may bring a civil action to enjoin further violations, and recover damages sustained, including a reasonable attorneys' fee. The trial court may increase the award of damages to an amount not to exceed three times the damages sustained. A party seeking civil damages under this section may recover upon proof of a violation by a preponderance of the evidence. The state of Washington may bring a civil action to enjoin violations of this section.

Sec. 239. RCW 77.15.300 and 1998 c 190 s 52 are each amended to read as follows:

(1) A person is guilty of unlawfully undertaking hydraulic project activities if the person constructs any form of hydraulic project or performs other work on a hydraulic project and:

(a) Fails to have a hydraulic project approval required under chapter 75.20 RCW (as recodified by this act) for such construction or work; or

(b) Violates any requirements or conditions of the hydraulic project approval for such construction or work.

(2) Unlawfully undertaking hydraulic project activities is a gross misdemeanor.

Sec. 240. RCW 77.15.310 and 1998 c 190 s 53 are each amended to read as follows:

(1) A person is guilty of unlawful failure to use or maintain an approved fish guard on a diversion device if the person owns, controls, or operates a device used for diverting or conducting water from a lake, river, or stream and:

(a) The device is not equipped with a fish guard, screen, or bypass approved by the director as required by RCW 75.20.040 (as recodified by this act) or 77.16.220; or

(b) The person knowingly fails to maintain or operate an approved fish guard, screen, or bypass so as to effectively screen or prevent fish from entering the intake.

(2) Unlawful failure to use or maintain an approved fish guard, screen, or bypass on a diversion device is a gross misdemeanor. Following written notification to the person from the department that there is a violation, each day that a diversion device is operated without an approved or maintained fish guard, screen, or bypass is a separate offense.

Sec. 241. RCW 77.15.320 and 1998 c 190 s 54 are each amended to read as follows:

(1) A person is guilty of unlawful failure to provide, maintain, or operate a fishway for dam or other obstruction if the person owns, operates, or controls a dam or other obstruction to fish passage on a river or stream and:

(a) The dam or obstruction is not provided with a durable and efficient fishway approved by the director as required by RCW 75.20.060 (as recodified by this act);

(b) Fails to maintain a fishway in efficient operating condition; or

(c) Fails to continuously supply a fishway with a sufficient supply of water to allow the free passage of fish.

(2) Unlawful failure to provide, maintain, or operate a fishway for dam or other obstruction is a gross misdemeanor. Following written notification to the person from the department that there is a violation, each day of unlawful failure to provide, maintain, or operate a fishway is a separate offense.

Sec. 242. RCW 77.15.350 and 1998 c 190 s 58 are each amended to read as follows:

(1) A person is guilty of violating a rule regarding inspection and disease control of aquatic farms if the person:

(a) Violates any rule adopted under chapter 75.58 RCW (as recodified by this act) regarding the inspection and disease control program for an aquatic farm; or

(b) Fails to register or report production from an aquatic farm as required by chapter 75.58 RCW (as recodified by this act).

(2) A violation of a rule regarding inspection and disease control of aquatic farms is a misdemeanor.

Sec. 243. RCW 77.15.360 and 1998 c 190 s 61 are each amended to read as follows:

(1) A person is guilty of unlawful interfering in department operations if the person prevents department employees from carrying out duties authorized by this title ((~~or Title 75 RCW~~)), including but not limited to interfering in the operation of department vehicles, vessels, or aircraft.

(2) Unlawful interfering in department operations is a gross misdemeanor.

Sec. 244. RCW 77.15.380 and 1998 c 190 s 18 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the second degree if the person fishes for, takes, possesses, or harvests fish or shellfish and:

(a) The person does not have and possess the license or the catch record card required by chapter 75.25 (as recodified by this act) or 77.32 RCW for such activity; or

(b) The action violates any rule of the commission or the director regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas, closed times, or any other rule addressing the manner or method of fishing or possession of fish, except for use of a net to take fish as provided for in RCW 77.15.580.

(2) Unlawful recreational fishing in the second degree is a misdemeanor.

Sec. 245. RCW 77.15.390 and 1998 c 190 s 20 are each amended to read as follows:

(1) A person is guilty of unlawful taking of seaweed if the person takes, possesses, or harvests seaweed and:

(a) The person does not have and possess the license required by chapter 75.25 RCW (as recodified by this act) for taking seaweed; or

(b) The action violates any rule of the department or the department of natural resources regarding seasons, possession limits, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting of seaweed.

(2) Unlawful taking of seaweed is a misdemeanor. This does not affect rights of the state to recover civilly for trespass, conversion, or theft of state-owned valuable materials.

Sec. 246. RCW 77.15.470 and 1998 c 190 s 29 are each amended to read as follows:

(1) A person is guilty of unlawfully avoiding wildlife check stations or field inspections if the person fails to:

(a) Obey check station signs;

(b) Stop and report at a check station if directed to do so by a uniformed fish and wildlife officer; or

(c) Produce for inspection upon request by a fish and wildlife officer: (i) Hunting or fishing equipment; (ii) seaweed, fish, shellfish, or wildlife; or (iii) licenses, permits, tags, stamps, or catch record cards required by this title ((~~or Title 75 RCW~~)).

(2) Unlawfully avoiding wildlife check stations or field inspections is a gross misdemeanor.

(3) Wildlife check stations may not be established upon interstate highways or state routes.

Sec. 247. RCW 77.15.480 and 1980 c 78 s 27 are each amended to read as follows:

Articles or devices unlawfully used, possessed, or maintained for catching, taking, killing, attracting, or decoying wildlife are public nuisances. If necessary, fish and wildlife ((~~agents~~)) officers and ex officio fish and wildlife ((~~agents~~)) officers may seize, abate, or destroy these public nuisances without warrant or process.

Sec. 248. RCW 77.15.500 and 1998 c 190 s 35 are each amended to read as follows:

(1) A person is guilty of commercial fishing without a license in the second degree if the person fishes for, takes, or delivers food fish, shellfish, or game fish while acting for commercial purposes and:

(a) The person does not hold a fishery license or delivery license under chapter 75.28 RCW (as recodified by this act) for the food fish or shellfish; or

(b) The person is not a licensed operator designated as an alternate operator on a fishery or delivery license under chapter 75.28 RCW (as recodified by this act) for the food fish or shellfish.

(2) A person is guilty of commercial fishing without a license in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The violation involves taking, delivery, or possession of food fish or shellfish with a value of two hundred fifty dollars or more; or

(b) The violation involves taking, delivery, or possession of food fish or shellfish from an area that was closed to the taking of such food fish or shellfish by any statute or rule.

(3)(a) Commercial fishing without a license in the second degree is a gross misdemeanor.

(b) Commercial fishing without a license in the first degree is a class C felony.

Sec. 249. RCW 77.15.530 and 1998 c 190 s 38 are each amended to read as follows:

(1) A person who holds a fishery license required by chapter 75.28 RCW (as recodified by this act), or who holds an operator's license and is designated as an alternate operator on a fishery license required by chapter 75.28 RCW (as recodified by this act), is guilty of unlawful use of a nondesignated vessel if the person takes, fishes for, or delivers from that fishery using a vessel not designated on the person's license, when vessel designation is required by chapter 75.28 RCW (as recodified by this act).

(2) Unlawful use of a nondesignated vessel is a gross misdemeanor.

(3) A nondesignated vessel may be used, subject to appropriate notification to the department and in accordance with rules established by the commission, when a designated vessel is inoperative because of accidental damage or mechanical breakdown.

(4) If the person commits the act described by subsection (1) of this section and the vessel designated on the person's fishery license was used by any person in the fishery on the same day, then the violation for using a nondesignated vessel is a class C felony. Upon conviction the department shall order revocation and suspension of all commercial fishing privileges under chapter 75.28 RCW (as recodified by this act) for a period of one year.

Sec. 250. RCW 77.15.540 and 1998 c 190 s 39 are each amended to read as follows:

(1) A person who holds a fishery license required by chapter 75.28 RCW (as recodified by this act), or who holds an operator's license and is designated as an alternate operator on a fishery license required by chapter 75.28 RCW (as recodified by this act), is guilty of unlawful use of a commercial fishery license if the person:

(a) Does not have the commercial fishery license or operator's license in possession during fishing or delivery; or

(b) Violates any rule of the department regarding the use, possession, display, or presentation of the person's license, decals, or vessel numbers.

(2) Unlawful use of a commercial fishery license is a misdemeanor.

Sec. 251. RCW 77.15.570 and 1998 c 190 s 49 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, it is unlawful for a person who is not a treaty Indian fisherman to participate in the taking of fish or shellfish in a treaty Indian fishery, or to be on board a vessel, or associated equipment, operating in a treaty Indian fishery. A violation of this subsection is a gross misdemeanor.

(2) A person who violates subsection (1) of this section with the intent of acting for commercial purposes, including any sale of catch, control of catch, profit from catch, or payment for fishing assistance, is guilty of a class C felony. Upon conviction, the department shall order revocation of any license and a one-year suspension of all commercial fishing privileges requiring a license under chapter 75.28 or 75.30 RCW (as recodified by this act).

(3)(a) The spouse, forebears, siblings, children, and grandchildren of a treaty Indian fisherman may assist the fisherman in exercising treaty Indian fishing rights when the treaty Indian fisherman is present at the fishing site.

(b) Other treaty Indian fishermen with off-reservation treaty fishing rights in the same usual and accustomed places, whether or not the fishermen are members of the same tribe or another treaty tribe, may assist a treaty Indian fisherman in exercising treaty Indian fishing rights when the treaty Indian fisherman is present at the fishing site.

(c) Biologists approved by the department may be on board a vessel operating in a treaty Indian fishery.

(4) For the purposes of this section:

(a) "Treaty Indian fisherman" means a person who may exercise treaty Indian fishing rights as determined under United States v. Washington, 384 F. Supp. 312 (W.D. Wash. 1974), or Sohappy v. Smith, 302 F. Supp. 899 (D. Oregon 1969), and post-trial orders of those courts;

(b) "Treaty Indian fishery" means a fishery open to only treaty Indian fishermen by tribal or federal regulation;

(c) "To participate" and its derivatives mean an effort to operate a vessel or fishing equipment, provide immediate supervision in the operation of a vessel or fishing equipment, or otherwise assist in the fishing operation, to claim possession of a share of the catch, or to represent that the catch was lawfully taken in an Indian fishery.

(5) A violation of this section constitutes illegal fishing and is subject to the suspensions provided for commercial fishing violations.

Sec. 252. RCW 77.15.580 and 1998 c 190 s 50 are each amended to read as follows:

(1) A person is guilty of unlawful use of a net to take fish in the second degree if the person:

(a) Lays, sets, uses, or controls a net or other device or equipment capable of taking fish from the waters of this state, except if the person has a valid license for such fishing gear from the director under this title and is acting in accordance with all rules of the commission and director; or

(b) Fails to return unauthorized fish to the water immediately while otherwise lawfully operating a net under a valid license.

(2) A person is guilty of unlawful use of a net to take fish in the first degree if the person:

(a) Commits the act described by subsection (1) of this section; and

(b) The violation occurs within five years of entry of a prior conviction for a gross misdemeanor or felony under this title ((~~or Title 75 RCW~~)) involving fish, other than a recreational fishing violation, or involving unlawful use of nets.

(3)(a) Unlawful use of a net to take fish in the second degree is a gross misdemeanor. Upon conviction, the department shall revoke any license held under this title ((~~or Title 75 RCW~~)) allowing commercial net fishing used in connection with the crime.

(b) Unlawful use of a net to take fish in the first degree is a class C felony. Upon conviction, the department shall order a one-year suspension of all commercial fishing privileges requiring a license under this title ((~~or Title 75 RCW~~)).

(4) Notwithstanding subsections (1) and (2) of this section, it is lawful to use a landing net to land fish otherwise legally hooked.

Sec. 253. RCW 77.15.620 and 1998 c 190 s 43 are each amended to read as follows:

(1) A person is guilty of engaging in fish dealing activity without a license in the second degree if the person:

(a) Engages in the commercial processing of fish or shellfish, including custom canning or processing of personal use fish or shellfish and does not hold a wholesale dealer's license required by RCW 75.28.300(1) or 77.32.211 (as recodified by this act) for anadromous game fish;

(b) Engages in the wholesale selling, buying, or brokering of food fish or shellfish and does not hold a wholesale dealer's or buying license required by RCW 75.28.300(2) or 77.32.211 (as recodified by this act) for anadromous game fish;

(c) Is a fisher who lands and sells his or her catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state and does not hold a wholesale dealer's license required by RCW 75.28.300(3) or 77.32.211 (as recodified by this act) for anadromous game fish; or

(d) Engages in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish and does not hold a wholesale dealer's license required by RCW 75.28.300(4) or 77.32.211 (as recodified by this act) for anadromous game fish.

(2) Engaging in fish dealing activity without a license in the second degree is a gross misdemeanor.

(3) A person is guilty of engaging in fish dealing activity without a license in the first degree if the person commits the act described by subsection (1) of this section and the violation involves fish or shellfish worth two hundred fifty dollars or more. Engaging in fish dealing activity without a license in the first degree is a class C felony.

Sec. 254. RCW 77.15.630 and 1998 c 190 s 44 are each amended to read as follows:

(1) A person who holds a fish dealer's license required by RCW 75.28.300 (as recodified by this act), an anadromous game fish buyer's license required by RCW 77.32.211 (as recodified by this act), or a fish buyer's license required by RCW 75.28.340 (as recodified by this act) is guilty of unlawful use of fish buying and dealing licenses in the second degree if the person:

(a) Possesses or receives fish or shellfish for commercial purposes worth less than two hundred fifty dollars; and

(b) Fails to document such fish or shellfish with a fish-receiving ticket required by statute or rule of the department.

(2) A person is guilty of unlawful use of fish buying and dealing licenses in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The violation involves fish or shellfish worth two hundred fifty dollars or more;

(b) The person acted with knowledge that the fish or shellfish were taken from a closed area, at a closed time, or by a person not licensed to take such fish or shellfish for commercial purposes; or

(c) The person acted with knowledge that the fish or shellfish were taken in violation of any tribal law.

(3)(a) Unlawful use of fish buying and dealing licenses in the second degree is a gross misdemeanor.

(b) Unlawful use of fish buying and dealing licenses in the first degree is a class C felony. Upon conviction, the department shall suspend all privileges to engage in fish buying or dealing for two years.

Sec. 255. RCW 77.15.640 and 1998 c 190 s 45 are each amended to read as follows:

(1) A person who holds a wholesale fish dealer's license required by RCW 75.28.300 (as recodified by this act), an anadromous game fish buyer's license required by RCW 77.32.211 (as recodified by this act), or a fish buyer's license required by RCW 75.28.340 (as recodified by this act) is guilty of violating rules governing wholesale fish buying and dealing if the person:

(a) Fails to possess or display his or her license when engaged in any act requiring the license;

(b) Fails to display or uses the license in violation of any rule of the department;

(c) Files a signed fish-receiving ticket but fails to provide all information required by rule of the department; or

(d) Violates any other rule of the department regarding wholesale fish buying and dealing.

(2) Violating rules governing wholesale fish buying and dealing is a gross misdemeanor.

Sec. 256. RCW 77.15.650 and 1998 c 190 s 59 are each amended to read as follows:

(1) A person is guilty of unlawful purchase or use of a license in the second degree if the person buys, holds, uses, displays, transfers, or obtains any license, tag, permit, or approval required by this title ((~~or Title 75 RCW~~)) and the person:

(a) Uses false information to buy, hold, use, display, or obtain a license, permit, tag, or approval;

(b) Acquires, holds, or buys in excess of one license, permit, or tag for a license year if only one license, permit, or tag is allowed per license year;

(c) Uses or displays a license, permit, tag, or approval that was issued to another person;

(d) Permits or allows a license, permit, tag, or approval to be used or displayed by another person not named on the license, permit, tag, or approval;

(e) Acquires or holds a license while privileges for the license are revoked or suspended.

(2) A person is guilty of unlawful purchase or use of a license in the first degree if the person commits the act described by subsection (1) of this section and the person was acting with intent that the license, permit, tag, or approval be used for any commercial purpose. A person is presumed to be acting with such intent if the violation involved obtaining, holding, displaying, or using a license or permit for participation in any commercial fishery issued under this title ((~~or Title 75 RCW~~)) or a license authorizing fish or wildlife buying, trafficking, or wholesaling.

(3)(a) Unlawful purchase or use of a license in the second degree is a gross misdemeanor. Upon conviction, the department shall revoke any unlawfully used or held licenses and order a two-year suspension of participation in the activities for which the person unlawfully obtained, held, or used a license.

(b) Unlawful purchase or use of a license in the first degree is a class C felony. Upon conviction, the department shall revoke any unlawfully used or held licenses and order a five-year suspension of participation in any activities for which the person unlawfully obtained, held, or used a license.

(4) For purposes of this section, a person "uses" a license, permit, tag, or approval if the person engages in any activity authorized by the license, permit, tag, or approval held or possessed by the person. Such uses include but are not limited to fishing, hunting, taking, trapping, delivery or landing fish or wildlife, and selling, buying, or wholesaling of fish or wildlife.

(5) Any license obtained in violation of this section is void upon issuance and is of no legal effect.

Sec. 257. RCW 77.15.710 and 1998 c 190 s 67 are each amended to read as follows:

(1) The commission shall revoke all hunting, fishing, or other licenses issued under this title and order a ten-year suspension of all privileges extended under the authority of the department of a person convicted of assault on a fish and wildlife officer ((~~or other law enforcement officer provided that:~~

~~(a) The fish and wildlife officer or other law enforcement officer was on duty at the time of the assault; and~~

~~(b) The fish and wildlife officer or other law enforcement officer was enforcing the provisions of this title~~)), ex officio officer, employee, agent, or personnel acting for the department, if the employee assaulted was on duty at the time of the assault and carrying out the provisions of this title. The suspension shall be continued beyond this period if any damages to the victim have not been paid by the suspended person.

(2) For the purposes of this section, the definition of assault includes:

(a) RCW 9A.32.030; murder in the first degree;

(b) RCW 9A.32.050; murder in the second degree;

(c) RCW 9A.32.060; manslaughter in the first degree;

(d) RCW 9A.32.070; manslaughter in the second degree;

(e) RCW 9A.36.011; assault in the first degree;

(f) RCW 9A.36.021; assault in the second degree; and

(g) RCW 9A.36.031; assault in the third degree.

Sec. 258. RCW 77.15.720 and 1998 c 190 s 68 are each amended to read as follows:

(1) If a person shoots another person or domestic livestock while hunting, the director shall revoke all hunting licenses and suspend all hunting privileges for three years. If the shooting of another person or livestock is the result of criminal negligence or reckless or intentional conduct, then the person's privileges shall be suspended for ten years. The suspension ((~~may~~)) shall be continued beyond these periods if damages owed to the victim or livestock owner have not been paid by the suspended person. A hunting license shall not be reissued to the suspended person unless authorized by the director.

(2) ((~~If a person commits any assault upon employees, agents, or personnel acting for the department, the director shall suspend hunting or fishing privileges for ten years.~~

~~(3)~~)) Within twenty days of service of an order suspending privileges or imposing conditions under this section or RCW 77.15.710, a person may petition for administrative review under chapter 34.05 RCW by serving the director with a petition for review. The order is final and unappealable if there is no timely petition for administrative review.

(((~~4~~))) (3) The commission may by rule authorize petitions for reinstatement of administrative suspensions and define circumstances under which reinstatement will be allowed.

Sec. 259. RCW 77.16.020 and 1998 c 190 s 119 are each amended to read as follows:

For the purposes of establishing a season or bag limit restriction on Canada goose hunting, the ((~~department~~)) commission shall not consider leg length or bill length of dusky Canada geese (Branta canadensis occidentalis).

Sec. 260. RCW 77.16.360 and 1997 c 1 s 1 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 77.12.240 ((~~and 77.12.265~~)) or other provisions of law, it is unlawful to take, hunt, or attract black bear with the aid of bait.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear with the aid of bait by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety.

(b) Nothing in this subsection shall be construed to prevent the establishment and operation of feeding stations for black bear in order to prevent damage to commercial timberland.

(c) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of bait to attract black bear for scientific purposes.

(d) As used in this subsection, "bait" means a substance placed, exposed, deposited, distributed, scattered, or otherwise used for the purpose of attracting black bears to an area where one or more persons hunt or intend to hunt them.

(2) Notwithstanding RCW 77.12.240 or any other provisions of law, it is unlawful to hunt or pursue black bear, cougar, bobcat, or lynx with the aid of a dog or dogs.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear, cougar, bobcat, or lynx with the aid of a dog or dogs by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety. A dog or dogs may be used by the owner or tenant of real property consistent with a permit issued and conditioned by the director ((~~under RCW 77.12.265~~)).

(b) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of a dog or dogs for the pursuit of black bear, cougar, bobcat, or lynx for scientific purposes.

(3) A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor. In addition to appropriate criminal penalties, the director shall revoke the hunting license of a person who violates subsection (1) or (2) of this section and a hunting license shall not be issued for a period of five years following the revocation. Following a subsequent violation of subsection (1) or (2) of this section by the same person, a hunting license shall not be issued to the person at any time.

Sec. 261. RCW 77.17.020 and 1994 c 264 s 56 are each amended to read as follows:

For purposes of Article VII of RCW 77.17.010 (as recodified by this act), the term "licensing authority," with reference to this state, means the department. The director is authorized to appoint a compact administrator.

Sec. 262. RCW 77.18.010 and 1993 sp.s. c 2 s 76 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) ((~~"Department" means the department of fish and wildlife.~~

~~(2)~~)) "Contract" means an agreement setting at a minimum, price, quantity of fish to be delivered, time of delivery, and fish health requirements.

(((~~(3)~~))) (2) "Fish health requirements" means those site specific fish health and genetic requirements actually used by the department of fish and wildlife in fish stocking.

(((~~(4)~~))) (3) "Aquatic farmer" means a private sector person who commercially farms and manages private sector cultured aquatic products on the person's own land or on land in which the person has a present right of possession.

(((~~(5) "Person" means a natural person, corporation, trust, or other legal entity.~~))

(4) "Warm water game fish" includes the following species: Bass, channel catfish, walleye, crappie, and other species as defined by the department.

Sec. 263. RCW 77.21.090 and 1993 c 82 s 5 are each amended to read as follows:

(1) Upon receipt of a report of failure to comply with the terms of a citation from the licensing authority of a state that is a party to the wildlife violator compact under RCW 77.17.010 (as recodified by this act), the department shall suspend the violator's license privileges under this title until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the department. The department shall adopt by rule procedures for the timely notification and administrative review of such suspension of licensing privileges.

(2) Upon receipt of a report of a conviction from the licensing authority of a state that is a party to the wildlife violator compact under RCW 77.17.010 (as recodified by this act), the department shall enter such conviction in its records and shall treat such conviction as if it occurred in the state of Washington for the purposes of suspension, revocation, or forfeiture of license privileges.

Sec. 264. RCW 77.32.010 and 1998 c 191 s 7 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a license issued by the director is required to:

(a) Hunt for wild animals, except bullfrogs, or wild birds, fish or harvest shellfish and seaweed, except smelt, albacore, carp, and crawfish;

(b) Practice taxidermy for profit;

(c) Deal in raw furs for profit;

(d) Act as a fishing guide;

(e) Operate a game farm;

(f) Purchase or sell anadromous game fish; or

(g) Use department-managed lands or facilities as provided by rules adopted pursuant to this title.

(2) A permit issued by the director is required to:

(a) Conduct, hold, or sponsor hunting or game fish fishing contests or competitive field trials using live wildlife;

(b) Collect wild animals, wild birds, game fish, food fish, shellfish, or protected wildlife for research or display; or

(c) Stock game fish.

(3) Aquaculture as defined in RCW 15.85.020 is exempt from the requirements of this section, except when being stocked in public waters under contract with the department.

Sec. 265. RCW 77.32.014 and 1998 c 191 s 8 are each amended to read as follows:

(1) Licenses, tags, and stamps issued pursuant to this chapter shall be invalid for any period in which a person is certified by the department of social and health services or a court of competent jurisdiction as a person in noncompliance with a support order. Fish and wildlife officers and ex officio fish and wildlife officers shall enforce this section through checks of the department of licensing's computer data base. A listing on the department of licensing's data base that an individual's license is currently suspended pursuant to RCW 46.20.291((~~(7)~~)) (8) shall be prima facie evidence that the individual is in noncompliance with a support order. Presentation of a written release issued by the department of social and health services stating that the person is in compliance with an order shall serve as prima facie proof of compliance with a support order.

(2) It is unlawful to purchase, obtain, or possess a license required by this chapter during any period in which a license is suspended.

Sec. 266. RCW 77.32.050 and 1999 c 243 s 2 are each amended to read as follows:

All recreational licenses, permits, tags, and stamps required by ((~~Titles 75 and 77 RCW~~)) this title and raffle tickets authorized under chapter 77.12 RCW shall be issued under the authority of the commission. The commission shall adopt rules for the issuance of recreational licenses, permits, tags, stamps, and raffle tickets, and for the collection, payment, and handling of license fees, terms and conditions to govern dealers, and dealers' fees. A transaction fee on recreational licenses may be set by the commission and collected from licensees. The department may authorize all or part of such fee to be paid directly to a contractor providing automated licensing system services. Fees retained by dealers shall be uniform throughout the state. The department shall authorize dealers to collect and retain dealer fees of at least two dollars for purchase of a standard hunting or fishing recreational license document, except that the commission may set a lower dealer fee for issuance of tags or when a licensee buys a license that involves a stamp or display card format rather than a standard department licensing document form.

Sec. 267. RCW 77.32.090 and 1998 c 191 s 12 are each amended to read as follows:

The commission may adopt rules pertaining to the form, period of validity, use, possession, and display of licenses, permits, tags, ((~~and~~)) stamps, and raffle tickets required by this chapter ((~~and raffle tickets authorized under chapter 77.12 RCW~~)).

Sec. 268. RCW 77.32.199 and 1987 c 372 s 4 are each amended to read as follows:

The ((~~commission~~)) director may revoke the trapper's license of a person placing unauthorized traps on private property and may remove those traps.

Sec. 269. RCW 77.32.250 and 1998 c 191 s 22 are each amended to read as follows:

Licenses, permits, tags, and stamps required by this chapter and raffle tickets authorized under this chapter ((~~77.12 RCW~~)) shall not be transferred.

Upon request of a fish and wildlife officer or ex officio fish and wildlife officer, persons licensed, operating under a permit, or possessing wildlife under the authority of this chapter shall produce required licenses, permits, tags, stamps, ((~~or~~)) raffle tickets, or catch record cards for inspection and write their signatures for comparison and in addition display their wildlife. Failure to comply with the request is prima facie evidence that the person has no license or is not the person named.

Sec. 270. RCW 77.32.350 and 1998 c 191 s 25 are each amended to read as follows:

In addition to a small game hunting license, a supplemental permit or stamp is required to hunt for western Washington pheasant or migratory birds.

(1) A western Washington pheasant permit is required to hunt for pheasant in western Washington. Western Washington pheasant permits must contain numbered spaces for recording the location and date of harvest of each western Washington pheasant. ((~~It is unlawful to harvest a western Washington pheasant without immediately recording this information on the permit.~~))

(2) The permit shall be available as a season option, a youth full season option, or a three-day option. The fee for this permit is:

(a) For the resident and nonresident full season option, thirty-six dollars;

(b) For the youth full season option, eighteen dollars;

(c) For the three-day option, twenty dollars.

(3) A migratory bird stamp affixed to a hunting license designated by rule of the commission is required for all persons sixteen years of age or older to hunt migratory birds. The fee for the stamp for hunters is six dollars for residents and nonresidents. The fee for the stamp for collectors is six dollars.

(4) The migratory bird stamp shall be validated by the signature of the licensee written across the face of the stamp.

Sec. 271. RCW 77.32.380 and 1998 c 87 s 1 are each amended to read as follows:

(1) Persons who enter upon or use clearly identified department improved access facilities with a motor vehicle may be required to display a current annual fish and wildlife lands vehicle use permit on the motor vehicle while within or while using an improved access facility. An "improved access facility" is a clearly identified area specifically created for motor vehicle parking, and includes any boat launch or boat ramp associated with the parking area, but does not include the department parking facilities at the Gorge Concert Center near George, Washington. The vehicle use permit is issued in the form of a decal. One decal shall be issued at no charge with each annual saltwater, freshwater, combination, small game hunting, big game hunting, and trapping license issued by the department. The annual fee for a fish and wildlife lands vehicle use permit, if purchased separately, is ten dollars. A person to whom the department has issued a decal or who has purchased a vehicle use permit separately may purchase a decal from the department for each additional vehicle owned by the person at a cost of five dollars per decal upon a showing of proof to the department that the person owns the additional vehicle or vehicles. Revenue derived from the sale of fish and wildlife lands vehicle use permits shall be used solely for the stewardship and maintenance of department improved access facilities. ((~~Revenue derived from the sale of fish and wildlife lands vehicle use permits shall be used solely for the stewardship and maintenance of department improved access facilities.~~))

Youth groups may use department improved access facilities without possessing a vehicle use permit when accompanied by a vehicle use permit holder.

The department may accept contributions into the state wildlife fund for the sound stewardship of fish and wildlife. Contributors shall be known as "conservation patrons" and, for contributions of twenty dollars or more, shall receive a fish and wildlife lands vehicle use permit free of charge.

(2) The decal must be affixed in a permanent manner to the motor vehicle before entering upon or using the motor vehicle on a department improved access facility, and must be displayed on the rear window of the motor vehicle, or, if the motor vehicle does not have a rear window, on the rear of the motor vehicle.

(3) Failure to display the fish and wildlife lands vehicle use permit if required by this section is an infraction under chapter 7.84 RCW, and department employees are authorized to issue a notice of infraction to the registered owner of any motor vehicle entering upon or using a department improved access facility without such a decal. The penalty for failure to display or improper display of the decal is sixty-six dollars.

Sec. 272. RCW 77.32.420 and 1998 c 191 s 4 are each amended to read as follows:

(((~~(1)~~))) Recreational licenses are not transferable. Upon request of a fish and wildlife officer, ex officio fish and wildlife officer, or authorized fish and wildlife employee, a person digging for, fishing for, or possessing shellfish, or seaweed or fishing for or possessing food fish or game fish for personal use shall exhibit the required recreational license and write his or her signature for comparison with the signature on the license. Failure to comply with the request is prima facie evidence that the person does not have a license or is not the person named on the license.

(((~~(2) The personal use shellfish and seaweed license shall be visible on the licensee while harvesting shellfish or seaweed.~~)))

Repealed Sections

NEW SECTION. **Sec. 273.** The following acts or parts of acts are each repealed:

(1) RCW 77.08.070 ("Raffle" defined) and 1996 c 101 s 4;

(2) RCW 77.12.101 (Seizure of contraband wildlife and devices--Forfeiture) and 1989 c 314 s 2;

(3) RCW 77.12.200 (Acquisition of property) and 1987 c 506 s 28, 1980 c 78 s 35, 1965 ex.s. c 97 s 1, & 1955 c 36 s 77.12.200;

(4) RCW 77.16.210 (Fishways to be provided and maintained) and 1980 c 78 s 88 & 1955 c 36 s 77.16.210;

(5) RCW 77.16.290 (Law enforcement officers, exemption) and 1994 sp.s. c 7 s 444, 1980 c 78 s 95, & 1955 c 36 s 77.16.290;

(6) RCW 77.16.340 (Obstructing the taking of fish or wildlife--Penalty--Defenses) and 1988 c 265 s 1;

(7) RCW 77.16.350 (Obstructing the taking of fish or wildlife--Civil action) and 1988 c 265 s 2;

(8) RCW 77.21.020 (Revocation of hunting license for big game violation--Subsequent issuance--Appeal) and 1998 c 191 s 35, 1987 c 506 s 70, 1980 c 78 s 124, & 1975 1st ex.s. c 6 s 1;

(9) RCW 77.21.030 (Revocation for shooting person or livestock--Subsequent issuance) and 1998 c 191 s 36, 1987 c 506 s 71, 1980 c 78 s 123, & 1955 c 36 s 77.32.280;

(10) RCW 77.21.070 (Illegal killing or possession of wildlife--Restitution to state--Amounts--Bail--License revoked) and 1997 c 226 s 2, 1989 c 11 s 28, 1987 c 506 s 74, 1986 c 318 s 1, 1984 c 258 s 336, & 1983 1st ex.s. c 8 s 3;

(11) RCW 77.32.005 (Definitions) and 1998 c 191 s 6, 1989 c 305 s 17, 1980 c 78 s 102, 1961 c 94 s 1, & 1957 c 176 s 14;

(12) RCW 77.32.060 (Licenses, permits, tags, stamps, and raffle tickets--Amount of fees to be retained by license dealers) and 1998 c 245 s 160, 1996 c 101 s 9, 1995 c 116 s 2, 1987 c 506 s 78, 1985 c 464 s 1, 1981 c 310 s 17, 1980 c 78 s 107, 1979 ex.s. c 3 s 3, 1970 ex.s. c 29 s 2, 1957 c 176 s 2, & 1955 c 36 s 77.32.060; and

(13) RCW 77.44.020 (Species included in term "warm water game fish") and 1996 c 222 s 2.

Recodified Sections

NEW SECTION. **Sec. 274.** RCW 77.04.100, 77.16.020, 77.16.095, and 77.21.080 are each recodified as sections in chapter 77.12 RCW.

NEW SECTION. **Sec. 275.** RCW 77.12.080, 77.12.090, 77.12.095, 77.12.103, 77.16.070, 77.16.360, and 77.21.090 are each recodified as sections in chapter 77.15 RCW.

NEW SECTION. **Sec. 276.** RCW 77.12.530, 77.12.770, 77.12.780, 77.16.010, and 77.16.170 are each recodified as sections in chapter 77.32 RCW.

NEW SECTION. **Sec. 277.** RCW 77.18.005, 77.18.010, 77.18.020, and 77.18.030 are each recodified as sections in chapter 77.44 RCW."

MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 1 of the title, after "wildlife;" strike the remainder of the title and insert "amending RCW 75.08.012, 75.08.020, 75.08.040, 75.08.045, 75.08.055, 75.08.080, 75.08.206, 75.08.208, 75.08.230, 75.08.245, 75.10.150, 75.12.230, 75.20.061, 75.20.098, 75.20.100, 75.20.104, 75.20.1041, 75.20.106, 75.20.130, 75.20.320, 75.24.060, 75.24.065, 75.24.070, 75.24.100, 75.24.130, 75.25.092, 75.28.011, 75.28.020, 75.28.034, 75.28.042, 75.28.046, 75.28.047, 75.28.048, 75.28.055, 75.28.095, 75.28.110, 75.28.113, 75.28.114, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.132, 75.28.133, 75.28.280, 75.28.290, 75.28.300, 75.28.323, 75.28.340, 75.28.730, 75.28.740, 75.28.760, 75.28.770, 75.28.780, 75.30.021, 75.30.050, 75.30.060, 75.30.065, 75.30.070, 75.30.090, 75.30.100, 75.30.120, 75.30.125, 75.30.130, 75.30.140, 75.30.170, 75.30.180, 75.30.220, 75.30.270, 75.30.280, 75.30.290, 75.30.300, 75.30.320, 75.30.330, 75.30.350, 75.30.370, 75.30.380, 75.30.390, 75.30.420, 75.30.440, 75.30.460, 75.30.470, 75.30.490, 75.30.500, 75.40.020, 75.40.110, 75.44.100, 75.44.120, 75.44.130, 75.44.150, 75.46.010, 75.46.040, 75.46.050, 75.46.070, 75.46.080, 75.46.090, 75.46.100, 75.46.110, 75.46.120, 75.46.160, 75.46.170, 75.46.180, 75.48.100, 75.50.080, 75.50.105, 75.50.115, 75.50.160, 75.52.020, 75.52.050, 75.52.070, 75.52.100, 75.52.110, 75.52.130, 75.52.140, 75.52.160, 75.54.140, 75.54.150, 75.56.050, 75.58.010, 75.58.020, 75.58.030, 77.04.010, 77.04.020, 77.04.030, 77.04.055, 77.04.080, 77.04.100, 77.08.010, 77.12.010, 77.12.035, 77.12.055, 77.12.080, 77.12.090, 77.12.103, 77.12.204, 77.12.210, 77.12.220, 77.12.250, 77.12.315, 77.12.470, 77.12.480, 77.12.490, 77.12.610, 77.12.620, 77.12.630, 77.12.655, 77.12.830, 77.12.858, 77.15.070, 77.15.080, 77.15.090, 77.15.100, 77.15.120, 77.15.160, 77.15.300, 77.15.310, 77.15.320, 77.15.350, 77.15.360, 77.15.380, 77.15.390, 77.15.470, 77.15.480, 77.15.500, 77.15.530, 77.15.540, 77.15.570, 77.15.580, 77.15.620, 77.15.630, 77.15.640, 77.15.650, 77.15.710, 77.15.720, 77.16.020, 77.16.360, 77.17.020, 77.18.010, 77.21.090, 77.32.010, 77.32.014, 77.32.050, 77.32.090, 77.32.199, 77.32.250, 77.32.350, 77.32.380, and 77.32.420; reenacting and amending RCW 75.50.100, 75.50.110, and 77.12.170; adding new sections to chapter 77.04 RCW; adding new sections to chapter 77.08 RCW; adding new sections to chapter 77.12 RCW; adding new sections to chapter 77.15 RCW; adding new sections to chapter 77.32 RCW; adding new sections to chapter 77.44 RCW; adding new chapters to Title 77 RCW; creating a new section; recodifying RCW 75.08.012, 75.08.013, 75.08.020, 75.08.090, 75.08.110, 75.08.025, 75.08.040, 75.08.045, 75.08.055, 75.08.058, 75.08.065, 75.08.070, 75.08.080, 75.08.120, 75.08.160, 75.08.206, 75.08.208, 75.08.230, 75.08.235, 75.08.255, 75.08.265, 75.08.285, 75.08.295, 75.08.300, 75.12.010, 75.12.015, 75.12.040, 75.12.132, 75.12.140, 75.12.155, 75.12.210, 75.12.230, 75.12.390, 75.12.440, 75.12.650, 75.20.005, 75.20.015, 75.20.025, 75.20.040, 75.20.050, 75.20.060, 75.20.061, 75.20.090, 75.20.098, 75.20.100, 75.20.103, 75.20.104, 75.20.1041, 75.20.106, 75.20.108, 75.20.110, 75.20.130, 75.20.140, 75.20.150, 75.20.160, 75.20.170, 75.20.180, 75.20.190, 75.20.310, 75.20.320, 75.20.325, 75.20.330, 75.20.340, 75.20.350, 77.12.830, 75.24.010, 75.24.030, 75.24.060, 75.24.065, 75.24.070, 75.24.080, 75.24.100, 75.24.110, 75.24.120, 75.24.130, 75.24.140, 75.24.150, 75.28.010, 75.28.011, 75.28.014, 75.28.020, 75.28.030, 75.28.034, 75.28.040, 75.28.042, 75.28.044, 75.28.045, 75.28.046, 75.28.047, 75.28.048, 75.28.055, 75.28.095, 75.28.110, 75.28.113, 75.28.114, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.132, 75.28.133, 75.28.280, 75.28.290, 75.28.295, 75.28.300, 75.28.302, 75.28.305, 75.28.315, 75.28.323, 75.28.328, 75.28.340, 75.28.690, 75.28.700, 75.28.710, 75.28.720, 75.28.730, 75.28.740, 75.28.750, 75.28.760, 75.28.770, 75.28.780, 75.28.900, 77.32.191, 77.32.197, 77.32.199, 77.32.211, 75.30.015, 75.30.021, 75.30.050, 75.30.060,

75.30.065, 75.30.070, 75.30.090, 75.30.100, 75.30.120, 75.30.125, 75.30.130, 75.30.140, 75.30.170, 75.30.180, 75.30.210, 75.30.220, 75.30.230, 75.30.240, 75.30.250, 75.30.260, 75.30.270, 75.30.280, 75.30.290, 75.30.300, 75.30.310, 75.30.320, 75.30.330, 75.30.350, 75.30.360, 75.30.370, 75.30.380, 75.30.390, 75.30.410, 75.30.420, 75.30.430, 75.30.440, 75.30.450, 75.30.460, 75.30.470, 75.30.480, 75.30.490, 75.30.500, 75.40.010, 75.40.020, 75.40.030, 75.40.040, 75.40.100, 75.40.110, 77.17.010, 77.17.020, 77.17.030, 77.12.450, 77.12.470, 77.12.480, 77.12.490, 75.40.060, 77.12.430, 77.12.440, 75.44.100, 75.44.110, 75.44.120, 75.44.130, 75.44.140, 75.44.150, 75.46.005, 75.46.010, 75.46.030, 75.46.040, 75.46.050, 75.46.060, 75.46.070, 75.46.080, 75.46.090, 75.46.100, 75.46.110, 75.46.120, 75.46.150, 75.46.160, 75.46.170, 75.46.180, 75.46.190, 75.46.200, 75.46.210, 75.46.300, 75.46.350, 75.56.050, 75.46.900, 75.48.020, 75.48.040, 75.48.050, 75.48.060, 75.48.070, 75.48.080, 75.48.100, 75.48.110, 75.50.010, 75.50.020, 75.50.030, 75.50.040, 75.50.060, 75.50.070, 75.50.080, 75.50.090, 75.50.100, 75.50.105, 75.50.110, 75.50.115, 75.50.125, 75.50.130, 75.50.150, 75.50.160, 75.50.165, 75.50.170, 75.50.180, 75.50.190, 75.08.245, 75.08.400, 75.08.410, 75.08.420, 75.08.430, 75.08.440, 75.08.450, 75.08.500, 75.08.510, 75.08.520, 75.08.530, 75.50.900, 75.52.010, 75.52.020, 75.52.030, 75.52.035, 75.52.040, 75.52.050, 75.52.060, 75.52.070, 75.08.047, 75.52.080, 75.52.100, 75.52.110, 75.52.120, 75.52.130, 75.52.140, 75.52.150, 75.52.160, 75.52.900, 75.54.005, 75.54.010, 75.54.020, 75.54.030, 75.54.040, 75.54.050, 75.54.060, 75.54.070, 75.54.080, 75.54.090, 75.54.100, 75.54.110, 75.54.120, 75.54.130, 75.54.140, 75.54.150, 75.54.900, 75.54.901, 75.56.010, 75.56.020, 75.56.030, 75.56.040, 75.56.900, 75.56.905, 75.58.010, 75.58.020, 75.58.030, 75.58.040, 75.25.092, 75.10.150, 77.04.100, 77.16.020, 77.16.095, 77.21.080, 77.12.080, 77.12.090, 77.12.095, 77.12.103, 77.16.070, 77.16.360, 77.21.090, 77.12.530, 77.12.770, 77.12.780, 77.16.010, 77.16.170, 77.18.005, 77.18.010, 77.18.020, and 77.18.030; decodifying RCW 75.25.901, 75.25.902, 75.30.055, 75.98.005, 75.98.006, 75.98.007, and 75.98.030; and repealing RCW 75.08.010, 75.08.011, 75.08.014, 75.08.035, 75.08.274, 75.10.070, 75.10.160, 75.25.090, 75.25.160, 75.25.210, 75.28.012, 75.28.335, 75.30.160, 77.08.070, 77.12.101, 77.12.200, 77.16.210, 77.16.290, 77.16.340, 77.16.350, 77.21.020, 77.21.030, 77.21.070, 77.32.005, 77.32.060, and 77.44.020."

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute House Bill No. 2078, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2078, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2078, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2078, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2399, by House Committee on Judiciary (originally sponsored by Representatives Constantine, Esser, Lantz, Barlean, Cairnes and Pflug) (by request of Office of the Code Reviser)

Making technical corrections to Titles 76, 78, 79, and 79A RCW.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 2399 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2399.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2399 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senators Deccio and Honeyford - 2.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 2399, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Goings was excused.

MOTION

On motion of Senator Sheahan, Senators Deccio and McCaslin were excused.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1572, by House Committee on Education (originally sponsored by Representatives Wensman, Tokuda, Santos, Quall, Veloria, Schoesler, Conway, Murray, Constantine, Ogden, Rockefeller, Kenney, O'Brien, D. Schmidt and Haigh)

Creating the Washington civil liberties public education program.

The bill was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Second Substitute House Bill No. 1572 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1572.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1572 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senator Hochstatter - 1.

Absent: Senator Honeyford - 1.

Excused: Senators Deccio, Goings, McCaslin and Sellar - 4.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1572, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hale, Senator Honeyford was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2398, by House Committee on Judiciary (originally sponsored by Representatives Constantine, Esser and Lantz) (by request of Office of the Code Reviser)

Making technical corrections to tax statutes.

The bill was read the second time.

MOTION

On motion of Senator Loveland, the rules were suspended, Substitute House Bill No. 2398 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2398.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2398 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Goings, Honeyford, McCaslin and Sellar - 4.

SUBSTITUTE HOUSE BILL NO. 2398, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Stevens, Senators Morton and Rossi were excused.

SECOND READING

HOUSE BILL NO. 2515, by Representatives Stensen, Cox, Cooper, Thomas and Hurst (by request of Department of Revenue)

Simplifying estate tax penalties.

The bill was read the second time.

MOTION

On motion of Senator Loveland, the rules were suspended, House Bill No. 2515 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2515.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2515 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Honeyford, Morton, Rossi and Sellar - 4.

HOUSE BILL NO. 2515, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2565, by Representatives Poulsen, Crouse, Morris, Cooper, Radcliff, Ruderman, Reardon, Linville, Conway, Schual-Berke, Kenney, Keiser, Santos and O'Brien

Providing for disclosure to consumers regarding the characteristics associated with their electric energy product.

The bill was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Engrossed House Bill No. 2565 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2565.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2565 and the bill passed the Senate by the following vote:
Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Honeyford, Morton, Rossi and Sellar - 4.

HOUSE BILL NO. 2565, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator West, the following resolution was adopted:

SENATE RESOLUTION 2000-8751

By Senators West, Snyder, Hale, Spanel, Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Thibaudeau, Winsley, Wojahn, and Zarelli

WHEREAS, There is an empty seat on the floor of the Washington State Senate that only one man can fill; and

WHEREAS, The members of the Washington State Senate desire Senator George Sellar to return to fill this seat soon; and

WHEREAS, Not only legislators from both chambers of the Washington State Legislature, but colleagues and staff from both sides of the aisle, members of the Third House, and reporters from the Fourth Estate are all eager to enjoy once again Senator Sellar's even-tempered personality and quick wit on the floor of the State Senate; and

WHEREAS, We are sure his wife, Alma, would appreciate his speedy recovery and his return to Olympia, so she can finish unpacking and arranging their new home in East Wenatchee;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate wish Senator George Sellar a speedy recovery, so he may make this great body whole again; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Senator George Sellar and his wife, Alma, in East Wenatchee.

Senators West, Snyder, McDonald, Deccio, Wojahn, Prentice, McCaslin, Patterson, Oke, Hochstatter, and Haugen spoke to Senate Resolution 2000-8751.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 2881, by Representatives Crouse, Poulsen and Eickmeyer (by request of Governor Locke)

Allowing new forms of regulation of telecommunications companies.

The bill was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Engrossed House Bill No. 2881 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2881.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2881 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Honeyford, Morton and Sellar - 3.

ENGROSSED HOUSE BILL NO. 2881, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Senator Johnson was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2587, by House Committee on State Government (originally sponsored by Representatives Kagi and Lambert) (by request of Attorney General Gregoire)

Modifying ballot title laws.

The bill was read the second time.

MOTION

On motion of Senator Gardner, the rules were suspended, Substitute House Bill No. 2587 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2587.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2587 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Honeyford, Johnson, Morton and Sellar - 4.

SUBSTITUTE HOUSE BILL NO. 2587, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2109, by House Committee on Finance (originally sponsored by Representatives Van Luven, Thomas, Dunshee, Pennington, Dunn, Cairnes, Veloria, Buck, G. Chandler and Haigh)

Authorizing tax exemptions for properties of Indian housing authorities designated for low-income housing program uses.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Second Substitute House Bill No. 2109 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2109.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2109 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senators Brown and Eide - 2.

Excused: Senators Honeyford, Johnson, Morton and Sellar - 4.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2109, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2332, by House Committee on Education (originally sponsored by Representatives Schual-Berke, Edmonds, Dickerson, Keiser, Carlson, Hurst, Lantz and Stensen)

Authorizing student groups to conduct charitable fund-raising.

The bill was read the second time.

MOTIONS

On motion of Senator McAuliffe, the following Committee on Education amendment was adopted:

On page 3, line 25, after "service." insert "Nonassociated student body program fund moneys shall not be deemed public moneys under section 7, Article VIII, of the state Constitution."

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 2332, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2332, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2332, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45. Absent: Senator Hargrove - 1. Excused: Senators Honeyford, Morton and Sellar - 3. SUBSTITUTE HOUSE BILL NO. 2332, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 3005, by Representatives Grant, Mastin, Keiser and Santos

Allowing for greater coronary health care in certain rural areas.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, House Bill No. 3005 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 3005.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3005 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Honeyford, Morton and Sellar - 3.

HOUSE BILL NO. 3005, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2403, by Representatives Kastama, Parlette, Conway, Koster, Lantz, Doumit, Poulsen, Cox, Ruderman, Wood, Linville, Dickerson, Sullivan, Hatfield, O'Brien, Lovick, Constantine, Delvin, Wensman, Pennington, Mitchell, Keiser, Cody, Talcott, Dunn, Haigh, McDonald, Van Luven, Edmonds, Ogden and Esser

Creating the national World War II memorial account.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 2403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2403.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2403 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 2403, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2454, by House Committee on Health Care (originally sponsored by Representatives Edmonds, Parlette, Cody, Kenney, Radcliff, Kagi, Edwards, Lantz, Hatfield, Ogden, Conway, Veloria, Lovick, Kessler, O'Brien, Regala, McDonald, Carlson, Tokuda, Cooper, Van Luven, Ruderman, Murray, Schual-Berke, Scott, Stensen, Keiser, Santos, Pflug, Rockefeller, Wood and McIntire)

Providing a program to support family and other unpaid long-term caregivers.

The bill was read the second time.

MOTION

Senator Thibaudeau moved that the following Committee on Ways and Means striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.41.020 and 1987 c 409 s 1 are each amended to read as follows:

It is the intent of the legislature to provide ((~~for both~~)) a comprehensive program of long-term care information and support, including in-home and out-of-home respite care services ((~~which are provided by a range of service providers~~)), for family and other unpaid caregivers who provide the daily services required when caring for adults with functional disabilities. The ((~~respite care~~)) family caregiver long-term care information and support services shall:

(1) Provide information, relief, and support to family or other unpaid caregivers of ((~~disabled~~)) adults with functional disabilities;

(2) Encourage family and other nonpaid individuals to provide care for ((~~disabled~~)) adults with functional disabilities at home, and thus offer a viable alternative to ((~~institutionalization~~)) placement in a long-term care facility;

(3) Ensure that respite care is made generally available on a sliding-fee basis to eligible participants in the program according to priorities established by the department;

(4) Be provided in the least restrictive setting available consistent with the individually assessed needs of the ((~~functionally disabled~~)) adults with functional disabilities; ((~~and~~))

(5) Include services appropriate to the needs of persons caring for individuals with dementing illnesses; and

(6) Provide unpaid family and other unpaid caregivers with services that enable them to make informed decisions about current and future care plans, solve day-to-day caregiving problems, learn essential caregiving skills, and locate services that may strengthen their capacity to provide care.

Sec. 2. RCW 74.41.030 and 1987 c 409 s 2 are each amended to read as follows:

Unless the context clearly indicates otherwise, the definitions in this section apply throughout this chapter.

(1) "Family caregiver long-term care information and support services" means providing long-term care information and support services to unpaid family and other unpaid caregivers of adults with functional disabilities, including but not limited to providing: (a) Information about available public and private long-term care support services; (b) assistance in gaining access to an array of appropriate long-term care family caregiver services; (c) promotion and implementation of support groups; (d) caregiver training to assist the nonpaid caregivers in making decisions and solving challenges relating to their caregiving roles; (e) respite care services; and (f) additional supportive long-term care services that may include but not be limited to translating/interpreter services, specialized transportation, coordination of health care services, help purchasing needed supplies, durable goods, or equipment, and other forms of information and support necessary to maintain the unpaid caregiving activity.

(2) "Respite care services" means relief care for families or other caregivers of ((~~disabled~~)) adults with functional disabilities, eligibility for which shall be determined by the department by rule. The services provide temporary care or supervision of ((~~disabled~~)) adults with functional disabilities in substitution for the caregiver. The term includes ((~~social~~)) adult day ((~~care~~)) services.

(((~~(2)~~))) (3) "Eligible participant for family caregiver long-term care information and support services" means an adult (((~~(a)~~))) who needs substantially continuous care or supervision by reason of his or her functional disability((~~, and (b) who is assessed as requiring institutionalization in the absence of a caregiver assisted by home and community support services, including respite care~~)) and may be at risk of placement into a long-term care facility.

(4) "Eligible participant for respite care services" means an adult who needs substantially continuous care or supervision by reason of his or her functional disability and is also assessed as requiring placement into a long-term care facility in the absence of an unpaid family or other unpaid caregiver.

(((~~(3)~~))) (5) "Unpaid caregiver" means a spouse, relative, or friend who has primary responsibility for the care of ((~~a functionally disabled adult,~~)) an adult with a functional disability and who does not receive financial compensation for the care((~~, and who is assessed as being at risk of placing the eligible participant in a long-term care facility if respite care is not available~~)). To be eligible for respite care and for family caregiver support services, the caregiver is considered the client.

(((~~(4) "Institutionalization" means placement in a long-term care facility.~~

~~(5)~~)) (6) "((~~Social~~)) Adult day ((~~care~~)) services" means nonmedical services to persons who live with their families, cannot be left unsupervised, and are at risk of being placed in a twenty-four-hour care facility if their families do not receive some relief from constant care.

(((~~(6)~~))) (7) "Department" means the department of social and health services.

Sec. 3. RCW 74.41.050 and 1989 c 427 s 8 are each amended to read as follows:

The department shall contract with area agencies on aging or other appropriate agencies to conduct ((~~respite care projects~~)) family caregiver long-term care information and support services to the extent of available funding. The responsibilities of the agencies shall include but not be limited to: (1) Administering a program of family caregiver long-term care information and support services; and (2) negotiating rates of payment, administering sliding-fee scales to enable eligible participants to participate in paying for respite care, and arranging for respite care information, training, and other support services. ((~~Rates of payment to respite care service providers shall not exceed, and may be less than, rates paid by the department to providers for the same level of service.~~)) In evaluating the need for respite services, consideration shall be given to the mental and physical ability of the caregiver to perform necessary caregiver functions.

Sec. 4. RCW 74.41.070 and 1998 c 245 s 151 are each amended to read as follows:

The area agencies on aging administering ((~~respite care programs~~)) family caregiver long-term care information and support services shall maintain data which indicates demand for ((~~respite care, and which includes information on in-home and out-of-home day care and in-home and out-of-home overnight care demand~~)) family caregiver long-term care information and support services."

MOTION

On motion of Senator Costa, the following amendment by Senators Costa, Thibaudeau, Winsley and McCaslin to the Committee on Ways and Means striking amendment was adopted:

On page 1, after line 6 of the amendment, insert the following:

"NEW SECTION. **Sec. 1.** This act shall be known and cited as the Fred Mills act."

Renumber the remaining sections consecutively and correct internal references accordingly.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Substitute House Bill No. 2454.

The motion by Senator Thibaudeau carried and the committee striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Thibaudeau, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "and amending RCW 74.41.020, 74.41.030, 74.41.050, and 74.41.070."

On page 4, line 11 of the title amendment, after "insert" strike "and"

On page 4, line 12 of the title amendment, after "74.41.070" insert "; and creating a new section"

On motion of Senator Thibaudeau, the rules were suspended, Substitute House Bill No. 2454, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2454, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2454, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Hochstatter - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL- NO. 2454, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Bruce Reeves, President of the Senior Citizens Lobby, who was seated in the gallery.

MOTION

On motion of Senator Franklin, Senators Goings, Kline, Loveland and Patterson were excused.

MOTION

On motion of Senator Honeyford, Senator Hochstatter was excused.

SECOND READING

HOUSE BILL NO. 2851, by Representatives Reardon, G. Chandler, Linville, Grant, Stensen, Cooper and Haigh

Changing the state's funding limit for flood control maintenance projects.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 2851 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2851.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2851 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43. Excused: Senators Goings, Hochstatter, Kline, Loveland, Patterson and Sellar - 6. HOUSE BILL NO. 2851, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, Senator Thibaudeau was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2792, by House Committee on State Government (originally sponsored by Representatives Haigh, D. Schmidt, Romero, McDonald, Rockefeller and Hurst) (by request of Governor Locke)

Protecting personal financial information.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2792 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2792.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2792 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 42.

Excused: Senators Goings, Hochstatter, Kline, Loveland, Patterson, Sellar and Thibaudeau - 7.

SUBSTITUTE HOUSE BILL NO. 2792, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hale, Senators Deccio and West were excused.

MOTION

On motion of Senator Eide, Senator Fairley was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3045, by House Committee on Commerce and Labor (originally sponsored by Representatives Wood and Clements)

Clarifying the requirements for a class 1 racing license.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute House Bill No. 3045 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 3045.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 3045 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 2; Absent, 2; Excused, 8.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Heavey, Honeyford, Horn, Jacobsen, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Winsley, Wojahn and Zarelli - 37.

Voting nay: Senators Haugen and Oke - 2.

Absent: Senators Fraser and Johnson - 2.

Excused: Senators Deccio, Fairley, Hochstatter, Kline, Loveland, Sellar, Thibaudeau and West - 8.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3045, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2633, by House Committee on Commerce and Labor (originally sponsored by Representatives B. Chandler, O'Brien, McMorris, Wood, Conway, Clements and Hurst)

Registering structural engineers.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2633 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2633.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2633 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Winsley, Wojahn and Zarelli - 41.

Excused: Senators Deccio, Fairley, Hochstatter, Kline, Loveland, Sellar, Thibaudeau and West - 8.

SUBSTITUTE HOUSE BILL NO. 2633, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2375, by Representatives Lantz, Esser, Carlson, Kenney, Dunn, O'Brien and Haigh

Addressing information technology literacy at baccalaureate institutions of higher education.

The bill was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 2375 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2375.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2375 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Winsley, Wojahn and Zarelli - 42.

Excused: Senators Deccio, Hochstatter, Kline, Loveland, Sellar, Thibaudeau and West - 7.

HOUSE BILL NO. 2375, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2952, by Representatives Edmonds, Kenney, Gombosky, Esser, Lantz, Pflug, Veloria, Edwards and Santos

Requiring a study of distance education.

The bill was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed House Bill No. 2952 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2952.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2952 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Deccio, Sellar, Thibaudeau and West - 4.

ENGROSSED HOUSE BILL NO. 2952, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2807, by Representatives Kagi, Boldt, Wolfe, Ruderman, D. Sommers, Tokuda, Lovick, Kenney and Santos

Authorizing blended funding projects for youth.

The bill was read the second time.

MOTION

On motion of Senator Loveland, the following Committee on Ways and Means striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.14A.020 and 1994 sp.s. c 7 s 102 are each amended to read as follows:

State efforts shall address the needs of children and their families, including emotionally disturbed and mentally ill children, potentially dependent children, and families-in-conflict by:

(1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;

(2) Ensuring that appropriate social and health services are provided to the family unit both prior to and during the removal of a child from the home and after family reunification;

(3) Ensuring that the safety and best interests of the child are the paramount considerations when making placement and service delivery decisions;

(4) Recognizing the interdependent and changing nature of families and communities, building upon their inherent strengths, maintaining their dignity and respect, and tailoring programs to their specific circumstances;

(5) Developing and implementing comprehensive, preventive, and early intervention social and health services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic or severe;

(6) Authorizing and facilitating blended funding for children who require services and residential treatment from multiple services systems; including child welfare services, mental health, alcohol and drug, and juvenile rehabilitation;

(7) Being sensitive to the family and community culture, norms, values, and expectations, ensuring that all services are provided in a culturally appropriate and relevant manner, and ensuring participation of racial and ethnic minorities at all levels of planning, delivery, and evaluation efforts;

((~~(7)~~)) (8)(a) Developing coordinated social and health services which:

(i) Identify problems experienced by children and their families early and provide services which are adequate in availability, appropriate to the situation, and effective;

(ii) Seek to bring about meaningful change before family situations become irreversibly destructive and before disturbed psychological behavioral patterns and health problems become severe or permanent;

(iii) Serve children and families in their own homes thus preventing unnecessary out-of-home placement or institutionalization;

(iv) Focus resources on social and health problems as they begin to manifest themselves rather than waiting for chronic and severe patterns of illness, criminality, and dependency to develop which require long-term treatment, maintenance, or custody;

(v) Reduce duplication of and gaps in service delivery;

(vi) Improve planning, budgeting, and communication among all units of the department and among all agencies that serve children and families; and

(vii) Utilize outcome standards for measuring the effectiveness of social and health services for children and families.

(b) In developing services under this subsection, local communities must be involved in planning and developing community networks that are tailored to their unique needs.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.14A RCW to read as follows:

The secretary of the department of social and health services shall charge appropriated funds to support blended funding projects for youth subject to any current or future waiver the department receives to the requirements of IV-E funding. To be eligible for blended funding a child must be eligible for services designed to address a behavioral, mental, emotional, or substance abuse issue from the department of social and health services and require services from more than one categorical service delivery system. Before any blended funding project is established by the secretary, he or she must obtain approval from the public health and safety network or networks established in the catchment area of the project. The network or networks shall not approve services to be delivered to a specific child. The network shall review the proposed blended funding project pursuant to its authority to examine the decategorization of program funds under RCW 70.190.110, within the current appropriation level. The department shall document the number of children who participate in blended funding projects, the total blended funding amounts per child, the amount charged to each appropriation by program, and services provided to each child through each blended funding project and report this information to the appropriate committees of the legislature by December 1st of each year, beginning in December 1, 2000.

NEW SECTION. **Sec. 3.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 4.** This act takes effect July 1, 2000."

MOTIONS

On motion of Senator Loveland, the following title amendment was adopted:

On page 1, line 1 of the title, after "youth;" strike the remainder of the title and insert "amending RCW 74.14A.020; adding a new section to chapter 74.14A RCW; and providing an effective date."

On motion of Senator Loveland, the rules were suspended, House Bill No. 2807, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2807, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2807, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Deccio, Sellar, Thibaudeau and West - 4.

HOUSE BILL NO. 2807, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2993, by Representatives G. Chandler and Cooper

Setting fires for fire fighter instruction.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the following Committee on State and Local Government striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 52.12.150 and 1994 c 28 s 1 are each amended to read as follows:

Without obtaining a permit issued under RCW 70.94.650, fire protection district fire fighters may set fire to structures located outside of urban growth areas in counties that plan under the requirements of RCW 36.70A.040, and outside of any city with a population of ten thousand or more in all other counties, for instruction in methods of fire fighting, if all of the following conditions are met:

(1) ((~~The fire conforms with any other permits, licenses, or approvals that are required~~)) In consideration of prevailing air patterns, the fire is unlikely to cause air pollution in areas of sensitivity downwind of the proposed fire location;

(2) The fire is not located in an area that is declared to be in an air pollution episode or any stage of an impaired air quality as defined in RCW 70.94.715 and 70.94.473;

(3) Nuisance laws are applicable to the fire, including nuisances related to the unreasonable interference with the enjoyment of life and property and the depositing of particulate matter or ash on other property;

(4) Notice of the fire is provided to the owners of property adjoining the property on which the fire will occur, to other persons who potentially will be impacted by the fire, and to additional persons in a broader manner as specifically requested by the local air pollution control agency or the department of ecology;

(5) Each structure that is proposed to be set on fire must be identified specifically as a structure to be set on fire. Each other structure on the same parcel of property that is not proposed to be set on fire must be identified specifically as a structure not to be set on fire; and

(6) Before setting a structure on fire, a good-faith inspection is conducted by the fire agency or fire protection district conducting the training fire to determine if materials containing asbestos are present, the inspection is documented in writing and forwarded to the appropriate local air authority or the department of ecology if there is no local air authority, and asbestos that is found is removed as required by state and federal laws."

MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 1 of the title, after "instruction;" strike the remainder of the title and insert "and amending RCW 52.12.150."

On motion of Senator Patterson, the rules were suspended, House Bill No. 2993, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2993, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2993, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Hargrove - 1.

Excused: Senators Sellar and Thibaudeau - 2.

HOUSE BILL NO. 2993, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2648, by Representatives Miloscia, Romero and D. Schmidt (by request of Secretary of State Munro)

Revising the Washington state quality award program.

The bill was read the second time.

MOTION

On motion of Senator Gardner, the following Committee on State and Local Government striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.07.290 and 1998 c 245 s 86 are each amended to read as follows:

(1) The Washington quality award council shall be organized as a private, nonprofit corporation, in accordance with chapter 24.03 RCW and this section((~~, with limited staff assistance by the secretary of state as provided by RCW 43.07.295~~)).

(2) The council shall oversee the governor's Washington state quality ((~~achievement~~)) award program. The purpose of the program is to improve the overall competitiveness of the state's economy by stimulating Washington state industries, business, and organizations to bring about measurable success through setting standards of organizational excellence, encouraging organizational self-assessment, identifying successful organizations as role models, and providing a valuable mechanism for promoting and strengthening a commitment to continuous quality improvement in all sectors of the state's economy. The ((~~program~~)) governor shall annually ((~~recognize~~)) present the award to organizations that improve the quality of their products and services and are noteworthy examples of high-performing work organizations, as determined by the council in consultation with the governor or appointed representative.

(3) The ((~~council shall consist of the governor and the secretary of state, or their designees, as chair and vice-chair, respectively, the director of the department of community, trade, and economic development, or his or her designee, and twenty-seven members appointed by the~~)) governor shall appoint a representative to serve on the board of directors of the council. ((~~Those twenty-seven council members must be selected from recognized professionals who shall have backgrounds in or experience with effective quality improvement techniques, employee involvement quality of work life initiatives, development of innovative labor-~~

~~management relations, and other recognized leaders in state and local government and private business. The membership of the board beyond the chair and vice-chair shall be appointed by the governor for terms of three years.~~))

(4) The council shall establish a board of examiners, a recognition committee, and such other ((~~subcouncil groups~~)) committees or subgroups as it deems appropriate to carry out its responsibilities. ((~~Subcouncil groups established by the council may be composed of noncouncilmembers.~~))

(5) ((~~The council shall compile a list of resources available for organizations interested in productivity improvement, quality techniques, effective methods of work organization, and upgrading work force skills as a part of the quality for Washington state foundation's ongoing educational programs. The council shall make the list of resources available to the general public.~~

~~(6)~~)) The council may conduct such public information, research, education, and assistance programs as it deems appropriate to further quality improvement in organizations operating in the state of Washington.

(((~~(7)~~))) (6) The council shall:

(a) Approve and announce ((~~achievement~~)) award recipients;

(b) Approve guidelines to examine applicant organizations;

(c) Approve appointment of ((~~judges and~~)) board of examiners; and

(d) Arrange appropriate annual awards and recognition for recipients((~~, in conjunction with the quality for Washington state foundation;~~

~~(e) Formulate recommendations for change in the nomination form or award categories, in cooperation with the quality for Washington state foundation; and~~

~~(f) Review any related education, training, technology transfer, and research initiatives proposed to it, and that it determines merit such a review.~~

~~(8) By January 1st of each even-numbered year, the council may report to the governor and the appropriate committees of the legislature on its activities in the proceeding two years and on any recommendations in state policies or programs that could encourage quality improvement and the development of high-performance work organizations.~~

~~(9) The council shall cease to exist on July 1, 1999, unless otherwise extended by law~~)).

NEW SECTION. **Sec. 2.** RCW 43.07.295 (Washington quality award council--Administrative assistance) and 1997 c 329 s 2 are each repealed.

NEW SECTION. **Sec. 3.** RCW 43.07.290, as amended by this act, is recodified as a section in chapter 43.06 RCW."

MOTIONS

On motion of Senator Gardner, the following title amendment was adopted:

On page 1, line 1 of the title, after "awards;" strike the remainder of the title and insert "amending RCW 43.07.290; adding a new section to chapter 43.06 RCW; recodifying RCW 43.07.290; and repealing RCW 43.07.295."

On motion of Senator Gardner, the rules were suspended, Engrossed House Bill No. 2648, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2648, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2648, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Wojahn - 45.

Voting nay: Senator Zarelli - 1.

Absent: Senator Goings - 1.

Excused: Senators Sellar and Thibaudeau - 2.

ENGROSSED HOUSE BILL NO. 2648, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2572, by House Committee on Transportation (originally sponsored by Representatives Pennington, Doumit, Delvin, Mielke, Hatfield, Schoesler, Clements, Boldt, DeBolt, Hurst, Kagi, G. Chandler, Dunn, Mulliken, Thomas, D. Schmidt, B. Chandler, Pflug, Talcott, Edmonds, Ruderman, Eickmeyer, Sullivan, Rockefeller, Wolfe and Woods)

Defining "motorcycle helmet."

The bill was read the second time.

MOTION

Senator Haugen moved that the following Committee on Transportation striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.37.530 and 1997 c 328 s 4 are each amended to read as follows:

(1) It is unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle: PROVIDED, That mirrors shall not be required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show, or other such assemblage: PROVIDED FURTHER, That no mirror is required on any motorcycle manufactured prior to January 1, 1931;

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type conforming to rules adopted by the state patrol;

(c) For any person to operate or ride upon a motorcycle, motor-driven cycle, or moped on a state highway, county road, or city street unless wearing upon his or her head a ((~~protective~~)) motorcycle helmet ((~~of a type conforming to rules adopted by the state patrol~~)) except when the vehicle is an antique motor-driven cycle or automobile that is licensed as a motorcycle or when the vehicle is equipped with seat belts and roll bars approved by the state patrol. The motorcycle helmet ((~~must be equipped with either a~~)) neck or chin strap ((~~which shall~~)) must be fastened securely while the motorcycle or motor-driven cycle is in motion. Persons operating electric-assisted bicycles shall comply with all laws and regulations related to the use of bicycle helmets;

(d) For any person to transport a child under the age of five on a motorcycle or motor-driven cycle;

(e) For any person to sell or offer for sale a motorcycle helmet ((~~which~~)) that does not meet the requirements established by ((~~the state patrol~~)) this section.

(2) The state patrol ((~~is hereby authorized and empowered to~~)) may adopt and amend rules, pursuant to the Administrative Procedure Act, concerning ((~~the~~)) standards ((~~and procedures for conformance of rules adopted~~)) for glasses, goggles, and face shields((~~, and protective helmets~~)).

(3) For purposes of this section, "motorcycle helmet" means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell, and a neck or chin strap type retention system with a sticker indicating that the motorcycle helmet meets standards established by the United States Department of Transportation."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Transportation striking amendment to Substitute House Bill No. 2572.

The motion by Senator Haugen carried and the committee striking amendment was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On line 1 of the title, after "helmet;" strike the remainder of the title and insert "and amending RCW 46.37.530."

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2572, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Haugen: "Senator Benton, Washington law currently requires motorcycle riders to wear helmets that meet certain safety standards. Is it the intent of the striking amendment to change this requirement?"

Senator Benton: "No, the striking amendment is not intended to change the requirement that motorcycle riders wear safe helmets. Rather the amendment is intended to simplify the enforcement of the helmet law and to allow helmet purchasers to rely on authentic US Department of Transportation stickers when they purchase helmets.

"The current State Patrol and federal safety standards are confusing, making enforcement of the helmet law difficult, and some law enforcement officers may use the current law to harass motorcyclists. This committee striking amendment allows helmet purchasers to rely on authentic US Department of Transportation stickers when they purchase helmets and requires law enforcement officers to depend on these stickers as indications of compliance with the federal safety standards as well"

Senator Haugen: "Thank you, Senator. That is my understanding as well."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2572, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2572, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 2; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45. Voting nay: Senator Jacobsen - 1. Absent: Senators Deccio and Goings - 2. Excused: Senator Sellar - 1. SUBSTITUTE HOUSE BILL NO. 2572, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Franklin: "A point of personal privilege, Mr. President. I would just like to--I think this is an opportune time to call your attention to and thank these motorcycle riders for the community work which they have done. I know, specifically, from my community, they have contributed to the children of Mary Bridge Hospital and there are a couple that have come into my office religiously, if you will, for the last ten years. Their images have changed and the community work that they have been doing has really been very good. I think this is an opportune time to thank them for what they have done."

PERSONAL PRIVILEGE

Senator Benton: "A point of personal privilege, Mr. President. I would like to join with Senator Franklin and just point out to the body that this legislation that we just passed and has been before us as a result of a grassroots organization work just average, everyday citizens unlike a lot of the legislation that we deal with that is driven by public agencies or by paid lobbyists. This legislation was just driven by citizens who learned how to organize and learned how to work the American process of legislation. They have been out here and worked and worked for the last several years and it is a good example for every citizen of the state of Washington to see that if you come down and call and write and work with your legislators, you can make significant changes in the laws that affect you in Washington State and I think it is a very good example and I want to applaud them for their efforts and for showing the regular folks out there that you don't need to have a paid lobbyist or know someone to get something done. You come down and work the process and the process responds to the citizens and for that, I thank you."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2378, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Linville, G. Chandler and Haigh) (by request of Department of Agriculture)

Regulating structural pest inspections.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the following Committee on Agriculture and Rural Economic Development striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 15.58.030 and 1992 c 170 s 1 are each amended to read as follows:

As used in this chapter the words and phrases defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Active ingredient" means any ingredient which will prevent, destroy, repel, control, or mitigate pests, or which will act as a plant regulator, defoliant, desiccant, or spray adjuvant.

(2) "Antidote" means the most practical immediate treatment in case of poisoning and includes first aid treatment.

(3) "Arthropod" means any invertebrate animal that belongs to the phylum arthropoda, which in addition to insects, includes allied classes whose members are wingless and usually have more than six legs; for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(4) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

(5) "Department" means the Washington state department of agriculture.

(6) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(7) "Device" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests, or to destroy, control, repel or mitigate fungi, nematodes, or such other pests, as may be designated by the director, but not including equipment used for the application of pesticides when sold separately from the pesticides.

(8) "Director" means the director of the department or a duly authorized representative.

(9) "Distribute" means to offer for sale, hold for sale, sell, barter, or supply pesticides in this state.

(10) "EPA" means the United States environmental protection agency.

(11) "EPA restricted use pesticide" means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

(12) "FIFRA" means the federal insecticide, fungicide, and rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

(13) "Fungi" means all nonchlorophyll-bearing thallophytes (all nonchlorophyll-bearing plants of a lower order than mosses and liverworts); for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living persons or other animals.

(14) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any fungi.

(15) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed.

(16) "Inert ingredient" means an ingredient which is not an active ingredient.

(17) "Ingredient statement" means a statement of the name and percentage of each active ingredient together with the total percentage of the inert ingredients in the pesticide, and when the pesticide contains arsenic in any form, the ingredient statement shall also include percentages of total and water soluble arsenic, each calculated as elemental arsenic. In the case of a spray adjuvant the ingredient statement need contain only the names of the principal functioning agents and the total percentage of the constituents ineffective as spray adjuvants. If more than three functioning agents are present, only the three principal ones need by named.

(18) "Insect" means any of the numerous small invertebrate animals whose bodies are more or less obviously segmented, and which for the most part belong to the class insecta, comprising six-legged, usually winged forms, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(19) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insects which may be present in any environment whatsoever.

(20) <u>"Inspection control number" means a number obtained from the department that is recorded on wood destroying organism inspection reports issued by a structural pest inspector in conjunction with the transfer, exchange, or refinancing of any structure.</u>

(21) "Label" means the written, printed, or graphic matter on, or attached to, the pesticide, device, or immediate container, and the outside container or wrapper of the retail package.

(((~~21~~))) (22) "Labeling" means all labels and other written, printed, or graphic matter:

(a) Upon the pesticide, device, or any of its containers or wrappers;

(b) Accompanying the pesticide, or referring to it in any other media used to disseminate information to the public; and

(c) To which reference is made on the label or in literature accompanying or referring to the pesticide or device except when accurate nonmisleading reference is made to current official publications of the department, United States departments of agriculture; interior; education; health and human services; state agricultural colleges; and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

(((~~22~~))) (23) "Land" means all land and water areas, including airspace and all plants, animals, structures, buildings, devices and contrivances, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

(((~~23~~))) (24) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed using a master application and a master license expiration date common to each renewable license endorsement.

(((~~24~~))) (25) "Nematocide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

(((~~25~~))) (26) "Nematode" means any invertebrate animal of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts, may also be called nemas or eelworms.

(((~~26~~))) (27) "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

(((~~27~~))) (28) "Pest" means, but is not limited to, any insect, rodent, nematode, snail, slug, weed and any form of plant or animal life or virus, except virus on or in a living person or other animal, which is normally considered to be a pest or which the director may declare to be a pest.

(((~~28~~))) (29) "Pest control consultant" means any individual who acts as a structural pest ((~~control~~)) inspector, who sells or offers for sale at other than a licensed pesticide dealer outlet or location where they are employed, or who offers or supplies technical advice, supervision, or aid, or makes recommendations to the user of:

(a) Highly toxic pesticides, as determined under RCW 15.58.040;

(b) EPA restricted use pesticides or restricted use pesticides which are restricted by rule to distribution by licensed pesticide dealers only; or

(c) Any other pesticide except those pesticides which are labeled and intended for home and garden use only.

(((~~29~~))) (30) "Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus, except virus on or in a living person or other animal which is normally considered to be a pest or which the director may declare to be a pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and

(c) Any spray adjuvant.

(((~~30~~))) (31) "Pesticide advisory board" means the pesticide advisory board as provided for in the Washington pesticide application act.

(((~~31~~))) (32) "Pesticide dealer" means any person who distributes any of the following pesticides:

(a) Highly toxic pesticides, as determined under RCW 15.58.040;

(b) EPA restricted use pesticides or restricted use pesticides which are restricted by rule to distribution by licensed pesticide dealers only; or

(c) Any other pesticide except those pesticides which are labeled and intended for home and garden use only.

(((~~32~~))) (33) "Pesticide dealer manager" means the owner or other individual supervising pesticide distribution at one outlet holding a pesticide dealer license.

(((~~33~~))) (34) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants or their produce, but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

(((~~34~~))) (35) "Registrant" means the person registering any pesticide under the provisions of this chapter.

(((~~35~~))) (36) "Restricted use pesticide" means any pesticide or device which, when used as directed or in accordance with a widespread and commonly recognized practice, the director determines, subsequent to a hearing, requires additional restrictions

for that use to prevent unreasonable adverse effects on the environment including people, lands, beneficial insects, animals, crops, and wildlife, other than pests.

(((~~36~~))) (37) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents, or any other vertebrate animal which the director may declare by rule to be a pest.

(((~~37~~))) (38) "Spray adjuvant" means any wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own, intended to be used with any other pesticide as an aid to the application or to the effect of the pesticide, and which is in a package or container separate from that of the pesticide with which it is to be used.

(((~~38~~))) (39) "Special local needs registration" means a registration issued by the director pursuant to provisions of section 24(c) of FIFRA.

(((~~39~~))) (40) "Structural pest ((~~control~~)) inspector" means any individual who performs the service of inspecting a building for wood destroying organisms, their damage, or conditions conducive to their infestation.

(((~~40~~))) (41) "Unreasonable adverse effects on the environment" means any unreasonable risk to people or the environment taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

(((~~41~~))) (42) "Weed" means any plant which grows where not wanted.

(43) "Wood destroying organism inspection report" means any written document that reports or comments on the presence or absence of wood destroying organisms, their damage, and/or conducive conditions leading to the establishment of such organisms.

NEW SECTION. **Sec. 2.** A new section is added to chapter 15.58 RCW to read as follows:

It is unlawful for any person to issue a wood destroying organism inspection report, prepared in conjunction with the transfer, exchange, or refinancing of any structure, without recording a unique inspection control number on the wood destroying organism inspection report. All wood destroying organism inspection reports completed by the same inspector, relating to a single transfer, exchange, or refinance, shall bear the same unique inspection control number. The responsibility to record the unique inspection control number on the report under this section lies solely with the person issuing the wood destroying organism inspection report.

NEW SECTION. **Sec. 3.** A new section is added to chapter 15.58 RCW to read as follows:

(1) The director shall not issue a license to any person who intends to act as a structural pest inspector until the person has furnished evidence of financial responsibility.

(2) Evidence of financial responsibility shall consist of either a surety bond or an errors and omissions insurance policy or certification thereof, protecting persons who may suffer legal damages as a result of actions by the structural pest inspector. The director shall not accept a surety bond or insurance policy except from authorized insurers in this state.

(3) Evidence of financial responsibility shall be supplied to the department on a financial responsibility insurance certificate or surety bond form.

NEW SECTION. **Sec. 4.** A new section is added to chapter 15.58 RCW to read as follows:

(1) The following requirements apply to the amount of surety bond or insurance required for structural pest inspectors.

(a) The amount of the surety bond or errors and omissions insurance, as provided for in section 3 of this act, shall be not less than twenty-five thousand dollars and fifty thousand dollars respectively. The surety bond or insurance policy shall be maintained at not less than the required sum at all times during the licensed period.

(b) The director shall be notified ten days before any reduction of insurance coverage at the request of the applicant or cancellation of the surety bond or insurance by the surety or insurer and by the insured.

(c) The total and aggregate of the surety and insurer for all claims is limited to the face of the surety bond or insurance policy. The director may accept a surety bond or insurance policy in the proper sum that has a deductible clause in an amount not exceeding five thousand dollars for the total amount of surety bond or insurance required by this section. If the applicant has not satisfied the requirement of the deductible amount in any prior legal claim the deductible clause shall not be accepted by the director unless the applicant furnishes the director with a surety bond or insurance policy which shall satisfy the amount of the deductible as to all claims that may arise.

(2) Insurance policies must be written on an occurrence basis.

(3) Insurance policies shall have a minimum three-year occurrence clause.

NEW SECTION. **Sec. 5.** A new section is added to chapter 15.58 RCW to read as follows:

Whenever a structural pest inspector's surety bond or insurance policy is reduced below the requirements of section 4 of this act, or whenever the person has failed to provide evidence of financial responsibility as required by section 3 of this act by the expiration date of the previous surety bond or insurance policy, the director shall immediately suspend the person's structural pest inspector license until the person's surety bond or insurance policy again meets the requirements of section 4 of this act.

Sec. 6. RCW 15.58.150 and 1991 c 264 s 3 are each amended to read as follows:

(1) It is unlawful for any person to distribute within the state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any of the following:

(a) Any pesticide which has not been registered pursuant to the provisions of this chapter;

(b) Any pesticide if any of the claims made for it or any of the directions for its use or other labeling differs from the representations made in connection with its registration, or if the composition of a pesticide differs from its composition as represented in connection with its registration: PROVIDED, That at the discretion of the director, a change in the labeling or formula of a pesticide may be made within a registration period without requiring reregistration of the product;

(c) Any pesticide unless it is in the registrant's or the manufacturer's unbroken immediate container and there is affixed to such container, and to the outside container or wrapper of the retail package, if there is one through which the required information on the immediate container cannot be clearly read, a label bearing the information required in this chapter and the rules adopted under this chapter;

(d) Any pesticide including arsenicals, fluorides, fluosilicates, and/or any other white powdered pesticides unless they have been distinctly denatured as to color, taste, odor, or form if so required by rule;

(e) Any pesticide which is adulterated or misbranded, or any device which is misbranded;

(f) Any pesticide in containers, violating rules adopted pursuant to RCW 15.58.040(2)(f) or pesticides found in containers which are unsafe due to damage.

(2) It shall be unlawful:

(a) To sell or deliver any pesticide to any person who is required by law or rules promulgated under such law to be certified, licensed, or have a permit to use or purchase the pesticide unless such person or the person's agent, to whom sale or delivery is made, has a valid certification, license, or permit to use or purchase the kind and quantity of such pesticide sold or delivered: PROVIDED, That, subject to conditions established by the director, such permit may be obtained immediately prior to sale or delivery from any person designated by the director;

(b) For any person to detach, alter, deface or destroy, wholly or in part, any label or labeling provided for in this chapter or rules adopted under this chapter, or to add any substance to, or take any substance from, a pesticide in a manner that may defeat the purpose of this chapter or the rules adopted thereunder;

(c) For any person to use or cause to be used any pesticide contrary to label directions or to regulations of the director if those regulations differ from or further restrict the label directions: PROVIDED, The compliance to the term "contrary to label directions" is enforced by the director consistent with the intent of this chapter;

(d) For any person to use for his or her own advantage or to reveal, other than to the director or proper officials or employees of the state, or to the courts of the state in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of RCW 15.58.060;

(e) For any person to make false, misleading, or erroneous statements or reports concerning any pest during or after a pest inspection or to fail to comply with criteria established by rule for structural pest ((~~control~~)) inspections;

(f) For any person to make false, misleading, or erroneous statements or reports in connection with any pesticide complaint or investigation;

(g) For any person to advertise that the person is a licensed structural pest inspector without having a valid pest control consultant license in the category of structural pest inspector.

Sec. 7. RCW 15.58.233 and 1997 c 242 s 10 are each amended to read as follows:

(1) The director may renew any license issued under this chapter subject to the recertification standards identified in subsection (2) of this section or an examination requiring new knowledge that may be required to apply pesticides.

(2) Except as provided in subsection (3) of this section, all individuals licensed under this chapter shall meet the recertification standards identified in (a) or (b) of this subsection, every five years, in order to qualify for continuing licensure.

(a) ((~~Licensed pesticide applicators~~)) Individuals licensed under this chapter may qualify for continued licensure through accumulation of recertification credits. Individuals licensed under this chapter shall accumulate a minimum of forty department-approved credits every five years with no more than fifteen credits allowed per year.

(b) ((~~Licensed pesticide applicators~~)) Individuals licensed under this chapter may qualify for continued licensure through meeting the examination requirements necessary to become licensed in those areas in which the licensee operates.

(3) At the termination of a licensee's five-year recertification period, the director may waive the recertification requirements if the licensee can demonstrate that he or she is meeting comparable recertification standards through another state or jurisdiction or through a federal environmental protection agency-approved government agency plan.

Sec. 8. RCW 15.58.040 and 1997 c 242 s 1 are each amended to read as follows:

(1) The director shall administer and enforce the provisions of this chapter and rules adopted under this chapter. All the authority and requirements provided for in chapter 34.05 RCW (Administrative Procedure Act) and chapter 42.30 RCW shall apply to this chapter in the adoption of rules including those requiring due notice and a hearing for the adoption of permanent rules.

(2) The director is authorized to adopt appropriate rules for carrying out the purpose and provisions of this chapter, including but not limited to rules providing for:

(a) Declaring as a pest any form of plant or animal life or virus which is injurious to plants, people, animals (domestic or otherwise), land, articles, or substances;

(b) Determining that certain pesticides are highly toxic to people. For the purpose of this chapter, highly toxic pesticide means any pesticide that conforms to the criteria in 40 C.F.R. Sec. 156.10 for toxicity category I due to oral inhalation or dermal toxicity. The director shall publish a list of all pesticides, determined to be highly toxic, by their common or generic name and their trade or brand name if practical. Such list shall be kept current and shall, upon request, be made available to any interested party;

(c) Determining standards for denaturing pesticides by color, taste, odor, or form;

(d) The collection and examination of samples of pesticides or devices;

(e) The safe handling, transportation, storage, display, distribution, and disposal of pesticides and their containers;

(f) Restricting or prohibiting the use of certain types of containers or packages for specific pesticides. These restrictions may apply to type of construction, strength, and/or size to alleviate danger of spillage, breakage, misuse, or any other hazard to the public. The director shall be guided by federal regulations concerning pesticide containers;

(g) Procedures in making of pesticide recommendations;

(h) Adopting a list of restricted use pesticides for the state or for designated areas within the state if the director determines that such pesticides may require rules restricting or prohibiting their distribution or use. The director may include in the rule the time and conditions of distribution or use of such restricted use pesticides and may, if it is found necessary to carry out the purpose and provisions of this chapter, require that any or all restricted use pesticides shall be purchased, possessed, or used only under permit of the director and under the director's direct supervision in certain areas and/or under certain conditions or in certain quantities or concentrations. The director may require all persons issued such permits to maintain records as to the use of all the restricted use pesticides;

(i) Label requirements of all pesticides required to be registered under provisions of this chapter;

(j) Regulating the labeling of devices;

(k) The establishment of criteria governing the conduct of a structural pest ((~~control~~)) inspection; and

(l) Declaring crops, when grown to produce seed specifically for crop reproduction purposes, to be nonfood and/or nonfeed sites of pesticide application. The director may include in the rule any restrictions or conditions regarding: (i) The application of pesticides to the designated crops; and (ii) the disposition of any portion of the treated crop.

(3) For the purpose of uniformity and to avoid confusion endangering the public health and welfare the director may adopt rules in conformity with the primary pesticide standards, particularly as to labeling, established by the United States environmental protection agency or any other federal agency.

Sec. 9. RCW 15.58.210 and 1997 c 242 s 6 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, no individual may perform services as a pest control consultant without obtaining a license from the director. The license shall expire annually on a date set by rule by the director. Except as provided in subsection (3) of this section, no individual may act as a structural pest ((~~control~~)) inspector without first obtaining from the director a pest control consultant license in the special category of structural pest ((~~control~~)) inspector. Application for a license shall be on a form prescribed by the director and shall be accompanied by a fee of forty-five dollars.

(2) The following are exempt from the licensing requirements of subsection (1) of this section when acting within the authorities of their existing licenses issued under chapter 17.21 RCW: Licensed commercial pesticide applicators and operators; licensed private-commercial applicators; and licensed demonstration and research applicators. The following are also exempt from the licensing requirements of subsection (1) of this section: Employees of federal, state, county, or municipal agencies when acting in their official governmental capacities; and pesticide dealer managers and employees working under the direct supervision of the pesticide dealer manager and only at a licensed pesticide dealer's outlet.

(3) The following are exempt from the structural pest ((~~control~~)) inspector licensing requirement: Individuals inspecting for damage caused by wood destroying organisms if such inspections are solely for the purpose of: (a) Repairing or making specific recommendations for the repair of such damage, or (b) assessing a monetary value for the structure inspected. Individuals performing wood destroying organism inspections that incorporate but are not limited to the activities described in (a) or (b) of this subsection are not exempt from the structural pest ((~~control~~)) inspector licensing requirement.

NEW SECTION. **Sec. 10.** This act takes effect July 1, 2000."

MOTIONS

On motion of Senator Rasmussen, the following title amendment was adopted:

On page 1, line 1 of the title, after "inspections;" strike the remainder of the title and insert "amending RCW 15.58.030, 15.58.150, 15.58.233, 15.58.040, and 15.58.210; adding new sections to chapter 15.58 RCW; prescribing penalties; providing an effective date; and providing an expiration date."

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 2378, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2378, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2378, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47. Voting nay: Senator McCaslin - 1. Excused: Senator Sellar - 1. SUBSTITUTE HOUSE BILL NO. 2378, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2536, by Representatives Miloscia, D. Schmidt and Haigh

Concerning the general contractor/construction manager procedure of public works contracting.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 2536 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Hargrove: "Senator Patterson, could you tell me what ‘self performing’ is?"

Senator Patterson: "I will only tell you the answer to that if anyone else wants to know."

POINT OF INQUIRY

Senator Honeyford: "Senator Patterson, I am extremely interested in that terminology, so I too, would like to know."

Senator Patterson: "My colleagues want me to just say ‘no.’ Self performance for a small contractor, which, by the way, my husband is one, means that they will be able to do the work on a construction site that normally would be contracted out to others. It means that they can ‘self perform. ’ They can do the electric work; the concrete work; they can do the construction work themselves. I hope that answers all of your perverted questions."

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2536.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2536 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 45.

Voting nay: Senators Heavey and Thibaudeau - 2.

Absent: Senator Deccio - 1.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 2536, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2650, by Representatives Romero, McMorris, Campbell, Dunshee, Lambert, D. Schmidt, Kenney and Miloscia (by request of Department of General Administration)

Simplifying agency to agency transfer of small amounts of personal property.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the following Committee on State and Local Government striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.19.1919 and 1997 c 264 s 2 are each amended to read as follows:

((~~Except as provided in RCW 28A.335.180 and 43.19.1920,~~)) The division of purchasing shall sell or exchange personal property belonging to the state for which the agency, office, department, or educational institution having custody thereof has no further use, at public or private sale, and cause the moneys realized from the sale of any such property to be paid into the fund from which such property was purchased or, if such fund no longer exists, into the state general fund((~~: PROVIDED,~~)). This requirement is subject to the following exceptions and limitations:

(1) This section does not apply to property under RCW 27.53.045, 28A.335.180, or 43.19.1920;

(2) Sales of capital assets may be made by the division of purchasing and a credit established in central stores for future purchases of capital items as provided for in RCW 43.19.190 through 43.19.1939((~~, as now or hereafter amended: PROVIDED FURTHER, That~~));

(3) Personal property, excess to a state agency, including educational institutions, shall not be sold or disposed of prior to reasonable efforts by the division of purchasing to determine if other state agencies have a requirement for such personal property. Such determination shall follow sufficient notice to all state agencies to allow adequate time for them to make their needs known. Surplus items may be disposed of without prior notification to state agencies if it is determined by the director of general administration to be in the best interest of the state. The division of purchasing shall maintain a record of disposed surplus property, including date and method of disposal, identity of any recipient, and approximate value of the property((~~: PROVIDED, FURTHER, That this section shall~~));

(4) This section does not apply to personal property acquired by a state organization under federal grants and contracts if in conflict with special title provisions contained in such grants or contracts;

(5) A state agency having a surplus personal property asset with a fair market value of less than five hundred dollars may transfer the asset to another state agency without charging fair market value. A state agency conducting this action shall maintain adequate records to comply with agency inventory procedures and state audit requirements.

((~~This section does not apply to property under RCW 27.53.045.~~))

Sec. 2. RCW 43.09.210 and 1965 c 8 s 43.09.210 are each amended to read as follows:

Separate accounts shall be kept for every appropriation or fund of a taxing or legislative body showing date and manner of each payment made therefrom, the name, address, and vocation of each person, organization, corporation, or association to whom paid, and for what purpose paid.

Separate accounts shall be kept for each department, public improvement, undertaking, institution, and public service industry under the jurisdiction of every taxing body.

All service rendered by, or property transferred from, one department, public improvement, undertaking, institution, or public service industry to another, shall be paid for at its true and full value by the department, public improvement, undertaking, institution, or public service industry receiving the same, and no department, public improvement, undertaking, institution, or public service industry shall benefit in any financial manner whatever by an appropriation or fund made for the support of another.

All unexpended balances of appropriations shall be transferred to the fund from which appropriated, whenever the account with an appropriation is closed.

This section does not apply to agency surplus personal property handled under RCW 43.19.1919(5)."

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 2650 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2650.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2650 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Deccio - 1.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 2650, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2657, by Representatives B. Chandler, Conway, Clements and Wood

Allowing a licensed distiller to hold a spirits, beer, and wine license.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2657 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2657.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2657 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 2; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke,

Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Voting nay: Senators Eide and Heavey - 2.

Absent: Senators Deccio and Hochstatter - 2.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 2657, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2886, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Barlean, Keiser, Benson and Hatfield)

Making regulation of service contracts applicable to service contracts on consumer purchases only.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 2886 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2886.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2886 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 2886, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2520, by Representatives Schual-Berke, Parlette and Cody (by request of Department of Social and Health Services)

Changing terminology in the release from commitment of persons in mental treatment facilities.

The bill was read the second time.

MOTION

On motion of Senator Hargrove, the following Committee on Human Services and Corrections striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.05.020 and 1999 c 13 s 5 are each amended to read as follows:

((~~For the purposes of~~)) The definitions in this section apply throughout this chapter((~~.~~)) unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician that a person should be examined or treated as a patient in a hospital;

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(((~~(2)~~))) (3) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(((~~(3)~~))) (4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(5) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(6) "County designated mental health professional" means a mental health professional appointed by the county to perform the duties specified in this chapter;

(((~~(4)~~))) (7) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(((~~(5)~~))) (8) "Department" means the department of social and health services;

(((~~(6)~~))) (9) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(10) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, psychologist, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(((~~(7)~~))) (11) "Developmental disability" means that condition defined in RCW 71A.10.020(3);

(((~~(8)~~))) (12) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(13) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(((~~(9)~~))) (14) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(((~~(10)~~))) (15) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the individual being assisted as manifested by prior charged criminal conduct;

(((~~(11)~~))) (16) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility or in confinement as a result of a criminal conviction;

(((~~(12)~~))) (17) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge ((~~from involuntary confinement~~)) or release, and a projected possible date for discharge ((~~from involuntary confinement~~)) or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(((~~(13)~~))) (18) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(((~~(14)~~))) (19) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The individual has threatened the physical safety of another and has a history of one or more violent acts;

(((~~15~~))) (20) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions;

(((~~16~~))) (21) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(((~~17~~))) (22) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(((~~18~~))) (23) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, hospital, or sanitarium, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill;

(((~~19~~))) (24) "Professional person" means a mental health professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(((~~20~~))) (25) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(((~~21~~))) (26) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(((~~22~~))) (27) "Public agency" means any evaluation and treatment facility or institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill; if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(((~~23~~))) (28) "Release" means legal termination of the commitment under the provisions of this chapter;

(29) "Resource management services" has the meaning given in chapter 71.24 RCW;

(((~~24~~))) (30) "Secretary" means the secretary of the department of social and health services, or his or her designee;

(((~~25~~))) (31) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary;

(((~~26~~))) (32) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 2. RCW 71.05.025 and 1989 c 205 s 9 are each amended to read as follows:

The legislature intends that the procedures and services authorized in this chapter be integrated with those in chapter 71.24 RCW to the maximum extent necessary to assure a continuum of care to persons who are mentally ill or who have mental disorders, as defined in either or both this chapter and chapter 71.24 RCW. To this end, regional support networks established in accordance with chapter 71.24 RCW shall institute procedures which require timely consultation with resource management services by county-designated mental health professionals and evaluation and treatment facilities to assure that determinations to admit, detain, commit, treat, discharge, or release persons with mental disorders under this chapter are made only after appropriate information regarding such person's treatment history and current treatment plan has been sought from resource management services.

Sec. 3. RCW 71.05.050 and 1998 c 297 s 6 are each amended to read as follows:

Nothing in this chapter shall be construed to limit the right of any person to apply voluntarily to any public or private agency or practitioner for treatment of a mental disorder, either by direct application or by referral. Any person voluntarily admitted for inpatient treatment to any public or private agency shall be released immediately upon his or her request. Any person voluntarily admitted for inpatient treatment to any public or private agency shall orally be advised of the right to immediate ((~~release~~)) discharge, and further advised of such rights in writing as are secured to them pursuant to this chapter and their rights of access to attorneys, courts, and other legal redress. Their condition and status shall be reviewed at least once each one hundred eighty days for evaluation as to the need for further treatment ((~~and/or~~)) or possible ((~~release~~)) discharge, at which time they shall again be advised of their right to ((~~release~~)) discharge upon request: PROVIDED HOWEVER, That if the professional staff of any public or private agency or hospital regards a person voluntarily admitted who requests ((~~release~~)) discharge as presenting, as a result of a mental disorder, an imminent likelihood of serious harm, or is gravely disabled, they may detain such person for sufficient time to notify the county designated mental health professional of such person's condition to enable the county designated mental health professional to authorize such person being further held in custody or transported to an evaluation and treatment center pursuant to

the provisions of this chapter, which shall in ordinary circumstances be no later than the next judicial day: PROVIDED FURTHER, That if a person is brought to the emergency room of a public or private agency or hospital for observation or treatment, the person refuses voluntary admission, and the professional staff of the public or private agency or hospital regard such person as presenting as a result of a mental disorder an imminent likelihood of serious harm, or as presenting an imminent danger because of grave disability, they may detain such person for sufficient time to notify the county designated mental health professional of such person's condition to enable the county designated mental health professional to authorize such person being further held in custody or transported to an evaluation treatment center pursuant to the conditions in this chapter, but which time shall be no more than six hours from the time the professional staff determine that an evaluation by the county designated mental health professional is necessary.

Sec. 4. RCW 71.05.120 and 1991 c 105 s 2 are each amended to read as follows:

(1) No officer of a public or private agency, nor the superintendent, professional person in charge, his or her professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter, nor any county designated mental health professional, nor the state, a unit of local government, or an evaluation and treatment facility shall be civilly or criminally liable for performing duties pursuant to this chapter with regard to the decision of whether to admit, discharge, release, administer antipsychotic medications, or detain a person for evaluation and treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

(2) This section does not relieve a person from giving the required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the duty to warn or to take reasonable precautions to provide protection from violent behavior where the patient has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable efforts are made to communicate the threat to the victim or victims and to law enforcement personnel.

Sec. 5. RCW 71.05.170 and 1998 c 297 s 10 are each amended to read as follows:

Whenever the county designated mental health professional petitions for detention of a person whose actions constitute a likelihood of serious harm, or who is gravely disabled, the facility providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. The facility shall then evaluate the person's condition and admit, detain, transfer, or ((~~release~~)) discharge such person in accordance with RCW 71.05.210. The facility shall notify in writing the court and the county designated mental health professional of the date and time of the initial detention of each person involuntarily detained in order that a probable cause hearing shall be held no later than seventy-two hours after detention.

The duty of a state hospital to accept persons for evaluation and treatment under this section shall be limited by chapter 71.24 RCW.

Sec. 6. RCW 71.05.210 and 1998 c 297 s 12 are each amended to read as follows:

Each person involuntarily ((~~admitted to~~)) detained and accepted or admitted at an evaluation and treatment facility shall, within twenty-four hours of his or her admission or acceptance at the facility, be examined and evaluated by a licensed physician who may be assisted by a physician assistant according to chapter 18.71A RCW or an advanced registered nurse practitioner according to chapter 18.79 RCW and a mental health professional, and shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.340, or 71.05.370, the individual may refuse psychiatric medications, but may not refuse: (1) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (2) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

If, after examination and evaluation, the licensed physician and mental health professional determine that the initial needs of the person would be better served by placement in a chemical dependency treatment facility, then the person shall be referred to an approved treatment program defined under RCW 70.96A.020.

An evaluation and treatment center admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the county designated mental health professional and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 7. RCW 71.05.325 and 1994 c 129 s 8 are each amended to read as follows:

(1) Before a person committed under grounds set forth in RCW 71.05.280(3) is released ((~~from involuntary treatment~~)) because a new petition for involuntary treatment has not been filed under RCW 71.05.320(2), the superintendent, professional person, or designated mental health professional responsible for the decision whether to file a new petition shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision not to file a new petition for involuntary treatment. Notice shall be provided at least forty-five days before the period of commitment expires.

(2)(a) Before a person committed under grounds set forth in RCW 71.05.280(3) is permitted temporarily to leave a treatment facility pursuant to RCW 71.05.270 for any period of time without constant accompaniment by facility staff, the superintendent, professional person in charge of a treatment facility, or his or her professional designee shall in writing notify the prosecuting attorney of any county ((~~to which the person is to be released~~)) of the person's destination and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed((~~, of the decision conditionally to release the person~~)). The notice shall be provided at least forty-five days before the anticipated ((~~release~~)) leave and shall describe the conditions under which the ((~~release~~)) leave is to occur.

(b) The provisions of RCW 71.05.330(2) apply to proposed ((~~temporary releases~~)) leaves, and either or both prosecuting attorneys receiving notice under this subsection may petition the court under RCW 71.05.330(2).

(3) Nothing in this section shall be construed to authorize detention of a person unless a valid order of commitment is in effect.

(4) The existence of the notice requirements in this section will not require any extension of the ((~~release~~)) leave date in the event the ((~~release~~)) leave plan changes after notification.

(5) The notice requirements contained in this section shall not apply to emergency medical ((~~furloughs~~)) transfers.

(6) The notice provisions of this section are in addition to those provided in RCW 71.05.425.

Sec. 8. RCW 71.05.340 and 1998 c 297 s 21 are each amended to read as follows:

(1)(a) When, in the opinion of the superintendent or the professional person in charge of the hospital or facility providing involuntary treatment, the committed person can be appropriately served by outpatient treatment prior to or at the expiration of the period of commitment, then such outpatient care may be required as a ((~~condition for early~~)) term of conditional release for a period which, when added to the inpatient treatment period, shall not exceed the period of commitment. If the hospital or facility designated to provide outpatient treatment is other than the facility providing involuntary treatment, the outpatient facility so designated must agree in writing to assume such responsibility. A copy of the ((~~conditions for early~~)) terms of conditional release shall be given to the patient, the county designated mental health professional in the county in which the patient is to receive outpatient treatment, and to the court of original commitment.

(b) Before a person committed under grounds set forth in RCW 71.05.280(3) or 71.05.320(2)(c) is conditionally released under (a) of this subsection, the superintendent or professional person in charge of the hospital or facility providing involuntary treatment shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision to conditionally release the person. Notice and a copy of the ((~~conditions for early~~)) terms of conditional release shall be provided at least thirty days before the person is released from inpatient care. Within twenty days after receiving notice, the prosecuting attorney may petition the court in the county that issued the commitment order to hold a hearing to determine whether the person may be conditionally released and the terms of the conditional release. The prosecuting attorney shall provide a copy of the petition to the superintendent or professional person in charge of the hospital or facility providing involuntary treatment, the attorney, if any, and guardian or conservator of the committed person, and the court of original commitment. If the county in which the committed person is to receive outpatient treatment is the same county in which the criminal charges against the committed person were dismissed, then the court shall, upon the motion of the prosecuting attorney, transfer the proceeding to the court in that county. The court shall conduct a hearing on the petition within ten days of the filing of the petition. The committed person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as set forth in this subsection and except that there shall be no right to jury trial. The issue to be determined at the hearing is whether or not the person may be conditionally released without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security. If the court disapproves of the conditional release, it may do so only on the basis of substantial evidence. Pursuant to the determination of the court upon the hearing, the conditional release of the person shall be approved by the court on the same or modified conditions or the person shall be returned for involuntary treatment on an inpatient basis subject to release at the end of the period for which he or she was committed, or otherwise in accordance with the provisions of this chapter.

(2) The hospital or facility designated to provide outpatient care or the secretary may modify the conditions for continued release when such modification is in the best interest of the person. Notification of such changes shall be sent to all persons receiving a copy of the original conditions.

(3)(a) If the hospital or facility designated to provide outpatient care, the county designated mental health professional, or the secretary determines that:

(i) A conditionally released person is failing to adhere to the terms and conditions of his or her release;

(ii) Substantial deterioration in a conditionally released person's functioning has occurred;

(iii) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or

(iv) The person poses a likelihood of serious harm.

Upon notification by the hospital or facility designated to provide outpatient care, or on his or her own motion, the county designated mental health professional or the secretary may order that the conditionally released person be apprehended and taken into custody and temporarily detained in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment.

(b) The hospital or facility designated to provide outpatient treatment shall notify the secretary or county designated mental health professional when a conditionally released person fails to adhere to terms and conditions of his or her conditional release or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm. The county designated mental health professional or secretary shall order the person apprehended and temporarily detained in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment.

(c) A person detained under this subsection (3) shall be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been conditionally released. The county designated mental health professional or the secretary may modify or rescind such order at any time prior to commencement of the court hearing.

(d) The court that originally ordered commitment shall be notified within two judicial days of a person's detention under the provisions of this section, and the county designated mental health professional or the secretary shall file his or her petition and order of apprehension and detention with the court and serve them upon the person detained. His or her attorney, if any, and his or her guardian or conservator, if any, shall receive a copy of such papers as soon as possible. Such person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as specifically set forth in this section and except that there shall be no right to jury trial. The issues to be determined shall be: (i) Whether the conditionally released person did or did not adhere to the terms and conditions of his or her conditional release; (ii) that substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the conditions listed in this subsection (3)(d) have occurred, whether the ((~~conditions of~~)) terms of conditional release should be modified or the person should be returned to the facility.

(e) Pursuant to the determination of the court upon such hearing, the conditionally released person shall either continue to be conditionally released on the same or modified conditions or shall be returned for involuntary treatment on an inpatient basis subject to release at the end of the period for which he or she was committed for involuntary treatment, or otherwise in accordance with the provisions of this chapter. Such hearing may be waived by the person and his or her counsel and his or her guardian or conservator, if any, but shall not be waivable unless all such persons agree to waive, and upon such waiver the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

(4) The proceedings set forth in subsection (3) of this section may be initiated by the county designated mental health professional or the secretary on the same basis set forth therein without requiring or ordering the apprehension and detention of the conditionally released person, in which case the court hearing shall take place in not less than five days from the date of service of the petition upon the conditionally released person.

Upon expiration of the period of commitment, or when the person is released from outpatient care, notice in writing to the court which committed the person for treatment shall be provided.

(5) The grounds and procedures for revocation of less restrictive alternative treatment shall be the same as those set forth in this section for conditional releases.

(6) In the event of a revocation of a conditional release, the subsequent treatment period may be for no longer than the actual period authorized in the original court order.

Sec. 9. RCW 71.05.390 and 1999 c 12 s 1 are each amended to read as follows:

Except as provided in this section, the fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the patient, or his or her guardian,

shall be obtained before information or records may be disclosed by a professional person employed by a facility unless provided to a professional person: (a) Employed by the facility; (b) who has medical responsibility for the patient's care; (c) who is a county designated mental health professional; (d) who is providing services under chapter 71.24 RCW; (e) who is employed by a state or local correctional facility where the person is confined; or (f) who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing outpatient services to the operator of a care facility in which the patient resides.

(3) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such designation.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(5) For either program evaluation or research, or both: PROVIDED, That the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, ..., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/

"

(6) To the courts as necessary to the administration of this chapter.

(7) To law enforcement officers, public health officers, or personnel of the department of corrections or the indeterminate sentence review board for persons who are the subject of the records and who are committed to the custody of the department of corrections or indeterminate sentence review board which information or records are necessary to carry out the responsibilities of their office. Except for dissemination of information released pursuant to RCW 71.05.425 and 4.24.550, regarding persons committed under this chapter under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary ((~~admission~~)) commitment, the fact and date of discharge or release, and the last known address shall be disclosed upon request; and

(b) The law enforcement and public health officers or personnel of the department of corrections or indeterminate sentence review board shall be obligated to keep such information confidential in accordance with this chapter; and

(c) Additional information shall be disclosed only after giving notice to said person and his or her counsel and upon a showing of clear, cogent and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained. However, in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence.

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only after giving notice to the committed person and the person's counsel.

(10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(11) To the persons designated in RCW 71.05.425 for the purposes described in that section.

(12) Civil liability and immunity for the release of information about a particular person who is committed to the department under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(13) To a patient's next of kin, guardian, or conservator, if any, in the event of death, as provided in RCW 71.05.400.

(14) To the department of health of the purposes of determining compliance with state or federal licensure, certification, or registration rules or laws. However, the information and records obtained under this subsection are exempt from public inspection and copying pursuant to chapter 42.17 RCW.

The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding except in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(2)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial or in a civil commitment proceeding pursuant to chapter 71.09 RCW. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

Sec. 10. RCW 71.05.425 and 1999 c 13 s 8 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before conditional release, final ((~~discharge~~)) release, authorized leave under RCW 71.05.325(2), or transfer to a ((~~less-restrictive~~)) facility other than a state mental hospital, the superintendent shall send written notice of conditional release, ((~~final discharge~~)) release, authorized leave, or transfer of a person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.090(4) to the following:

(i) The chief of police of the city, if any, in which the person will reside; and

(ii) The sheriff of the county in which the person will reside.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.090(4):

(i) The victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.090(4) preceding commitment under RCW 71.05.280(3) or 71.05.320(2)(c) or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the person in any court proceedings; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter.

(c) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical ((~~furloughs~~)) transfers.

(d) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2) If a person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.090(4) escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person resided immediately before the person's arrest. If previously requested, the superintendent shall also notify the witnesses and the victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.090(4) preceding commitment under RCW 71.05.280(3) or 71.05.320(2) or the victim's next of kin if the crime was a homicide. In addition, the secretary shall also notify appropriate parties pursuant to RCW 71.05.410. If the person is recaptured, the superintendent shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parent or legal guardian of the child.

(4) The superintendent shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Next of kin" means a person's spouse, parents, siblings, and children;

(d) "Felony harassment offense" means a crime of harassment as defined in RCW 9A.46.060 that is a felony.

Sec. 11. RCW 71.05.640 and 1999 c 13 s 9 are each amended to read as follows:

(1) Procedures shall be established by resource management services to provide reasonable and timely access to individual treatment records. However, access may not be denied at any time to records of all medications and somatic treatments received by the individual.

(2) Following discharge, the individual shall have a right to a complete record of all medications and somatic treatments prescribed during evaluation, admission, or commitment and to a copy of the discharge summary prepared at the time of his or her discharge. A reasonable and uniform charge for reproduction may be assessed.

(3) Treatment records may be modified prior to inspection to protect the confidentiality of other patients or the names of any other persons referred to in the record who gave information on the condition that his or her identity remain confidential. Entire documents may not be withheld to protect such confidentiality.

(4) At the time of discharge all individuals shall be informed by resource management services of their rights as provided in RCW 71.05.610 through 71.05.690.

Sec. 12. RCW 10.77.010 and 1999 c 143 s 49 and 1999 c 13 s 2 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

(3) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

(4) "County designated mental health professional" has the same meaning as provided in RCW 71.05.020.

(((~~(2)~~))) (5) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

(((~~(3)~~))) (6) "Department" means the state department of social and health services.

(((~~(4)~~))) (7) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

(8) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(((~~(5)~~))) (9) "Developmental disability" means the condition as defined in RCW 71A.10.020(3).

(((~~(6)~~))) (10) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(11) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

(((~~(7)~~))) (12) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the individual being assisted as manifested by prior charged criminal conduct.

(((~~(8)~~))) (13) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

(((~~(9)~~))) (14) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(((~~(10)~~))) (15) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

(((~~(11)~~))) (16) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual ((~~discharge from involuntary confinement~~)) release, and a projected possible date for ((~~discharge from involuntary confinement~~)) release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(((~~12~~))) (17) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW; or

(c) A social worker with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

(((~~13~~))) (18) "Release" means legal termination of the court ordered commitment under the provisions of this chapter.

(19) "Secretary" means the secretary of the department of social and health services or his or her designee.

(((~~14~~))) (20) "Treatment" means any currently standardized medical or mental health procedure including medication.

(((~~15~~))) (21) "Violent act" means behavior that: (a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person.

Sec. 13. RCW 10.77.025 and 1998 c 297 s 31 are each amended to read as follows:

(1) Whenever any person has been: (a) Committed to a correctional facility or inpatient treatment under any provision of this chapter; or (b) ordered to undergo alternative treatment following his or her acquittal by reason of insanity of a crime charged, such commitment or treatment cannot exceed the maximum possible penal sentence for any offense charged for which the person was committed, or was acquitted by reason of insanity.

(2) Whenever any person committed under any provision of this chapter has not been ((~~finally discharged~~)) released within seven days of the maximum possible penal sentence under subsection (1) of this section, and the professional person in charge of the facility believes ((~~it more likely than not that the person will not be finally discharged~~)) that the person presents a likelihood of serious harm or is gravely disabled due to a mental disorder, the professional person shall, prior to the ((~~person's release from the facility~~)) expiration of the maximum penal sentence, notify the appropriate county designated mental health professional of the impending ((~~release~~)) expiration and provide a copy of all relevant information regarding the person, including the likely release date and shall indicate why ((~~final discharge was not made~~)) the person should not be released.

(3) A county designated mental health professional who receives notice and records under subsection (2) of this section shall, prior to the date of ((~~probable release~~)) the expiration of the maximum sentence, determine whether to initiate proceedings under chapter 71.05 RCW.

Sec. 14. RCW 10.77.110 and 1998 c 297 s 39 are each amended to read as follows:

(1) If a defendant is acquitted of a crime by reason of insanity, and it is found that he or she is not a substantial danger to other persons, and does not present a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, the court shall direct the defendant's ((~~final discharge~~)) release. If it is found that such defendant is a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, the court shall order his or her hospitalization, or any appropriate alternative treatment less restrictive than detention in a state mental hospital, pursuant to the terms of this chapter.

(2) If the defendant has been found not guilty by reason of insanity and a substantial danger, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, so as to require treatment then the secretary shall immediately cause the defendant to be evaluated to ascertain if the defendant is developmentally disabled. When appropriate, and subject to available funds, the defendant may be committed to a program specifically reserved for the treatment and training of developmentally disabled persons. A person so committed shall receive habilitation services according to an individualized service plan specifically developed to treat the behavior which was the subject of the criminal proceedings. The treatment program shall be administered by developmental disabilities professionals and others trained specifically in the needs of developmentally disabled persons. The treatment program shall provide physical security to a degree consistent with the finding that the defendant is dangerous and may incorporate varying conditions of security and alternative sites when the dangerousness of any particular defendant makes this necessary. The department may limit admissions to this specialized program in order to ensure that

expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services. The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department.

(3) If it is found that such defendant is not a substantial danger to other persons, and does not present a substantial likelihood of committing criminal acts jeopardizing public safety or security, but that he or she is in need of control by the court or other persons or institutions, the court shall direct the defendant's conditional release.

Sec. 15. RCW 10.77.120 and 1989 c 420 s 7 are each amended to read as follows:

The secretary shall forthwith provide adequate care and individualized treatment at one or several of the state institutions or facilities under his or her direction and control wherein persons committed as criminally insane may be confined. Such persons shall be under the custody and control of the secretary to the same extent as are other persons who are committed to the secretary's custody, but such provision shall be made for their control, care, and treatment as is proper in view of their condition. In order that the secretary may adequately determine the nature of the mental illness or developmental disability of the person committed to him or her as criminally insane, and in order for the secretary to place such individuals in a proper facility, all persons who are committed to the secretary as criminally insane shall be promptly examined by qualified personnel in such a manner as to provide a proper evaluation and diagnosis of such individual. The examinations of all developmentally disabled persons committed under this chapter shall be performed by developmental disabilities professionals. Any person so committed shall not be ((~~discharged~~)) released from the control of the secretary save upon the order of a court of competent jurisdiction made after a hearing and judgment of ((~~discharge~~)) release.

Whenever there is a hearing which the committed person is entitled to attend, the secretary shall send him or her in the custody of one or more department employees to the county where the hearing is to be held at the time the case is called for trial. During the time the person is absent from the facility, he or she shall be confined in a facility designated by and arranged for by the department, and shall at all times be deemed to be in the custody of the department employee and provided necessary treatment. If the decision of the hearing remits the person to custody, the department employee shall forthwith return the person to such institution or facility designated by the secretary. If the state appeals an order of ((~~discharge~~)) release, such appeal shall operate as a stay, and the person in custody shall so remain and be forthwith returned to the institution or facility designated by the secretary until a final decision has been rendered in the cause.

Sec. 16. RCW 10.77.200 and 1998 c 297 s 44 are each amended to read as follows:

(1) Upon application by the committed or conditionally released person, the secretary shall determine whether or not reasonable grounds exist for ((~~final discharge~~)) release. In making this determination, the secretary may consider the reports filed under RCW 10.77.060, 10.77.110, 10.77.140, and 10.77.160, and other reports and evaluations provided by professionals familiar with the case. If the secretary approves the ((~~final discharge~~)) release he or she then shall authorize the person to petition the court.

(2) The petition shall be served upon the court and the prosecuting attorney. The court, upon receipt of the petition for ((~~final discharge~~)) release, shall within forty-five days order a hearing. Continuance of the hearing date shall only be allowed for good cause shown. The prosecuting attorney shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of the prosecuting attorney's choice. If the petitioner is indigent, and the person so requests, the court shall appoint a qualified expert or professional person to examine him or her. If the petitioner is developmentally disabled, the examination shall be performed by a developmental disabilities professional. The hearing shall be before a jury if demanded by either the petitioner or the prosecuting attorney. The burden of proof shall be upon the petitioner to show by a preponderance of the evidence that the petitioner no longer presents, as a result of a mental disease or defect, a substantial danger to other persons, or a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

(3) Nothing contained in this chapter shall prohibit the patient from petitioning the court for ((~~final discharge~~)) release or conditional release from the institution in which he or she is committed. The issue to be determined on such proceeding is whether the petitioner, as a result of a mental disease or defect, is a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

Nothing contained in this chapter shall prohibit the committed person from petitioning for release by writ of habeas corpus.

Sec. 17. RCW 10.77.205 and 1994 c 129 s 5 are each amended to read as follows:

(1)(a) At the earliest possible date, and in no event later than thirty days before conditional release, ((~~final discharge~~)) release, authorized furlough pursuant to RCW 10.77.163, or transfer to a less-restrictive facility than a state mental hospital, the superintendent shall send written notice of the conditional release, ((~~final discharge~~)) release, authorized furlough, or transfer of a person who has been found not guilty of a sex, violent, or felony harassment offense by reason of insanity and who is now in the custody of the department pursuant to this chapter, to the following:

(i) The chief of police of the city, if any, in which the person will reside; and

(ii) The sheriff of the county in which the person will reside.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under this chapter:

(i) The victim of the crime for which the person was committed or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the person in any court proceedings; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter.

(c) In addition to the notice requirements of (a) and (b) of this subsection, the superintendent shall comply with RCW 10.77.163.

(d) The thirty-day notice requirement contained in (a) and (b) of this subsection shall not apply to emergency medical furloughs.

(e) The existence of the notice requirements in (a) and (b) of this subsection shall not require any extension of the release date in the event the release plan changes after notification.

(2) If a person who has been found not guilty of a sex, violent, or felony harassment offense by reason of insanity and who is committed under this chapter escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person resided immediately before the person's arrest. If previously requested, the superintendent shall also notify the witnesses and the victim, if any, of the crime for which the person was committed or the victim's next of kin if the crime was a homicide. The superintendent shall also notify appropriate persons pursuant to RCW 10.77.165. If the person is recaptured, the secretary shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The department shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Next of kin" means a person's spouse, parents, siblings, and children;

(d) "Authorized furlough" means a furlough granted after compliance with RCW 10.77.163;

(e) "Felony harassment offense" means a crime of harassment as defined in RCW 9A.46.060 that is a felony.

Sec. 18. RCW 49.19.010 and 1999 c 377 s 2 are each amended to read as follows:

For purposes of this chapter:

(1) "Health care setting" means:

(a) Hospitals as defined in RCW 70.41.020;

(b) Home health, hospice, and home care agencies under chapter 70.127 RCW, subject to RCW 49.19.070;

(c) Evaluation and treatment facilities as defined in RCW 71.05.020((~~(8)~~)) (12); and

(d) Community mental health programs as defined in RCW 71.24.025((~~(8)~~)) (5).

(2) "Department" means the department of labor and industries.

(3) "Employee" means an employee as defined in RCW 49.17.020.

(4) "Violence" or "violent act" means any physical assault or verbal threat of physical assault against an employee of a health care setting."

MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 2 of the title, after "status;" strike the remainder of the title and insert "amending RCW 71.05.020, 71.05.025, 71.05.050, 71.05.120, 71.05.170, 71.05.210, 71.05.325, 71.05.340, 71.05.390, 71.05.425, 71.05.640, 10.77.025, 10.77.110, 10.77.120, 10.77.200, 10.77.205, and 49.19.010; and reenacting and amending RCW 10.77.010."

On motion of Senator Hargrove, the rules were suspended, House Bill No. 2520, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2520, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2520, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48. Excused: Senator Sellar - 1. HOUSE BILL NO. 2520, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2459, by Representatives Regala, Parlette and Lantz (by request of Parks and Recreation Commission)

Extending the tenure of the winter recreation advisory committee.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 2459 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2459.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2459 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 2459, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2339, by Representatives O'Brien, Ballasiotes and Hurst (by request of Sentencing Guidelines Commission)

Ranking the penalty for foreign protection order violations.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, House Bill No. 2339 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2339.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2339 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 2339, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

SECOND READING

HOUSE BILL NO. 2775, by Representatives Lambert, Constantine, Carrell, Hurst, Lantz and Cox

Clarifying requirements for the transfer of cases from commissioners to judges.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, House Bill No. 2775 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2775.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2775 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 2775, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Brown was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2903, by House Committee on Judiciary (originally sponsored by Representatives Delvin, Lovick, B. Chandler, Grant, Hankins, Lisk, Buck, Ballasiotes, O'Brien, Hurst, Talcott and Fortunato)

Authorizing sound recordings without prior consent that correspond to video recordings from cameras mounted in law enforcement vehicles.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the following Committee on Judiciary striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.73.090 and 1989 c 271 s 205 are each amended to read as follows:

(1) The provisions of RCW 9.73.030 through 9.73.080 shall not apply to police, fire, emergency medical service, emergency communication center, and poison center personnel in the following instances:

(a) Recording incoming telephone calls to police and fire stations, licensed emergency medical service providers, emergency communication centers, and poison centers;

(b) Video and/or sound recordings may be made of arrested persons by police officers responsible for making arrests or holding persons in custody before their first appearance in court. Such video and/or sound recordings shall conform strictly to the following:

(i) The arrested person shall be informed that such recording is being made and the statement so informing him shall be included in the recording;

(ii) The recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof;

(iii) At the commencement of the recording the arrested person shall be fully informed of his constitutional rights, and such statements informing him shall be included in the recording;

(iv) The recordings shall only be used for valid police or court activities;

(c) Sound recordings that correspond to video images recorded by video cameras mounted in clear view inside or on marked state or local law enforcement vehicles. Such sound recordings shall not be divulged or used by any law enforcement agency for any commercial purpose.

(2) It shall not be unlawful for a law enforcement officer acting in the performance of the officer's official duties to intercept, record, or disclose an oral communication or conversation where the officer is a party to the communication or conversation or one of the parties to the communication or conversation has given prior consent to the interception, recording, or disclosure: PROVIDED, That prior to the interception, transmission, or recording the officer shall obtain written or telephonic authorization from a judge or magistrate, who shall approve the interception, recording, or disclosure of communications or conversations with a nonconsenting party for a reasonable and specified period of time, if there is probable cause to believe that the nonconsenting party has committed, is engaged in, or is about to commit a felony: PROVIDED HOWEVER, That if such authorization is given by telephone the authorization and officer's statement justifying such authorization must be electronically recorded by the judge or magistrate on a recording device in the custody of the judge or magistrate at the time transmitted and the recording shall be retained in the court records and reduced to writing as soon as possible thereafter.

Any recording or interception of a communication or conversation incident to a lawfully recorded or intercepted communication or conversation pursuant to this subsection shall be lawful and may be divulged.

All recordings of communications or conversations made pursuant to this subsection shall be retained for as long as any crime may be charged based on the events or communications or conversations recorded.

(3) Communications or conversations authorized to be intercepted, recorded, or disclosed by this section shall not be inadmissible under RCW 9.73.050.

(4) Authorizations issued under subsection (2) of this section shall be effective for not more than seven days, after which period the issuing authority may renew or continue the authorization for additional periods not to exceed seven days.

(5) If the judge or magistrate determines that there is probable cause to believe that the communication or conversation concerns the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined

in chapter 69.52 RCW, the judge or magistrate may authorize the interception, transmission, recording, or disclosure of communications or conversations under subsection (2) of this section even though the true name of the nonconsenting party, or the particular time and place for the interception, transmission, recording, or disclosure, is not known at the time of the request, if the authorization describes the nonconsenting party and subject matter of the communication or conversation with reasonable certainty under the circumstances. Any such communication or conversation may be intercepted, transmitted, recorded, or disclosed as authorized notwithstanding a change in the time or location of the communication or conversation after the authorization has been obtained or the presence of or participation in the communication or conversation by any additional party not named in the authorization.

Authorizations issued under this subsection shall be effective for not more than fourteen days, after which period the issuing authority may renew or continue the authorization for an additional period not to exceed fourteen days."

MOTION

Senator Heavey moved that the following striking amendment by Senators Heavey and McCaslin be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.73.090 and 1989 c 271 s 205 are each amended to read as follows:

(1) The provisions of RCW 9.73.030 through 9.73.080 shall not apply to police, fire, emergency medical service, emergency communication center, and poison center personnel in the following instances:

(a) Recording incoming telephone calls to police and fire stations, licensed emergency medical service providers, emergency communication centers, and poison centers;

(b) Video and/or sound recordings may be made of arrested persons by police officers responsible for making arrests or holding persons in custody before their first appearance in court. Such video and/or sound recordings shall conform strictly to the following:

(i) The arrested person shall be informed that such recording is being made and the statement so informing him shall be included in the recording;

(ii) The recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof;

(iii) At the commencement of the recording the arrested person shall be fully informed of his constitutional rights, and such statements informing him shall be included in the recording;

(iv) The recordings shall only be used for valid police or court activities;

(c) Sound recordings that correspond to video images recorded by video cameras mounted in law enforcement vehicles. All law enforcement officers wearing a sound recording device that makes recordings corresponding to videos recorded by video cameras mounted in law enforcement vehicles must be in uniform. Such sound recordings shall not be divulged or used by any law enforcement agency for any commercial purpose.

(2) It shall not be unlawful for a law enforcement officer acting in the performance of the officer's official duties to intercept, record, or disclose an oral communication or conversation where the officer is a party to the communication or conversation or one of the parties to the communication or conversation has given prior consent to the interception, recording, or disclosure: PROVIDED, That prior to the interception, transmission, or recording the officer shall obtain written or telephonic authorization from a judge or magistrate, who shall approve the interception, recording, or disclosure of communications or conversations with a nonconsenting party for a reasonable and specified period of time, if there is probable cause to believe that the nonconsenting party has committed, is engaged in, or is about to commit a felony: PROVIDED HOWEVER, That if such authorization is given by telephone the authorization and officer's statement justifying such authorization must be electronically recorded by the judge or magistrate on a recording device in the custody of the judge or magistrate at the time transmitted and the recording shall be retained in the court records and reduced to writing as soon as possible thereafter.

Any recording or interception of a communication or conversation incident to a lawfully recorded or intercepted communication or conversation pursuant to this subsection shall be lawful and may be divulged.

All recordings of communications or conversations made pursuant to this subsection shall be retained for as long as any crime may be charged based on the events or communications or conversations recorded.

(3) Communications or conversations authorized to be intercepted, recorded, or disclosed by this section shall not be inadmissible under RCW 9.73.050.

(4) Authorizations issued under subsection (2) of this section shall be effective for not more than seven days, after which period the issuing authority may renew or continue the authorization for additional periods not to exceed seven days.

(5) If the judge or magistrate determines that there is probable cause to believe that the communication or conversation concerns the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW, the judge or magistrate may authorize the interception, transmission, recording, or disclosure of communications or conversations under subsection (2) of this section even though the true name of the nonconsenting party, or the particular time and place for the interception, transmission, recording, or disclosure, is not known at the time of the request, if the authorization describes the nonconsenting party and subject matter of the communication or conversation with reasonable certainty under the circumstances. Any such communication or conversation may be intercepted, transmitted, recorded, or disclosed as authorized notwithstanding a change in the time or location of the communication or conversation after the authorization has been obtained or the presence of or participation in the communication or conversation by any additional party not named in the authorization.

Authorizations issued under this subsection shall be effective for not more than fourteen days, after which period the issuing authority may renew or continue the authorization for an additional period not to exceed fourteen days."

MOTION

On motion of Senator Hargrove, the following amendments by Senators Hargrove, Heavey and McCaslin to the striking amendment by Senators Heavey and McCaslin were considered simultaneously and were adopted:

On page 1, after line 6 of the amendment, insert the following:

"NEW SECTION. **Sec. 1.** The legislature intends, by the enactment of this act, to provide a very limited exception to the restrictions on disclosure of intercepted communications."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 1, line 34 of the amendment, after "uniform." insert "A sound recording device which makes a recording pursuant to this subsection (1)(c) may only be operated simultaneously with the video camera. No sound recording device may be intentionally turned off by the law enforcement officer during the operation of the video camera.

No sound or video recording made under this subsection (1)(c) may be duplicated and made available to the public by a law enforcement agency subject to this section until final disposition of any criminal or civil litigation which arises from the incident or incidents which were recorded."

On page 3, after line 19 of the amendment, insert the following:

"**Sec. 2.** RCW 9.73.080 and 1989 c 271 s 209 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, any person who violates RCW 9.73.030 is guilty of a gross misdemeanor.

(2) Any person who knowingly alters, erases, or wrongfully discloses any recording in violation of RCW 9.73.090(1)(c) is guilty of a gross misdemeanor."

MOTION

On motion of Senator Stevens, the following amendment by Senators Stevens, McDonald, Rossi, Fairley, Benton, Sheahan, West, Franklin, Johnson, Zarelli, Kline, Hochstatter, Horn, Oke, Roach, Swecker, Finkbeiner, Hale and Morton to the striking amendment by Senators Heavey and McCaslin was adopted:

On page 1, after line 36, of the amendment insert the following:

"Any persons being recorded pursuant to this section shall be informed by the law enforcement officer that such recording is being made and the statement so informing those persons shall be included in the recording."

Renumber the sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Heavey and McCaslin, as amended, to Substitute House Bill No. 2903.

The motion by Senator Heavey carried and the striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Heavey, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "recordings;" strike the remainder of the title and insert "and amending RCW 9.73.090."

On page 3, line 24 of the title amendment, after "insert" strike the remainder of the title amendment and insert "amending RCW 9.73.090 and 9.73.080; creating a new section; and prescribing penalties."

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 2903, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2903, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2903, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Voting nay: Senator Morton - 1.

Excused: Senators Brown and Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 2903, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2372, by House Committee on Children and Family Services (originally sponsored by Representatives Kagi, D. Sommers, Carrell, Cody, Edwards, Kenney, Wolfe, Lovick and Schual-Berke)

Regulating detention of children within secure facilities.

The bill was read the second time.

MOTION

On motion of Senator Hargrove, the following Committee on Human Services and Corrections striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.32A.060 and 1997 c 146 s 3 are each amended to read as follows:

(1) An officer taking a child into custody under RCW 13.32A.050(1) (a) or (b) shall inform the child of the reason for such custody and shall:

(a) Transport the child to his or her home or to a parent at his or her place of employment, if no parent is at home. The parent may request that the officer take the child to the home of an adult extended family member, responsible adult, crisis residential center, the department, or a licensed youth shelter. In responding to the request of the parent, the officer shall take the child to a requested place which, in the officer's belief, is within a reasonable distance of the parent's home. The officer releasing a child into the custody of a parent, an adult extended family member, responsible adult, or a licensed youth shelter shall inform the person receiving the child of the reason for taking the child into custody and inform all parties of the nature and location of appropriate services available in the community; or

(b) After attempting to notify the parent, take the child to a designated crisis residential center's secure facility or a center's semi-secure facility if a secure facility is full, not available, or not located within a reasonable distance:

(i) If the child expresses fear or distress at the prospect of being returned to his or her home which leads the officer to believe there is a possibility that the child is experiencing some type of child abuse or neglect, as defined in RCW 26.44.020;

(ii) If it is not practical to transport the child to his or her home or place of the parent's employment; or

(iii) If there is no parent available to accept custody of the child; or

(c) After attempting to notify the parent, if a crisis residential center is full, not available, or not located within a reasonable distance, the officer may request the department to accept custody of the child. If the department determines that an appropriate placement is currently available, the department shall accept custody and place the child in an out-of-home placement. Upon accepting custody of a child from the officer, the department may place the child in an out-of-home placement for up to seventy-two hours, excluding Saturdays, Sundays, and holidays, without filing a child in need of services petition under this chapter, obtaining parental consent, or obtaining an order for placement under chapter 13.34 RCW. Upon transferring a child to the department's custody, the officer shall provide written documentation of the reasons and the statutory basis for taking the child into custody. If the department declines to accept custody of the child, the officer may release the child after attempting to take the child to the following, in the order listed: The home of an adult extended family member; a responsible adult; a licensed youth shelter and shall immediately notify the department if no placement option is available and the child is released.

(2) An officer taking a child into custody under RCW 13.32A.050(1) (c) or (d) shall inform the child of the reason for custody. An officer taking a child into custody under RCW 13.32A.050(1)(c) may release the child to the supervising agency, or shall take the child to a designated crisis residential center's secure facility. If the secure facility is not available, not located within a reasonable distance, or full, the officer shall take the child to a semi-secure crisis residential center. An officer taking a child into custody under RCW 13.32A.050(1)(d) may place the child in a juvenile detention facility as provided in RCW 13.32A.065 or a secure facility, except that the child shall be taken to either (a) a secure facility that is a separate, secure section of a juvenile detention facility; or (b) detention whenever the officer has been notified that a juvenile court has entered ((~~a detention~~)) an order directing such placement under this chapter or chapter 13.34 RCW. In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.

(3) Whenever an officer transfers custody of a child to a crisis residential center or the department, the child may reside in the crisis residential center or may be placed by the department in an out-of-home placement for an aggregate total period of time not to exceed seventy-two hours excluding Saturdays, Sundays, and holidays, except that a child placed in a secure facility under a court order entered under RCW 13.32A.250 must remain in the secure facility as provided in RCW 13.32A.065. Thereafter, the child may continue in out-of-home placement only if the parents have consented, a child in need of services petition has been filed under this chapter, or an order for placement has been entered under chapter 13.34 RCW.

(4) The department shall ensure that all law enforcement authorities are informed on a regular basis as to the location of all designated secure and semi-secure facilities within centers in their jurisdiction, where children taken into custody under RCW 13.32A.050 may be taken.

Sec. 2. RCW 13.32A.065 and 1996 c 133 s 12 are each amended to read as follows:

(1) A child may be placed in either (a) a secure facility that is a separate, secure section of a juvenile detention facility; or (b) detention after being taken into custody pursuant to RCW 13.32A.050(1)(d). In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility. The court shall hold a ((~~detention~~)) review hearing within twenty-four hours, excluding Saturdays, Sundays, and holidays. The court shall release the child after twenty-four hours, excluding Saturdays, Sundays, and holidays, unless:

(a) A motion and order to show why the child should not be held in contempt has been filed and served on the child at or before the detention hearing; and

(b) The court believes that the child would not appear at a hearing on contempt.

(2) If the court ((~~orders the child to remain in detention~~)) finds that the conditions in subsection (1)(a) and (b) of this section have been met, the court may order the child to remain confined either in (a) a secure facility that is a separate, secure section of a juvenile detention facility; or (b) detention, and shall set the matter for a hearing on contempt within seventy-two hours, excluding Saturdays, Sundays, and holidays. In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.

Sec. 3. RCW 13.32A.130 and 1997 c 146 s 4 are each amended to read as follows:

(1) A child admitted to a secure facility within a crisis residential center shall remain in the facility for not more than five consecutive days, but for at least twenty-four hours after admission. If the child admitted under this section is transferred between centers or between secure and semi-secure facilities, the aggregate length of time spent in all such centers or facilities may not exceed five consecutive days.

(2)(a)(i) The facility administrator shall determine within twenty-four hours after a child's admission to a secure facility whether the child is likely to remain in a semi-secure facility and may transfer the child to a semi-secure facility or release the child to the department. The determination shall be based on: (A) The need for continued assessment, protection, and treatment of the child in a secure facility; and (B) the likelihood the child would remain at a semi-secure facility until his or her parents can take the child home or a petition can be filed under this title.

(ii) In making the determination the administrator shall consider the following information if known: (A) The child's age and maturity; (B) the child's condition upon arrival at the center; (C) the circumstances that led to the child's being taken to the center;

(D) whether the child's behavior endangers the health, safety, or welfare of the child or any other person; (E) the child's history of running away which has endangered the health, safety, and welfare of the child; and (F) the child's willingness to cooperate in the assessment.

(b) If the administrator of a secure facility determines the child is unlikely to remain in a semi-secure facility, the administrator shall keep the child in the secure facility pursuant to this chapter and in order to provide for space for the child may transfer another child who has been in the facility for at least seventy-two hours to a semi-secure facility. The administrator shall only make a transfer of a child after determining that the child who may be transferred is likely to remain at the semi-secure facility.

(c) A crisis residential center administrator is authorized to transfer a child to a crisis residential center in the area where the child's parents reside or where the child's lawfully prescribed residence is located.

(d) An administrator may transfer a child from a semi-secure facility to a secure facility whenever he or she reasonably believes that the child is likely to leave the semi-secure facility and not return and after full consideration of all factors in (a)(i) and (ii) of this subsection.

(3) If no parent is available or willing to remove the child during the first seventy-two hours following admission, the department shall consider the filing of a petition under RCW 13.32A.140.

(4) Notwithstanding the provisions of subsection (1) of this section, the parents may remove the child at any time during the five-day period unless the staff of the crisis residential center has reasonable cause to believe that the child is absent from the home because he or she is abused or neglected or if allegations of abuse or neglect have been made against the parents. The department or any agency legally charged with the supervision of a child may remove a child from a crisis residential center at any time after the first twenty-four-hour period after admission has elapsed and only after full consideration by all parties of the factors in subsection (2)(a) of this section.

(5) Crisis residential center staff shall make reasonable efforts to protect the child and achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours from the time of intake, and if the administrator of the center does not consider it likely that reconciliation will be achieved within the five-day period, then the administrator shall inform the parent and child of: (a) The availability of counseling services; (b) the right to file a child in need of services petition for an out-of-home placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; (c) the right to request the facility administrator or his or her designee to form a multidisciplinary team; (d) the right to request a review of any out-of-home placement; (e) the right to request a mental health or chemical dependency evaluation by a county-designated professional or a private treatment facility; and (f) the right to request treatment in a program to address the child's at-risk behavior under RCW 13.32A.197.

(6) At no time shall information regarding a parent's or child's rights be withheld. The department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating the services and rights. Every officer taking a child into custody shall provide the child and his or her parent(s) or responsible adult with whom the child is placed with a copy of the statement. In addition, the administrator of the facility or his or her designee shall provide every resident and parent with a copy of the statement.

(7) A crisis residential center and its administrator or his or her designee acting in good faith in carrying out the provisions of this section are immune from criminal or civil liability for such actions.

(8) This section does not apply to children admitted to a secure facility that is a separate, secure section of a juvenile detention facility under a court order issued under RCW 13.32A.250(3) or 28A.225.090(2). In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.

Sec. 4. RCW 13.32A.250 and 1998 c 296 s 37 are each amended to read as follows:

(1) In all child in need of services proceedings and at-risk youth proceedings, the court shall verbally notify the parents and the child of the possibility of a finding of contempt for failure to comply with the terms of a court order entered pursuant to this chapter. Except as otherwise provided in this section, the court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties under this section.

(2) Failure by a party to comply with an order entered under this chapter is a civil contempt of court as provided in RCW 7.21.030(2)(e), subject to the limitations of subsection (3) of this section.

(3) The court may impose remedial sanctions including a fine of up to one hundred dollars and confinement for up to seven days, or both for contempt of court under this section.

(4) A child placed in confinement for contempt under this section shall be placed in confinement ((~~only~~)) either in a secure juvenile detention facility operated by or pursuant to a contract with a county or a secure facility that is a separate, secure section of a juvenile detention facility. In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.

(5) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

(6) Whenever the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered under this chapter, the court may issue an order directing law enforcement to pick up and take the child to detention or to a secure facility. The order may be entered ex parte without prior notice to the child or other parties. Following the child's admission to detention or to the secure facility, a ((~~detention~~)) review hearing must be held in accordance with RCW 13.32A.065.

NEW SECTION. **Sec. 5.** A new section is added to chapter 13.32A RCW to read as follows:

No placement of a juvenile in a secure facility under RCW 13.32A.060, 13.32A.065, 13.32A.130, 13.32A.250, 28A.225.090, 74.13.033, or 74.13.034 as a result of an order entered under RCW 13.32A.250 or 28A.225.090(2) may displace, or prevent the placement of, a juvenile in a secure facility under RCW 13.32A.050, 13.32A.060, or 13.32A.130. If a secure facility is located in a separate, secure section of a juvenile detention facility, no more than fifty percent of its capacity may be occupied by juveniles placed under RCW 13.32A.250 or 28A.225.090(2). If any capacity of a secure facility located in a juvenile detention facility is taken by a juvenile placed under RCW 13.32A.250 or 28A.225.090 and a juvenile is brought to the secure facility under RCW 13.32A.050, 13.32A.060, or 13.32A.130, that juvenile must be placed in the secure facility and a juvenile placed under RCW 13.32A.250 or 28A.225.090 be moved immediately to the juvenile detention facility.

Sec. 6. RCW 28A.225.090 and 1999 c 319 s 4 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to:

(a) Attend the child's current school;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Be referred to a community truancy board, if available; or

(e) Submit to testing for the use of controlled substances or alcohol based on a determination that such testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law.

(2) If the child fails to comply with the court order, the court may order the child to be ((~~subject to detention, as provided in RCW 7.21.030(2)(e)~~)) placed in confinement for contempt, either in a juvenile detention facility operated by or under a contract with a county or in a secure facility that is a separate, secure section of a juvenile detention facility, or may impose alternatives to ((~~detention~~)) confinement such as community service. Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community service instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community service. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year-old child required to attend public school under RCW 28A.225.015.

Sec. 7. RCW 74.13.033 and 1995 c 312 s 62 are each amended to read as follows:

(1) If a resident of a center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations establishing additional procedures for dealing with severely disruptive children on the premises. A child confined in a secure facility that is a separate, secure section of a juvenile detention facility under RCW 13.32A.250(3) or 28A.225.090(2) may be moved to an available bed in a juvenile detention facility. In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.

(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made available to the juvenile as required by chapter 13.32A RCW. In assessing the child and providing these services, the facility staff shall:

(a) Interview the juvenile as soon as possible;

(b) Contact the juvenile's parents and arrange for a counseling interview with the juvenile and his or her parents as soon as possible;

(c) Conduct counseling interviews with the juvenile and his or her parents, to the end that resolution of the child/parent conflict is attained and the child is returned home as soon as possible;

(d) Provide additional crisis counseling as needed, to the end that placement of the child in the crisis residential center will be required for the shortest time possible, but not to exceed five consecutive days or, in the case of a child admitted by court order issued under RCW 13.32A.250(3) or 28A.225.090(2), seven consecutive days; and

(e) Convene, when appropriate, a multidisciplinary team.

(3) Based on the assessments done under subsection (2) of this section the facility staff may refer any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive, or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, for evaluation pursuant to chapter 71.34 RCW, to a mental health professional pursuant to chapter 71.05 RCW, or to a chemical dependency specialist pursuant to chapter 70.96A RCW whenever such action is deemed appropriate and consistent with law.

(4) A juvenile taking unauthorized leave from a facility shall be apprehended and returned to it by law enforcement officers or other persons designated as having this authority as provided in RCW 13.32A.050. If returned to the facility after having taken unauthorized leave for a period of more than twenty-four hours a juvenile shall be supervised by such a facility for a period, pursuant to this chapter, which, unless where otherwise provided, may not exceed five consecutive days on the premises. Costs of housing juveniles admitted to crisis residential centers shall be assumed by the department for a period not to exceed five consecutive days.

Sec. 8. RCW 74.13.034 and 1995 c 312 s 63 are each amended to read as follows:

(1) A child taken into custody and taken to a crisis residential center established pursuant to RCW 74.13.032 may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center, the nearest regional secure crisis residential center, or a secure facility with which it is collocated under RCW 74.13.032. Placement in both locations shall not exceed five consecutive days from the point of intake as provided in RCW 13.32A.130 or, in the case of a child admitted by court order issued under RCW 13.32A.250(3) or 28A.225.090(2), seven consecutive days.

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or the department's designee and, at departmental expense and approval, in a secure juvenile detention facility operated by the county in which the center is located for a maximum of forty-eight hours, including Saturdays, Sundays, and holidays, if the child has taken unauthorized leave from the center and the person in charge of the center determines that the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave. Juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee, which shall include the services defined in RCW 74.13.033(2). If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within twenty-four hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed five consecutive days from the point of intake as provided in RCW 13.32A.130 or, in the case of a child admitted by court order issued under RCW 13.32A.250(3) or 28A.225.090(2), seven consecutive days.

(4) Juvenile detention facilities used pursuant to this section shall first be certified by the department to ensure that juveniles placed in the facility pursuant to this section are provided with living conditions suitable to the well-being of the child.

Where space is available, juvenile courts, when certified by the department to do so, shall provide secure placement for juveniles pursuant to this section, at department expense.

NEW SECTION. **Sec. 9.** A new section is added to chapter 13.32A RCW to read as follows:

The department has no responsibility to attend hearings, provide transportation, case management, or any other services to youth confined in a secure facility that is a separate, secure section of a juvenile detention facility unless it is otherwise ordered by a court under a petition relating to a child in need of services, an at-risk youth, or truancy.

NEW SECTION. **Sec. 10.** A new section is added to chapter 13.32A RCW to read as follows:

No contract entered on or after the effective date of this act between the department and any entity for the operation of a secure facility that is a separate, secure section of a juvenile detention facility may allow payment by the department for capacity used by any juvenile placed under RCW 13.32A.250 or 28A.225.090.

NEW SECTION. **Sec. 11.** This act expires June 30, 2002."

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Long be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.32A.060 and 1997 c 146 s 3 are each amended to read as follows:

(1) An officer taking a child into custody under RCW 13.32A.050(1) (a) or (b) shall inform the child of the reason for such custody and shall:

(a) Transport the child to his or her home or to a parent at his or her place of employment, if no parent is at home. The parent may request that the officer take the child to the home of an adult extended family member, responsible adult, crisis residential center, the department, or a licensed youth shelter. In responding to the request of the parent, the officer shall take the child to a requested place which, in the officer's belief, is within a reasonable distance of the parent's home. The officer releasing a child into the custody of a parent, an adult extended family member, responsible adult, or a licensed youth shelter shall inform the person receiving the child of the reason for taking the child into custody and inform all parties of the nature and location of appropriate services available in the community; or

(b) After attempting to notify the parent, take the child to a designated crisis residential center's secure facility or a center's semi-secure facility if a secure facility is full, not available, or not located within a reasonable distance:

(i) If the child expresses fear or distress at the prospect of being returned to his or her home which leads the officer to believe there is a possibility that the child is experiencing some type of child abuse or neglect, as defined in RCW 26.44.020;

(ii) If it is not practical to transport the child to his or her home or place of the parent's employment; or

(iii) If there is no parent available to accept custody of the child; or

(c) After attempting to notify the parent, if a crisis residential center is full, not available, or not located within a reasonable distance, the officer may request the department to accept custody of the child. If the department determines that an appropriate placement is currently available, the department shall accept custody and place the child in an out-of-home placement. Upon accepting custody of a child from the officer, the department may place the child in an out-of-home placement for up to seventy-two hours, excluding Saturdays, Sundays, and holidays, without filing a child in need of services petition under this chapter, obtaining parental consent, or obtaining an order for placement under chapter 13.34 RCW. Upon transferring a child to the department's custody, the officer shall provide written documentation of the reasons and the statutory basis for taking the child into custody. If the department declines to accept custody of the child, the officer may release the child after attempting to take the child to the following, in the order listed: The home of an adult extended family member; a responsible adult; a licensed youth shelter and shall immediately notify the department if no placement option is available and the child is released.

(2) An officer taking a child into custody under RCW 13.32A.050(1) (c) or (d) shall inform the child of the reason for custody. An officer taking a child into custody under RCW 13.32A.050(1)(c) may release the child to the supervising agency, or shall take the child to a designated crisis residential center's secure facility. If the secure facility is not available, not located within a reasonable distance, or full, the officer shall take the child to a semi-secure crisis residential center. An officer taking a child into custody under RCW 13.32A.050(1)(d) may place the child in a juvenile detention facility as provided in RCW 13.32A.065 or a secure facility, except that the child shall be taken to either (a) a secure facility that is a separate, secure section of a juvenile detention facility; or (b) detention whenever the officer has been notified that a juvenile court has entered ((~~a detention~~)) an order directing such placement under this chapter or chapter 13.34 RCW. In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.

(3) Whenever an officer transfers custody of a child to a crisis residential center or the department, the child may reside in the crisis residential center or may be placed by the department in an out-of-home placement for an aggregate total period of time not to exceed seventy-two hours excluding Saturdays, Sundays, and holidays, except that a child placed in a secure facility under a

court order entered under RCW 13.32A.250 must remain in the secure facility as provided in RCW 13.32A.065. Thereafter, the child may continue in out-of-home placement only if the parents have consented, a child in need of services petition has been filed under this chapter, or an order for placement has been entered under chapter 13.34 RCW.

(4) The department shall ensure that all law enforcement authorities are informed on a regular basis as to the location of all designated secure and semi-secure facilities within centers in their jurisdiction, where children taken into custody under RCW 13.32A.050 may be taken.

Sec. 2. RCW 13.32A.065 and 1996 c 133 s 12 are each amended to read as follows:

(1) A child may be placed in either (a) a secure facility that is a separate, secure section of a juvenile detention facility; or (b) detention after being taken into custody pursuant to RCW 13.32A.050(1)(d). In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility. The court shall hold a ((~~detention~~)) review hearing within twenty-four hours, excluding Saturdays, Sundays, and holidays. The court shall release the child after twenty-four hours, excluding Saturdays, Sundays, and holidays, unless:

(a) A motion and order to show why the child should not be held in contempt has been filed and served on the child at or before the detention hearing; and

(b) The court believes that the child would not appear at a hearing on contempt.

(2) If the court ((~~orders the child to remain in detention~~)) finds that the conditions in subsection (1)(a) and (b) of this section have been met, the court may order the child to remain confined either in (a) a secure facility that is a separate, secure section of a juvenile detention facility; or (b) detention, and shall set the matter for a hearing on contempt within seventy-two hours, excluding Saturdays, Sundays, and holidays. In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.

Sec. 3. RCW 13.32A.130 and 1997 c 146 s 4 are each amended to read as follows:

(1) A child admitted to a secure facility within a crisis residential center shall remain in the facility for not more than five consecutive days, but for at least twenty-four hours after admission. If the child admitted under this section is transferred between centers or between secure and semi-secure facilities, the aggregate length of time spent in all such centers or facilities may not exceed five consecutive days.

(2)(a)(i) The facility administrator shall determine within twenty-four hours after a child's admission to a secure facility whether the child is likely to remain in a semi-secure facility and may transfer the child to a semi-secure facility or release the child to the department. The determination shall be based on: (A) The need for continued assessment, protection, and treatment of the child in a secure facility; and (B) the likelihood the child would remain at a semi-secure facility until his or her parents can take the child home or a petition can be filed under this title.

(ii) In making the determination the administrator shall consider the following information if known: (A) The child's age and maturity; (B) the child's condition upon arrival at the center; (C) the circumstances that led to the child's being taken to the center; (D) whether the child's behavior endangers the health, safety, or welfare of the child or any other person; (E) the child's history of running away which has endangered the health, safety, and welfare of the child; and (F) the child's willingness to cooperate in the assessment.

(b) If the administrator of a secure facility determines the child is unlikely to remain in a semi-secure facility, the administrator shall keep the child in the secure facility pursuant to this chapter and in order to provide for space for the child may transfer another child who has been in the facility for at least seventy-two hours to a semi-secure facility. The administrator shall only make a transfer of a child after determining that the child who may be transferred is likely to remain at the semi-secure facility.

(c) A crisis residential center administrator is authorized to transfer a child to a crisis residential center in the area where the child's parents reside or where the child's lawfully prescribed residence is located.

(d) An administrator may transfer a child from a semi-secure facility to a secure facility whenever he or she reasonably believes that the child is likely to leave the semi-secure facility and not return and after full consideration of all factors in (a)(i) and (ii) of this subsection.

(3) If no parent is available or willing to remove the child during the first seventy-two hours following admission, the department shall consider the filing of a petition under RCW 13.32A.140.

(4) Notwithstanding the provisions of subsection (1) of this section, the parents may remove the child at any time during the five-day period unless the staff of the crisis residential center has reasonable cause to believe that the child is absent from the home because he or she is abused or neglected or if allegations of abuse or neglect have been made against the parents. The department or any agency legally charged with the supervision of a child may remove a child from a crisis residential center at any time after the first twenty-four-hour period after admission has elapsed and only after full consideration by all parties of the factors in subsection (2)(a) of this section.

(5) Crisis residential center staff shall make reasonable efforts to protect the child and achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours from the time of intake, and

if the administrator of the center does not consider it likely that reconciliation will be achieved within the five-day period, then the administrator shall inform the parent and child of: (a) The availability of counseling services; (b) the right to file a child in need of services petition for an out-of-home placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; (c) the right to request the facility administrator or his or her designee to form a multidisciplinary team; (d) the right to request a review of any out-of-home placement; (e) the right to request a mental health or chemical dependency evaluation by a county-designated professional or a private treatment facility; and (f) the right to request treatment in a program to address the child's at-risk behavior under RCW 13.32A.197.

(6) At no time shall information regarding a parent's or child's rights be withheld. The department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating the services and rights. Every officer taking a child into custody shall provide the child and his or her parent(s) or responsible adult with whom the child is placed with a copy of the statement. In addition, the administrator of the facility or his or her designee shall provide every resident and parent with a copy of the statement.

(7) A crisis residential center and its administrator or his or her designee acting in good faith in carrying out the provisions of this section are immune from criminal or civil liability for such actions.

(8) This section does not apply to children admitted to a secure facility that is a separate, secure section of a juvenile detention facility under a court order issued under RCW 13.32A.250(3) or 28A.225.090(2). In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.

Sec. 4. RCW 13.32A.250 and 1998 c 296 s 37 are each amended to read as follows:

(1) In all child in need of services proceedings and at-risk youth proceedings, the court shall verbally notify the parents and the child of the possibility of a finding of contempt for failure to comply with the terms of a court order entered pursuant to this chapter. Except as otherwise provided in this section, the court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties under this section.

(2) Failure by a party to comply with an order entered under this chapter is a civil contempt of court as provided in RCW 7.21.030(2)(e), subject to the limitations of subsection (3) of this section.

(3) The court may impose remedial sanctions including a fine of up to one hundred dollars and confinement for up to seven days, or both for contempt of court under this section.

(4) A child placed in confinement for contempt under this section shall be placed in confinement ((~~only~~)) either in a secure juvenile detention facility operated by or pursuant to a contract with a county or a secure facility that is a separate, secure section of a juvenile detention facility. In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.

(5) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

(6) Whenever the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered under this chapter, the court may issue an order directing law enforcement to pick up and take the child to detention or to a secure facility. The order may be entered ex parte without prior notice to the child or other parties. Following the child's admission to detention or to the secure facility, a ((~~detention~~)) review hearing must be held in accordance with RCW 13.32A.065.

NEW SECTION. **Sec. 5.** A new section is added to chapter 13.32A RCW to read as follows:

No placement of a juvenile in a secure facility under RCW 13.32A.060, 13.32A.065, 13.32A.130, 13.32A.250, 28A.225.090, 74.13.033, or 74.13.034 as a result of an order entered under RCW 13.32A.250 or 28A.225.090(2) may displace, or prevent the placement of, a juvenile in a secure facility under RCW 13.32A.050, 13.32A.060, or 13.32A.130. If a secure facility is located in a separate, secure section of a juvenile detention facility, no more than fifty percent of its capacity may be occupied by juveniles placed under RCW 13.32A.250 or 28A.225.090(2). If any capacity of a secure facility located in a juvenile detention facility is taken by a juvenile placed under RCW 13.32A.250 or 28A.225.090 and a juvenile is brought to the secure facility under RCW 13.32A.050, 13.32A.060, or 13.32A.130, that juvenile must be placed in the secure facility and a juvenile placed under RCW 13.32A.250 or 28A.225.090 be moved immediately to the juvenile detention facility.

Sec. 6. RCW 28A.225.090 and 1999 c 319 s 4 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to:

(a) Attend the child's current school;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available;

(ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Be referred to a community truancy board, if available; or

(e) Submit to testing for the use of controlled substances or alcohol based on a determination that such testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law.

(2) If the child fails to comply with the court order, the court may order the child to be ((~~subject to detention, as provided in RCW 7.21.030(2)(e)~~)) placed in confinement for contempt, either in a juvenile detention facility operated by or under a contract with a county or in a secure facility that is a separate, secure section of a juvenile detention facility, or may impose alternatives to ((~~detention~~)) confinement such as community service. Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community service instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community service. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year-old child required to attend public school under RCW 28A.225.015.

Sec. 7. RCW 74.13.033 and 1995 c 312 s 62 are each amended to read as follows:

(1) If a resident of a center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations establishing additional procedures for dealing with severely disruptive children on the premises. A child confined in a secure facility that is a separate, secure section of a juvenile detention facility under RCW 13.32A.250(3) or 28A.225.090(2) may be moved to an available bed in a juvenile detention facility. In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.

(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made available to the juvenile as required by chapter 13.32A RCW. In assessing the child and providing these services, the facility staff shall:

(a) Interview the juvenile as soon as possible;

(b) Contact the juvenile's parents and arrange for a counseling interview with the juvenile and his or her parents as soon as possible;

(c) Conduct counseling interviews with the juvenile and his or her parents, to the end that resolution of the child/parent conflict is attained and the child is returned home as soon as possible;

(d) Provide additional crisis counseling as needed, to the end that placement of the child in the crisis residential center will be required for the shortest time possible, but not to exceed five consecutive days or, in the case of a child admitted by court order issued under RCW 13.32A.250(3) or 28A.225.090(2), seven consecutive days; and

(e) Convene, when appropriate, a multidisciplinary team.

(3) Based on the assessments done under subsection (2) of this section the facility staff may refer any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive, or seriously

destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, for evaluation pursuant to chapter 71.34 RCW, to a mental health professional pursuant to chapter 71.05 RCW, or to a chemical dependency specialist pursuant to chapter 70.96A RCW whenever such action is deemed appropriate and consistent with law.

(4) A juvenile taking unauthorized leave from a facility shall be apprehended and returned to it by law enforcement officers or other persons designated as having this authority as provided in RCW 13.32A.050. If returned to the facility after having taken unauthorized leave for a period of more than twenty-four hours a juvenile shall be supervised by such a facility for a period, pursuant to this chapter, which, unless where otherwise provided, may not exceed five consecutive days on the premises. Costs of housing juveniles admitted to crisis residential centers shall be assumed by the department for a period not to exceed five consecutive days.

Sec. 8. RCW 74.13.034 and 1995 c 312 s 63 are each amended to read as follows:

(1) A child taken into custody and taken to a crisis residential center established pursuant to RCW 74.13.032 may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center, the nearest regional secure crisis residential center, or a secure facility with which it is collocated under RCW 74.13.032. Placement in both locations shall not exceed five consecutive days from the point of intake as provided in RCW 13.32A.130 or, in the case of a child admitted by court order issued under RCW 13.32A.250(3) or 28A.225.090(2), seven consecutive days.

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or the department's designee and, at departmental expense and approval, in a secure juvenile detention facility operated by the county in which the center is located for a maximum of forty-eight hours, including Saturdays, Sundays, and holidays, if the child has taken unauthorized leave from the center and the person in charge of the center determines that the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave. Juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee, which shall include the services defined in RCW 74.13.033(2). If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within twenty-four hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed five consecutive days from the point of intake as provided in RCW 13.32A.130 or, in the case of a child admitted by court order issued under RCW 13.32A.250(3) or 28A.225.090(2), seven consecutive days.

(4) Juvenile detention facilities used pursuant to this section shall first be certified by the department to ensure that juveniles placed in the facility pursuant to this section are provided with living conditions suitable to the well-being of the child. Where space is available, juvenile courts, when certified by the department to do so, shall provide secure placement for juveniles pursuant to this section, at department expense.

NEW SECTION. **Sec. 9.** A new section is added to chapter 13.32A RCW to read as follows:

The department has no responsibility to attend hearings, provide transportation, case management, or any other services to youth confined in a secure facility that is a separate, secure section of a juvenile detention facility unless it is otherwise ordered by a court under a petition relating to a child in need of services, an at-risk youth, or truancy.

NEW SECTION. **Sec. 10.** A new section is added to chapter 13.32A RCW to read as follows:

The cost to county juvenile court administrators of housing youths held in contempt and confined in secure crisis residential centers located in juvenile detention facilities shall be credited against the funds appropriated to fund the costs of processing truancy, children in need of services, and at-risk youth petitions.

Sec. 11. RCW 13.32A.060 and 2000 c . . . s 1 (section 1 of this act) are each amended to read as follows:

(1) An officer taking a child into custody under RCW 13.32A.050(1) (a) or (b) shall inform the child of the reason for such custody and shall:

(a) Transport the child to his or her home or to a parent at his or her place of employment, if no parent is at home. The parent may request that the officer take the child to the home of an adult extended family member, responsible adult, crisis residential center, the department, or a licensed youth shelter. In responding to the request of the parent, the officer shall take the child to a requested place which, in the officer's belief, is within a reasonable distance of the parent's home. The officer releasing a child into the custody of a parent, an adult extended family member, responsible adult, or a licensed youth shelter shall inform the person receiving the child of the reason for taking the child into custody and inform all parties of the nature and location of appropriate services available in the community; or

(b) After attempting to notify the parent, take the child to a designated crisis residential center's secure facility or a center's semi-secure facility if a secure facility is full, not available, or not located within a reasonable distance:

(i) If the child expresses fear or distress at the prospect of being returned to his or her home which leads the officer to believe there is a possibility that the child is experiencing some type of child abuse or neglect, as defined in RCW 26.44.020;

(ii) If it is not practical to transport the child to his or her home or place of the parent's employment; or

(iii) If there is no parent available to accept custody of the child; or

(c) After attempting to notify the parent, if a crisis residential center is full, not available, or not located within a reasonable distance, the officer may request the department to accept custody of the child. If the department determines that an appropriate placement is currently available, the department shall accept custody and place the child in an out-of-home placement. Upon accepting custody of a child from the officer, the department may place the child in an out-of-home placement for up to seventy-two hours, excluding Saturdays, Sundays, and holidays, without filing a child in need of services petition under this chapter, obtaining parental consent, or obtaining an order for placement under chapter 13.34 RCW. Upon transferring a child to the department's custody, the officer shall provide written documentation of the reasons and the statutory basis for taking the child into custody. If the department declines to accept custody of the child, the officer may release the child after attempting to take the child to the following, in the order listed: The home of an adult extended family member; a responsible adult; a licensed youth shelter and shall immediately notify the department if no placement option is available and the child is released.

(2) An officer taking a child into custody under RCW 13.32A.050(1) (c) or (d) shall inform the child of the reason for custody. An officer taking a child into custody under RCW 13.32A.050(1)(c) may release the child to the supervising agency, or shall take the child to a designated crisis residential center's secure facility. If the secure facility is not available, not located within a reasonable distance, or full, the officer shall take the child to a semi-secure crisis residential center. An officer taking a child into custody under RCW 13.32A.050(1)(d) may place the child in a juvenile detention facility as provided in RCW 13.32A.065 or a secure facility, except that the child shall be taken to ((~~either (a) a secure facility that is a separate, secure section of a juvenile detention facility; or (b)~~)) detention whenever the officer has been notified that a juvenile court has entered ((~~an~~)) a detention order ((~~directing such placement~~)) under this chapter or chapter 13.34 RCW. ((~~In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.~~))

(3) Whenever an officer transfers custody of a child to a crisis residential center or the department, the child may reside in the crisis residential center or may be placed by the department in an out-of-home placement for an aggregate total period of time not to exceed seventy-two hours excluding Saturdays, Sundays, and holidays((~~, except that a child placed in a secure facility under a court order entered under RCW 13.32A.250 must remain in the secure facility as provided in RCW 13.32A.065~~)). Thereafter, the child may continue in out-of-home placement only if the parents have consented, a child in need of services petition has been filed under this chapter, or an order for placement has been entered under chapter 13.34 RCW.

(4) The department shall ensure that all law enforcement authorities are informed on a regular basis as to the location of all designated secure and semi-secure facilities within centers in their jurisdiction, where children taken into custody under RCW 13.32A.050 may be taken.

Sec. 12. RCW 13.32A.065 and 2000 c . . . s 2 (section 2 of this act) are each amended to read as follows:

(1) A child may be placed in ((~~either (a) a secure facility that is a separate, secure section of a juvenile detention facility; or (b)~~)) detention after being taken into custody pursuant to RCW 13.32A.050(1)(d). ((~~In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.~~)) The court shall hold a detention review hearing within twenty-four hours, excluding Saturdays, Sundays, and holidays. The court shall release the child after twenty-four hours, excluding Saturdays, Sundays, and holidays, unless:

(a) A motion and order to show why the child should not be held in contempt has been filed and served on the child at or before the detention hearing; and

(b) The court believes that the child would not appear at a hearing on contempt.

(2) If the court ((~~finds that the conditions in subsection (1)(a) and (b) of this section have been met~~)) orders the child to remain in detention, the court ((~~may order the child to remain confined either in (a) a secure facility that is a separate, secure section of a juvenile detention facility; or (b) detention, and~~)) shall set the matter for a hearing on contempt within seventy-two hours, excluding Saturdays, Sundays, and holidays. ((~~In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.~~))

Sec. 13. RCW 13.32A.130 and 2000 c . . . s 3 (section 3 of this act) are each amended to read as follows:

(1) A child admitted to a secure facility within a crisis residential center shall remain in the facility for not more than five consecutive days, but for at least twenty-four hours after admission. If the child admitted under this section is transferred between centers or between secure and semi-secure facilities, the aggregate length of time spent in all such centers or facilities may not exceed five consecutive days.

(2)(a)(i) The facility administrator shall determine within twenty-four hours after a child's admission to a secure facility whether the child is likely to remain in a semi-secure facility and may transfer the child to a semi-secure facility or release the child to the department. The determination shall be based on: (A) The need for continued assessment, protection, and treatment of the

child in a secure facility; and (B) the likelihood the child would remain at a semi-secure facility until his or her parents can take the child home or a petition can be filed under this title.

(ii) In making the determination the administrator shall consider the following information if known: (A) The child's age and maturity; (B) the child's condition upon arrival at the center; (C) the circumstances that led to the child's being taken to the center; (D) whether the child's behavior endangers the health, safety, or welfare of the child or any other person; (E) the child's history of running away which has endangered the health, safety, and welfare of the child; and (F) the child's willingness to cooperate in the assessment.

(b) If the administrator of a secure facility determines the child is unlikely to remain in a semi-secure facility, the administrator shall keep the child in the secure facility pursuant to this chapter and in order to provide for space for the child may transfer another child who has been in the facility for at least seventy-two hours to a semi-secure facility. The administrator shall only make a transfer of a child after determining that the child who may be transferred is likely to remain at the semi-secure facility.

(c) A crisis residential center administrator is authorized to transfer a child to a crisis residential center in the area where the child's parents reside or where the child's lawfully prescribed residence is located.

(d) An administrator may transfer a child from a semi-secure facility to a secure facility whenever he or she reasonably believes that the child is likely to leave the semi-secure facility and not return and after full consideration of all factors in (a)(i) and (ii) of this subsection.

(3) If no parent is available or willing to remove the child during the first seventy-two hours following admission, the department shall consider the filing of a petition under RCW 13.32A.140.

(4) Notwithstanding the provisions of subsection (1) of this section, the parents may remove the child at any time during the five-day period unless the staff of the crisis residential center has reasonable cause to believe that the child is absent from the home because he or she is abused or neglected or if allegations of abuse or neglect have been made against the parents. The department or any agency legally charged with the supervision of a child may remove a child from a crisis residential center at any time after the first twenty-four-hour period after admission has elapsed and only after full consideration by all parties of the factors in subsection (2)(a) of this section.

(5) Crisis residential center staff shall make reasonable efforts to protect the child and achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours from the time of intake, and if the administrator of the center does not consider it likely that reconciliation will be achieved within the five-day period, then the administrator shall inform the parent and child of: (a) The availability of counseling services; (b) the right to file a child in need of services petition for an out-of-home placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; (c) the right to request the facility administrator or his or her designee to form a multidisciplinary team; (d) the right to request a review of any out-of-home placement; (e) the right to request a mental health or chemical dependency evaluation by a county-designated professional or a private treatment facility; and (f) the right to request treatment in a program to address the child's at-risk behavior under RCW 13.32A.197.

(6) At no time shall information regarding a parent's or child's rights be withheld. The department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating the services and rights. Every officer taking a child into custody shall provide the child and his or her parent(s) or responsible adult with whom the child is placed with a copy of the statement. In addition, the administrator of the facility or his or her designee shall provide every resident and parent with a copy of the statement.

(7) A crisis residential center and its administrator or his or her designee acting in good faith in carrying out the provisions of this section are immune from criminal or civil liability for such actions.

((~~(8) This section does not apply to children admitted to a secure facility that is a separate, secure section of a juvenile detention facility under a court order issued under RCW 13.32A.250(3) or 28A.225.090(2). In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.~~))

Sec. 14. RCW 13.32A.250 and 2000 c . . . s 4 (section 4 of this act) are each amended to read as follows:

(1) In all child in need of services proceedings and at-risk youth proceedings, the court shall verbally notify the parents and the child of the possibility of a finding of contempt for failure to comply with the terms of a court order entered pursuant to this chapter. Except as otherwise provided in this section, the court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties under this section.

(2) Failure by a party to comply with an order entered under this chapter is a civil contempt of court as provided in RCW 7.21.030(2)(e), subject to the limitations of subsection (3) of this section.

(3) The court may impose remedial sanctions including a fine of up to one hundred dollars and confinement for up to seven days, or both for contempt of court under this section.

(4) A child placed in confinement for contempt under this section shall be placed in confinement ((~~either~~)) only in a secure juvenile detention facility operated by or pursuant to a contract with a county ((~~or a secure facility that is a separate, secure section~~

~~of a juvenile detention facility. In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.~~))

(5) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

(6) Whenever the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered under this chapter, the court may issue an order directing law enforcement to pick up and take the child to detention ((~~or to a secure facility~~)). The order may be entered ex parte without prior notice to the child or other parties. Following the child's admission to detention ((~~or to the secure facility~~)), a detention review hearing must be held in accordance with RCW 13.32A.065.

Sec. 15. RCW 28A.225.090 and 2000 c . . . s 6 (section 6 of this act) are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to:

(a) Attend the child's current school;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Be referred to a community truancy board, if available; or

(e) Submit to testing for the use of controlled substances or alcohol based on a determination that such testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law.

(2) If the child fails to comply with the court order, the court may order the child to be ((~~placed in confinement for contempt, either in a juvenile detention facility operated by or under a contract with a county or in a secure facility that is a separate, secure section of a juvenile detention facility~~)) subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to ((~~confinement~~)) detention such as community service. Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. ((~~In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.~~))

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community service instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community service. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year-old child required to attend public school under RCW 28A.225.015.

Sec. 16. RCW 74.13.033 and 2000 c . . . s 7 (section 7 of this act) are each amended to read as follows:

(1) If a resident of a center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations establishing additional procedures for dealing with severely

disruptive children on the premises. ((~~A child confined in a secure facility that is a separate, secure section of a juvenile detention facility under RCW 13.32A.250(3) or 28A.225.090(2) may be moved to an available bed in a juvenile detention facility. In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.~~))

(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made available to the juvenile as required by chapter 13.32A RCW. In assessing the child and providing these services, the facility staff shall:

(a) Interview the juvenile as soon as possible;

(b) Contact the juvenile's parents and arrange for a counseling interview with the juvenile and his or her parents as soon as possible;

(c) Conduct counseling interviews with the juvenile and his or her parents, to the end that resolution of the child/parent conflict is attained and the child is returned home as soon as possible;

(d) Provide additional crisis counseling as needed, to the end that placement of the child in the crisis residential center will be required for the shortest time possible, but not to exceed five consecutive days ((~~or, in the case of a child admitted by court order issued under RCW 13.32A.250(3) or 28A.225.090(2), seven consecutive days~~)); and

(e) Convene, when appropriate, a multidisciplinary team.

(3) Based on the assessments done under subsection (2) of this section the facility staff may refer any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive, or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, for evaluation pursuant to chapter 71.34 RCW, to a mental health professional pursuant to chapter 71.05 RCW, or to a chemical dependency specialist pursuant to chapter 70.96A RCW whenever such action is deemed appropriate and consistent with law.

(4) A juvenile taking unauthorized leave from a facility shall be apprehended and returned to it by law enforcement officers or other persons designated as having this authority as provided in RCW 13.32A.050. If returned to the facility after having taken unauthorized leave for a period of more than twenty-four hours a juvenile shall be supervised by such a facility for a period, pursuant to this chapter, which, unless where otherwise provided, may not exceed five consecutive days on the premises. Costs of housing juveniles admitted to crisis residential centers shall be assumed by the department for a period not to exceed five consecutive days.

Sec. 17. RCW 74.13.034 and 2000 c . . . s 8 (section 8 of this act) are each amended to read as follows:

(1) A child taken into custody and taken to a crisis residential center established pursuant to RCW 74.13.032 may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center, the nearest regional secure crisis residential center, or a secure facility with which it is collocated under RCW 74.13.032. Placement in both locations shall not exceed five consecutive days from the point of intake as provided in RCW 13.32A.130 ((~~or, in the case of a child admitted by court order issued under RCW 13.32A.250(3) or 28A.225.090(2), seven consecutive days~~)).

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or the department's designee and, at departmental expense and approval, in a secure juvenile detention facility operated by the county in which the center is located for a maximum of forty-eight hours, including Saturdays, Sundays, and holidays, if the child has taken unauthorized leave from the center and the person in charge of the center determines that the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave. Juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee, which shall include the services defined in RCW 74.13.033(2). If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within twenty-four hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed five consecutive days from the point of intake as provided in RCW 13.32A.130 ((~~or, in the case of a child admitted by court order issued under RCW 13.32A.250(3) or 28A.225.090(2), seven consecutive days~~)).

(4) Juvenile detention facilities used pursuant to this section shall first be certified by the department to ensure that juveniles placed in the facility pursuant to this section are provided with living conditions suitable to the well-being of the child. Where space is available, juvenile courts, when certified by the department to do so, shall provide secure placement for juveniles pursuant to this section, at department expense.

NEW SECTION. **Sec. 18.** Sections 11 through 17 of this act take effect July 1, 2002.

NEW SECTION. **Sec. 19.** Sections 5, 9, and 10 of this act expire June 30, 2002."

MOTION

On motion of Senator Hargrove, the following amendment by Senators Hargrove and Long to the striking amendment by Senators Hargrove and Long was adopted:

On page 23, after line 5 of the amendment, insert the following:

"**Sec. 18.** RCW 13.50.100 and 1999 c 390 s 3 are each amended to read as follows:

(1) This section governs records not covered by RCW 13.50.050.

(2) Records covered by this section shall be confidential and shall be released only pursuant to this section and RCW 13.50.010.

(3) Records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility of supervising the juvenile. Records covered under this section and maintained by the juvenile courts which relate to the official actions of the agency may be entered in the state-wide juvenile court information system.

(4) A contracting agency or service provider of the department of social and health services that provides counseling, psychological, psychiatric, or medical services may release to the office of the family and children's ombudsman information or records relating to services provided to a juvenile who is dependent under chapter 13.34 RCW without the consent of the parent or guardian of the juvenile, or of the juvenile if the juvenile is under the age of thirteen years, unless such release is otherwise specifically prohibited by law.

(5) A juvenile, his or her parents, the juvenile's attorney and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by a juvenile justice or care agency which pertain to the juvenile except:

(a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to other order of the court: PROVIDED, That if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information; or

(b) If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or medical services to the juvenile, when the services have been sought voluntarily by the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile unless otherwise authorized by law; or

(c) That the department of social and health services may delete the name and identifying information regarding persons or organizations who have reported alleged child abuse or neglect.

(6) A juvenile or his or her parent denied access to any records following an agency determination under subsection (5) of this section may file a motion in juvenile court requesting access to the records. The court shall grant the motion unless it finds access may not be permitted according to the standards found in subsections (5)(a) and (b) of this section.

(7) The person making a motion under subsection (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) Subject to the rules of discovery in civil cases, any party to a proceeding seeking a declaration of dependency or a termination of the parent-child relationship and any party's counsel and the guardian ad litem of any party, shall have access to the records of any natural or adoptive child of the parent, subject to the limitations in subsection (5) of this section. A party denied access to records may request judicial review of the denial. If the party prevails, he or she shall be awarded attorneys' fees, costs, and an amount not less than five dollars and not more than one hundred dollars for each day the records were wrongfully denied.

(9) No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020(12) may be disclosed to a child-placing agency, private adoption agency, or any other licensed provider.

Sec. 19. RCW 26.44.020 and 1999 c 176 s 29 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstances which indicate that the child's health, welfare, and safety is harmed, excluding conduct permitted under RCW 9A.16.100. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(13) "Child protective services section" means the child protective services section of the department.

(14) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(15) "Negligent treatment or maltreatment" means an act or omission that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment.

(16) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child

has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(18) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(19) "Unfounded" means available information indicates that, more likely than not, child abuse or neglect did not occur. <u>No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.</u>

Sec. 20. RCW 74.15.030 and 1997 c 386 s 33 are each amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee except that in the case of a foster family home, if this expense would work a hardship on the licensee, the department shall pay the expense. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.060 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the child care coordinating committee and other affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons."

Renumber the sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Long, as amended, to Substitute House Bill No. 2372.

The motion by Senator Hargrove carried and the striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Hargrove, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 13.32A.060, 13.32A.065, 13.32A.130, 13.32A.250, 28A.225.090, 74.13.033, 74.13.034, 13.32A.060, 13.32A.065, 13.32A.130, 13.32A.250, 28A.225.090, 74.13.033, and 74.13.034; adding new sections to chapter 13.32A RCW; providing an effective date; and providing an expiration date."

On page 23, after line 12 of the amendment, strike the title amendment and insert the following:

"On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "children; amending RCW 13.32A.060, 13.32A.065, 13.32A.130, 13.32A.250, 28A.225.090, 74.13.033, 74.13.034, 13.32A.060, 13.32A.065, 13.32A.130, 13.32A.250, 28A.225.090, 74.13.033, 74.13.034, 13.50.100, 26.44.020, and 74.15.030; adding new sections to chapter 13.32A RCW; providing an effective date; and providing an expiration date.""

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2372, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2372, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2372, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Brown and Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 2372, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, Senator Thibaudeau was excused.

SECOND READING

HOUSE BILL NO. 2686, by Representatives Tokuda and D. Sommers (by request of Department of Social and Health Services)

Updating definitions of income and resources.

The bill was read the second time.

MOTION

Senator Fairley moved that the following amendment be adopted:

On page 8, after line 11, insert the following:

"**Sec. 2.** RCW 74.09.530 and 1979 c 141 s 345 are each amended to read as follows:

The amount and nature of medical assistance and the determination of eligibility of recipients for medical assistance shall be the responsibility of the department of social and health services. The department shall establish reasonable standards of assistance and resource and income exemptions which shall be consistent with the provisions of the Social Security Act and with the regulations of the secretary of health, education and welfare for determining eligibility of individuals for medical assistance and

the extent of such assistance to the extent that funds are available from the state and federal government. The department shall not consider resources in determining continuing eligibility for recipients eligible under section 1931 of the social security act."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fairley on page 8, after line 11, to House Bill No. 2686.

The motion by Senator Fairley carried and the amendment was adopted.

MOTIONS

On motion of Senator Fairley, the following title amendment was adopted:

On page 1, line 1 of the title, after "resources;" insert "amending RCW 74.09.530;"

On motion of Senator Fairley, the rules were suspended, House Bill No. 2686, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2686, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2686, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Brown, Sellar and Thibaudeau - 3.

HOUSE BILL NO. 2686, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senators Gardner and Loveland were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3099, by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Barlean, Murray, Reardon, Koster and Lovick)

Allowing state and local governments to continue to lower their exposure to interest rate fluctuations with respect to financial obligations.

The bill was read the second time.

MOTION

On motion of Senator Roach, the following amendment by Senators Roach, Rasmussen, Fraser and Goings was adopted:

On page 3, after line 14, insert the following:

"NEW SECTION. **Sec. 4.** A new section is added to chapter 36.61 RCW to read as follows:

To improve the ability of counties to finance long-term lake management objectives, lake management districts may be created for any needed period of time.

Sec. 5. RCW 36.61.020 and 1987 c 432 s 2 are each amended to read as follows:

Any county may create lake management districts to finance the improvement and maintenance of lakes located within or partially within the boundaries of the county. All or a portion of a lake and the adjacent land areas may be included within one or more lake management districts. More than one lake, or portions of lakes, and the adjacent land areas may be included in a single lake management district. ((~~A lake management district may be created for a period of up to ten years.~~))

Special assessments or rates and charges may be imposed on the property included within a lake management district to finance lake improvement and maintenance activities, including: (1) The control or removal of aquatic plants and vegetation; (2) water quality; (3) the control of water levels; (4) storm water diversion and treatment; (5) agricultural waste control; (6) studying lake water quality problems and solutions; (7) cleaning and maintaining ditches and streams entering or leaving the lake; and (8) the related administrative, engineering, legal, and operational costs, including the costs of creating the lake management district.

Special assessments or rates and charges may be imposed annually on all the land in a lake management district for the duration of the lake management district without a related issuance of lake management district bonds or revenue bonds. Special assessments also may be imposed in the manner of special assessments in a local improvement district with each landowner being given the choice of paying the entire special assessment in one payment, or to paying installments, with lake management district bonds being issued to obtain moneys not derived by the initial full payment of the special assessments, and the installments covering all of the costs related to issuing, selling, and redeeming the lake management district bonds.

Sec. 6. RCW 36.61.260 and 1985 c 398 s 26 are each amended to read as follows:

(1) Counties may issue lake management district bonds in accordance with this section. Lake management district bonds may be issued to obtain money sufficient to cover that portion of the special assessments that are not paid within the thirty-day period provided in RCW 36.61.190. ((~~The maximum term of lake management district bonds shall be ten years.~~))

Whenever lake management district bonds are proposed to be issued, the county legislative authority shall create a special fund or funds for the lake management district from which all or a portion of the costs of the lake improvement and maintenance activities shall be paid. Lake management district bonds shall not be issued in excess of the costs and expenses of the lake improvement and maintenance activities and shall not be issued prior to twenty days after the thirty days allowed for the payment of special assessments without interest or penalties.

Lake management district bonds shall be exclusively payable from the special fund or funds and from a guaranty fund that the county may have created out of a portion of proceeds from the sale of the lake management district bonds.

(2) Lake management district bonds shall not constitute a general indebtedness of the county issuing the bond nor an obligation, general or special, of the state. The owner of any lake management district bond shall not have any claim for the payment thereof against the county that issues the bonds except for payment from the special assessments made for the lake improvement or maintenance activities for which the lake management district bond was issued and from a lake management district guaranty fund that may have been created. The county shall not be liable to the owner of any lake management district bond for any loss to the lake management district guaranty fund occurring in the lawful operation of the fund. The owner of a lake management district bond shall not have any claim against the state arising from the lake management district bond, special assessments, or guaranty fund. Tax revenues shall not be used to secure or guarantee the payment of the principal of or interest on lake management district bonds.

The substance of the limitations included in this subsection shall be plainly printed, written, engraved, or reproduced on: (a) Each lake management district bond that is a physical instrument; (b) the official notice of sale; and (c) each official statement associated with the lake management district bonds.

(3) If the county fails to make any principal or interest payments on any lake management district bond or to promptly collect any special assessment securing the bonds when due, the owner of the lake management district bond may obtain a writ of mandamus from any court of competent jurisdiction requiring the county to collect the special assessments, foreclose on the related lien, and make payments out of the special fund or guaranty fund if one exists. Any number of owners of lake management districts may join as plaintiffs.

(4) A county may create a lake management district bond guaranty fund for each issue of lake management district bonds. The guaranty fund shall only exist for the life of the lake management district bonds with which it is associated. A portion of the bond proceeds may be placed into a guaranty fund. Unused moneys remaining in the guaranty fund during the last two years of the installments shall be used to proportionally reduce the required level of installments and shall be transferred into the special fund into which installment payments are placed.

(5) Lake management district bonds shall be issued and sold in accordance with chapter 39.46 RCW. The authority to create a special fund or funds shall include the authority to create accounts within a fund."

Renumber the remaining sections consecutively.

MOTIONS

On motion of Senator Roach, the following title amendment was adopted:

On page 1, line 2 of the title, after "39.96.030," strike "and 39.96.070" and insert "39.96.070, 36.61.020, and 36.61.260; adding a new section to chapter 36.61 RCW"

On motion of Senator Snyder, the rules were suspended, Substitute House Bill No. 3099, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 3099, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3099, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Brown, Gardner, Loveland, Sellar and Thibaudeau - 5.

SUBSTITUTE HOUSE BILL NO. 3099, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2868, by Representatives Ericksen and Linville

Allowing electronic warehouse receipts.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2868 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2868.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2868 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Brown, Gardner, Loveland, Sellar and Thibaudeau - 5.

HOUSE BILL NO. 2868, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator McCaslin, Senator Deccio was excused.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2420, by House Committee on Appropriations (originally sponsored by Representatives Linville, G. Chandler, Morris, Ericksen, Quall, Kastama, Santos, Grant, Stensen, Keiser, Poulsen, Wensman, Scott, Rockefeller, Reardon, Kenney, Cody, Lovick, Cooper, Koster, Haigh, McDonald, Van Luven, Lantz, Wood, Regala, Edmonds, Hurst, Dunshee, Constantine, Dickerson, Wolfe, Ogden, Ruderman and McIntire)

Providing for oil and gas pipeline safety.

The bill was read the second time.

MOTION

On motion of Senator Spanel, the following Committee on Environmental Quality and Water Resources striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The intent of this act is to protect the health and safety of the citizens of the state of Washington and the quality of the state's environment by developing and implementing environmental and public safety measures applicable to persons transporting hazardous liquids and gas by pipeline within the state of Washington. The legislature finds that public safety and the environment may best be protected by adopting standards that are equal to, or more stringent than, those adopted by the federal government, so long as they do not impermissibly interfere with interstate commerce.

(2) The legislature recognizes that additional federal authority is needed to implement a comprehensive pipeline safety program and by this act and other measures directs the state to seek that authority.

(3) It is also the intent of the legislature that the governor work with the state congressional delegation in seeking:

(a) To amend the federal pipeline safety act to delegate authority to qualified states to adopt and enforce standards equal to or more stringent than federal standards;

(b) State authority to administer and enforce federal requirements related to pipeline safety; and

(c) Higher levels of funding for state and federal pipeline safety activities and for states to respond to pipeline accident emergencies.

(4) While the legislature acknowledges that serious accidents have occurred for hazardous liquid and gas pipelines in this nation and elsewhere, it recognizes that there are fundamental differences between hazardous liquid pipelines and gas pipelines and that a different system of safety regulations must be applied for each kind of pipeline.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

(2) "Failsafe" means a design feature that will maintain or result in a safe condition in the event of malfunction or failure of a power supply, component, or control device.

(3) "Gas" means natural gas, flammable gas, or toxic or corrosive gas.

(4) "Hazardous liquid" means: (a) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 in effect March 1, 1998; and (b) carbon dioxide. The department by rule may incorporate by reference other substances designated as hazardous by the secretary of transportation under 49 U.S.C. Sec. 60101(a)(4).

(5) "Local government" means a subdivision of the state or a city or town.

(6) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

(7) "Pipeline" or "pipeline system" means all parts of a pipeline facility through which a hazardous liquid or carbon dioxide moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. "Pipeline" or "pipeline system" does not include process or transfer pipelines.

(8) "Pipeline company" means a person or entity constructing, owning, or operating a pipeline for transporting hazardous liquid.

(9) "Reportable release" means a spilling, leaking, pouring, emitting, discharging, or any other uncontrolled escape of a hazardous liquid in excess of one barrel, or forty-two gallons.

(10) "Safety management systems" means management systems that include coordinated and interdisciplinary evaluations of the effect of significant changes to a pipeline system before such changes are implemented.

NEW SECTION. **Sec. 3.** (1) The hazardous liquid pipeline safety account is created in the custody of the state treasurer. All receipts from the federal office of pipeline safety and any other state or federal funds provided for hazardous liquid pipeline safety must be deposited in the account, except as provided in subsection (2) of this section. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for funding the pipeline safety program within the department of ecology. Only the director of the department or the director's designee may authorize expenditures from the account.

(2) Federal funds received before June 30, 2001, shall be treated as receipt of unanticipated funds and expended by the department of ecology or the utilities and transportation commission, without appropriation, for the designated purposes.

NEW SECTION. **Sec. 4.** (1) The department shall have charge for the state of the administration and enforcement of all laws related to hazardous liquid pipeline safety. To the extent not expressly prohibited by federal law, the department shall develop and implement a comprehensive program of pipeline safety.

(2) The department shall adopt rules for pipeline safety standards for hazardous liquid pipeline transportation that:

(a) Require pipeline companies to design, construct, and maintain their pipeline facilities so they are safe and efficient;

(b) Require pipeline companies to rapidly locate and isolate all reportable releases from hazardous liquid pipelines, including:

(i) Installation of remote control shut-off valves;

(ii) Installation of remotely monitored pressure gauges and meters; and

(iii) Emergency response procedures;

(c) Require the training and certification of personnel who operate hazardous liquid pipelines and the associated systems;

(d) Require reporting of emergency situations, including emergency shutdowns and material defects or physical damage that impairs the serviceability of a pipeline; and

(e) Require hazardous liquid pipeline companies to submit operations safety plans once every five years, as well as any amendments to the plan made necessary by changes to the pipeline system or its operation.

(3) The department shall approve operations safety plans if they have been deemed fit for service. A plan shall be deemed fit for service when it provides for pipelines that are designed, developed, constructed, operated, and periodically modified to provide for protection of public safety and the environment. Pipeline operations safety plans shall, at a minimum, include:

(a) A schedule of inspection and testing within the pipeline distribution system of:

(i) All mechanical components;

(ii) All electronic components; and

(iii) The structural integrity of all pipelines as determined through pressure testing, internal inspection tool surveys, or another appropriate technique;

(b) Failsafe systems;

(c) Safety management systems; and

(d) Emergency management training for pipeline operators.

(4) The department shall coordinate information related to pipeline safety by providing technical assistance to local planning and siting authorities.

(5) The department shall evaluate, and consider adopting, proposals developed by the federal office of pipeline safety, the national transportation safety board, and other agencies and organizations related to methods and technologies for testing the integrity of pipeline structure, leak detection, and other elements of pipeline operation.

NEW SECTION. **Sec. 5.** The department of ecology shall not, before January 1, 2001, initiate rule making under section 4(2) of this act for intrastate hazardous liquid pipelines, unless the state has been granted additional authority over interstate hazardous liquid pipelines.

NEW SECTION. **Sec. 6.** Operators of hazardous liquid pipeline companies and operators of gas transmission pipelines shall develop a curricula aimed at the prevention of third-party excavation damage to hazardous liquid pipelines and gas transmission pipelines. The curricula must be reviewed and approved by the department and the utilities and transportation commission. The curricula shall be made available to municipal workers and construction workers who are involved in construction work within the right-of-way or easement of a hazardous liquid and gas pipeline. The curricula shall include training on:

(1) Prevention of damage to pipelines;

(2) The danger involved if a pipeline is damaged;

(3) The significance of pipeline damage that does not cause immediate failure; and

(4) The importance of immediately reporting damage to a pipeline and the importance of immediately repairing a damaged pipeline.

NEW SECTION. **Sec. 7.** (1) The department and utilities and transportation commission shall require hazardous liquid and gas pipeline companies to provide accurate maps of their pipeline to specifications developed by the department including depth information.

(2) The department and the utilities and transportation commission shall evaluate the accuracy of the maps and consolidate the maps into a state-wide geographic information system, and fill any gaps for which companies or local governments may have no information. The mapping system shall be used in conjunction with the one-number locator service as provided in chapter 19.122 RCW. The mapping system shall be compatible with the United States department of transportation national pipeline mapping program.

(3) The mapping system shall be completed by January 1, 2006, and periodically updated thereafter. The mapping system shall be funded, to the greatest extent possible, by the owner and operators of the hazardous liquid and gas pipelines.

NEW SECTION. **Sec. 8.** A new section is added to chapter 43.110 RCW to read as follows:

The municipal research council shall, by June 30, 2001, develop and periodically update, for the consideration by local governments:

(1) A model ordinance that establishes setback and depth requirements for new hazardous liquid and gas pipeline construction; and

(2) A model franchise agreement for jurisdictions through which a hazardous liquid or gas pipeline is located.

NEW SECTION. **Sec. 9.** (1) The department shall seek and accept federal designation of the department's inspectors as federal agents for the purposes of enforcement of the federal hazardous liquid pipeline safety act (49 U.S.C. Sec. 60101 et seq.), and federal rules adopted to implement that act, as they exist as of the effective date of this section. The department shall establish and submit to the United States secretary of transportation an inspection program that complies with requirements for delegated interstate agent inspection authority. If the secretary of transportation delegates inspection authority to the state as provided in this subsection, the department, at a minimum, shall do the following to carry out the delegated federal authority:

(a) Inspect hazardous liquid pipelines periodically as specified in the inspection program;

(b) Collect fees;

(c) Order and oversee the testing of hazardous liquid pipelines as authorized by federal law and regulation; and

(d) File reports with the United States secretary of transportation as required to maintain the delegated authority.

(2) The department shall also seek federal authority to adopt safety standards related to the monitoring and testing of interstate hazardous liquid pipelines.

(3) Upon designation under subsection (1) of this section or under a grant of authority under subsection (2) of this section, to the extent authorized by federal law, the department shall adopt rules for interstate pipelines that are no less stringent than the state's laws and rules for intrastate hazardous liquid pipelines.

NEW SECTION. **Sec. 10.** A new section is added to chapter 80.28 RCW to read as follows:

(1) The commission shall seek and accept federal designation of the commission's inspectors as federal agents for the purposes of enforcement of federal laws covering gas pipeline safety and the associated federal rules, as they exist on the effective date of this section. The commission shall establish and submit to the United States secretary of transportation an inspection program that complies with requirements for delegated interstate agent inspection authority. If the secretary of transportation delegates inspection authority to the state as provided in this subsection, the commission, at a minimum, shall do the following to carry out the delegated federal authority:

(a) Inspect gas pipelines periodically as specified in the inspection program;

(b) Collect fees;

(c) Order and oversee the testing of gas pipelines as authorized by federal law and regulation; and

(d) File reports with the United States secretary of transportation as required to maintain the delegated authority.

(2) The commission shall also seek federal authority to adopt safety standards related to the monitoring and testing of interstate gas pipelines.

(3) Upon designation under subsection (1) of this section or under a grant of authority under subsection (2) of this section, to the extent authorized by federal law, the commission shall adopt rules for interstate gas pipelines that are no less stringent than the state's laws and rules for intrastate gas pipelines.

NEW SECTION. **Sec. 11.** The department may inspect any record, map, or written procedure required by federal law to be kept by a hazardous liquid pipeline company concerning the reportable releases, and the design, construction, testing, or operation and maintenance of hazardous liquid pipelines.

NEW SECTION. **Sec. 12.** A new section is added to chapter 81.88 RCW to read as follows:

The commission may inspect any record, map, or written procedure required by federal law to be kept by a gas pipeline company concerning the reporting of gas releases, and the design, construction, testing, or operation and maintenance of gas pipelines.

NEW SECTION. **Sec. 13.** (1) All powers, duties, and functions of the utilities and transportation commission pertaining to hazardous liquid pipeline safety, except economic regulatory authority under chapters 80.28, 80.24, and 81.24 RCW, are transferred to the department of ecology. The timing of the transfer shall be facilitated by a memorandum of agreement between the two agencies, with any disputes resolved by the office of financial management. The transfer shall be completed by June 30, 2001. All references to the commission or the utilities and transportation commission in the Revised Code of Washington shall be construed to mean the director or the department of ecology when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of ecology. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the utilities and transportation commission in carrying out the powers, functions, and duties transferred shall be made available to the department of ecology. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of ecology.

(b) Any appropriations made to the utilities and transportation commission for carrying out the powers, functions, and duties transferred shall be transferred and credited to the department of ecology under the agreement authorized in subsection (1) of this section.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the utilities and transportation commission engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of ecology. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of ecology to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of ecology. All existing contracts and obligations shall remain in full force and shall be performed by the department of ecology.

(5) The transfer of the powers, duties, functions, and personnel of the utilities and transportation commission shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. **Sec. 14.** (1) A hazardous liquid and gas pipeline safety advisory committee is established to advise the department, the utilities and transportation commission, and other appropriate federal, state, and local government agencies and officials on matters relating to pipeline safety, routing, construction, operation, and maintenance. Members of the advisory committee shall be appointed by the governor to staggered three-year terms and, at a minimum, shall consist of representatives of local government, including elected officials and the general public. The committee shall review and comment on proposed rules and the operation of the state pipeline safety programs.

(2) The advisory committee may create one or more technical advisory committees comprised of gas and hazardous liquid pipeline owners or operators, agency representatives, natural resource and environmental interests, or other interested parties.

(3) The advisory committee established in subsection (1) of this section constitutes a class one group under RCW 43.03.220. Expenses for this group, as well as staff support provided by the department and the utilities and transportation commission, shall be funded through a legislative appropriation to the department.

NEW SECTION. **Sec. 15.** A new section is added to chapter 19.122 RCW to read as follows:

(1) By December 31, 2000, the utilities and transportation commission shall establish or cause to be established a single state-wide toll-free telephone number to be used for referring excavators to the appropriate one-number locator service.

(2) The utilities and transportation commission, in consultation with the Washington utilities coordinating council, shall establish minimum standards and best management practices for one-number locator services consistent with the recommendations of the governor's fuel accident prevention and response team issued in December 1999. By December 31, 2000,

the commission shall provide its recommendations to the appropriate standing committees of the house of representatives and the senate.

(3) One-number locator services shall be operated by nongovernmental agencies.

Sec. 16. RCW 19.122.030 and 1988 c 99 s 1 are each amended to read as follows:

(1) Before commencing any excavation, excluding agriculture tilling of soil less than twelve inches in depth, the excavator shall provide notice of the scheduled commencement of excavation to all owners of underground facilities through a one-number locator service.

(2) Whenever surface markings or other information indicates that excavation work is to occur within twenty-five feet of a hazardous liquid pipeline or gas transmission pipeline, the state-wide one-number locator service established under section 15 of this act shall be notified. In addition, whenever surface markings or other information indicates that the excavation work is to occur within five feet of a hazardous liquid pipeline or gas transmission pipeline, the pipeline company that owns or operates the pipeline shall be notified, and its representative shall be on-site, prior to the start of excavation.

(3) All owners of underground facilities within a one-number locator service area shall subscribe to the service. One-number locator service rates for cable television companies will be based on the amount of their underground facilities. If no one-number locator service is available, notice shall be provided individually to those owners of underground facilities known to or suspected of having underground facilities within the area of proposed excavation. The notice shall be communicated to the owners of underground facilities not less than two business days or more than ten business days before the scheduled date for commencement of excavation, unless otherwise agreed by the parties. The notice shall also comply with the requirements of section 19 of this act.

(4) Upon receipt of the notice provided for in this section, the owner of the underground facility shall provide the excavator with reasonably accurate information as to its locatable underground facilities by surface-marking the location of the facilities. If there are identified but unlocatable underground facilities, the owner of such facilities shall provide the excavator with the best available information as to their locations. The owner of the underground facility providing the information shall respond no later than two business days after the receipt of the notice or before the excavation time, at the option of the owner, unless otherwise agreed by the parties. Excavators shall not excavate until all known facilities have been marked. Once marked by the owner of the underground facility, the excavator is responsible for maintaining the markings. Excavators shall have the right to receive compensation from the owner of the underground facility for costs incurred if the owner of the underground facility does not locate its facilities in accordance with this section.

(5) The owner of the underground facility shall have the right to receive compensation for costs incurred in responding to excavation notices given less than two business days prior to the excavation from the excavator.

(6) An owner of underground facilities is not required to indicate the presence of existing service laterals or appurtenances if the presence of existing service laterals or appurtenances on the site of the construction project can be determined from the presence of other visible facilities, such as buildings, manholes, or meter and junction boxes on or adjacent to the construction site.

(7) Emergency excavations are exempt from the time requirements for notification provided in this section.

(8) If the excavator, while performing the contract, discovers underground facilities which are not identified, the excavator shall cease excavating in the vicinity of the facility and immediately notify the owner or operator of such facilities, or the one-number locator service.

Sec. 17. RCW 19.122.050 and 1984 c 144 s 5 are each amended to read as follows:

(1) An excavator who, in the course of excavation, contacts or damages an underground facility shall immediately notify the utility owning or operating such facility and the state-wide one-number locator service. If the damage causes an emergency condition, the excavator causing the damage shall also immediately alert the appropriate local public safety agencies and take all appropriate steps to ensure the public safety. No damaged underground facility may be buried until it is repaired or relocated.

(2) The owner of the underground facilities damaged shall arrange for repairs or relocation as soon as is practical or may permit the excavator to do necessary repairs or relocation at a mutually acceptable price.

NEW SECTION. **Sec. 18.** A new section is added to chapter 48.48 RCW to read as follows:

(1) In consultation with the emergency management program within the state military department, the department of ecology, the utilities and transportation commission, and local emergency services organizations, the chief of the Washington state patrol, through the director of fire protection or his or her authorized deputy, shall:

(a) Evaluate the preparedness of local first responders in meeting emergency management demands under subsection (2) of this section; and

(b) Conduct an assessment of the equipment and personnel needed by local first responders to meet emergency management demands related to pipelines.

(2) The chief of the Washington state patrol, through the director of fire protection or his or her deputy, shall develop curricula for training local first responders to deal with hazardous liquid and gas pipeline accidents. The curricula shall be developed

in conjunction with pipeline companies and local first responders, and shall include a timetable and costs for providing training as defined in the curricula to all communities housing pipelines. Separate curricula shall be developed for hazardous liquid and gas pipelines so that the differences between pipelines may be recognized and appropriate accident responses provided. The need for a training program for regional incident management teams shall also be evaluated.

(3) In consultation with other relevant agencies, the chief of the Washington state patrol, through the director of fire protection or his or her deputy, shall identify the need and means for achieving consistent application of the national interagency incident management system.

(4) For the purposes of this section, "local first responders" means police, fire, emergency medical staff, and volunteers.

NEW SECTION. **Sec. 19.** (1) A pipeline company that has been notified by an excavator pursuant to RCW 19.122.050 that excavation work will occur within five feet of a hazardous liquid pipeline shall ensure that the pipeline company's representative is on-site during the excavation within the five foot zone. The pipeline company has the discretion to require that the pipeline section in the vicinity of the excavation is fully uncovered and examined for damage prior to being reburied. If safety concerns exist, the pipeline company may elect, at the excavator's expense, to conduct the uncovering of the pipeline.

(2) Immediately upon receiving information of third-party damage to a pipeline owned or operated by a pipeline company, that company shall visually inspect the pipeline. After visual inspection, a pipeline company shall determine whether the pipeline section that has sustained third-party damage should be replaced or repaired, or whether it is safe to resume pipeline operation. A record of the company's inspection report and test results shall be provided to the department within fourteen calendar days of the inspection.

(3) Pipeline companies shall immediately notify local first responders and the department of any reportable release from a hazardous liquid pipeline.

NEW SECTION. **Sec. 20.** A new section is added to chapter 80.28 RCW to read as follows:

(1) A pipeline company that has been notified by an excavator pursuant to RCW 19.122.050 that excavation work will occur within five feet of a gas transmission pipeline shall ensure that the pipeline company's representative is on-site during the excavation within the five foot zone. The pipeline company has the discretion to require that the pipeline section in the vicinity of the excavation is fully uncovered and examined for damage prior to being reburied. If safety concerns exist, the pipeline company may elect, at the excavator's expense, to conduct the uncovering of the pipeline.

(2) Immediately upon receiving information of third-party damage to a pipeline owned or operated by a pipeline company, that company shall visually inspect the pipeline. After visual inspection, a pipeline company shall determine whether the pipeline section that has sustained third-party damage should be replaced or repaired, or whether it is safe to resume pipeline operation. A record of the company's inspection report and test results shall be provided to the commission within fourteen calendar days of the inspection.

(3) Pipeline companies shall immediately notify local first responders and the commission of any substantial or dangerous release from a gas transmission pipeline.

Sec. 21. RCW 19.122.070 and 1984 c 144 s 7 are each amended to read as follows:

(1) Any person who willfully or maliciously damages or removes a marking used to identify a hazardous liquid or gas pipeline, as defined in section 2 of this act, is subject to a civil penalty of not more than one thousand dollars for each act.

(2) Any person who fails to notify the one-number locator service of excavation work that is planned to occur within twenty-five feet of a hazardous liquid or gas pipeline is subject to a civil penalty of not more than one thousand dollars for each violation.

(3) Any person who fails to notify the one-number locator service and causes damage to a hazardous liquid or gas pipeline is subject to a civil penalty of not more than ten thousand dollars for each violation.

(4) Any person who excavates within five feet of a hazardous liquid pipeline or gas transmission pipeline without the pipeline company's representative on-site, is subject to a civil penalty of not more than ten thousand dollars for each violation.

(5) Any person who violates any provision of this chapter, and which violation results in damage to underground facilities, is subject to a civil penalty of not more than ((~~one~~)) ten thousand dollars for each violation.

(6) All civil penalties recovered ((~~in such actions~~)) under subsections (1) through (5) of this section shall be deposited in the general fund and expended for the purpose of enforcement of hazardous liquid and gas pipeline safety laws.

(((~~(2)~~))) (7) Any excavator who willfully or maliciously damages a field-marked underground facility shall be liable for treble the costs incurred in repairing or relocating the facility. In those cases in which an excavator fails to notify known underground facility owners or the one-number locator service, any damage to the underground facility shall be deemed willful and malicious and shall be subject to treble damages for costs incurred in repairing or relocating the facility.

(((~~(3)~~))) (8) This chapter does not affect any civil remedies for personal injury or for property damage, including that to underground facilities, nor does this chapter create any new civil remedies for such damage.

Sec. 22. RCW 47.44.150 and 1989 c 196 s 1 are each amended to read as follows:

In any action for damages against the state of Washington, its agents, contractors, or employees by reason of damages to a utility or other facility located on a state highway, the damages are limited to the cost of repair of the utility or facility and are recoverable only in those instances where the utility or facility is authorized to be located on the state highway. However, the state is subject to the penalties provided in RCW 19.122.070 (((~~(1)~~))) (5) and (((~~(2)~~))) (7) only if the state has failed to give a notice meeting the requirements of RCW 19.122.030 to utilities or facilities that are authorized to be located on the state highway.

NEW SECTION. **Sec. 23.** A pipeline company that fails to comply with any provision of this chapter shall be subject to civil penalties of not less than five thousand dollars nor more than twenty-five thousand dollars. This penalty shall be imposed pursuant to RCW 43.21B.300.

NEW SECTION. **Sec. 24.** A pipeline containing petroleum or petroleum products that is wholly located on the pipeline owner's property, that is not adjoining marine waters, is exempt from the provisions of this chapter. This exemption applies only for pipelines that do not have any connections to pipelines or facilities not located on the pipeline owner's property and the petroleum or petroleum products must be for use only at that location.

NEW SECTION. **Sec. 25.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

Sec. 26. RCW 43.21B.300 and 1993 c 387 s 23 are each amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, section 23 of this act, 88.46.090, 90.03.600, 90.48.144, 90.56.310, and 90.56.330 shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department((~~, the administrator of the office of marine safety,~~)) or the local air authority, describing the violation with reasonable particularity. Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the department, the administrator, or the authority for the remission or mitigation of the penalty. Upon receipt of the application, the department, the administrator, or authority may remit or mitigate the penalty upon whatever terms the department, the administrator, or the authority in its discretion deems proper. The department or the authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department, the administrator, or authority thirty days after receipt by the person penalized of the notice imposing the penalty or thirty days after receipt of the notice of disposition of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department or the administrator within thirty days after it becomes due and payable, the attorney general, upon request of the department or the administrator, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within thirty days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70.94.431, the disposition of which shall be governed by that provision, RCW 70.105.080, which shall be credited to the hazardous waste control and elimination account, created by RCW 70.105.180, and RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390.

NEW SECTION. **Sec. 27.** This act may be known and cited as the Washington state pipeline safety act.

NEW SECTION. **Sec. 28.** Sections 1 through 7, 9, 11, 13, 14, 19, 23 through 25, and 27 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. **Sec. 29.** Sections 1 through 4, 9 through 15, 18, and 23 through 26 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. **Sec. 30.** RCW 81.88.040 (Intrastate pipeline safety)

MOTION

Senator Spanel moved that the following striking amendment by Senators Spanel, Morton, Gardner and Fraser be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The intent of this act is to protect the health and safety of the citizens of the state of Washington and the quality of the state's environment by developing and implementing environmental and public safety measures applicable to persons transporting hazardous liquids and gas by pipeline within the state of Washington. The legislature finds that public safety and the environment may best be protected by adopting standards that are equal to, or more stringent than, those adopted by the federal government, so long as they do not impermissibly interfere with interstate commerce.

(2) The legislature recognizes that additional federal authority is needed to implement a comprehensive pipeline safety program and by this act and other measures directs the state to seek that authority.

(3) It is also the intent of the legislature that the governor work with the state congressional delegation in seeking:

(a) To amend the federal pipeline safety act to delegate authority to qualified states to adopt and enforce standards equal to or more stringent than federal standards;

(b) State authority to administer and enforce federal requirements related to pipeline safety; and

(c) Higher levels of funding for state and federal pipeline safety activities and for states to respond to pipeline accident emergencies.

(4) While the legislature acknowledges that serious accidents have occurred for hazardous liquid and gas pipelines in this nation and elsewhere, it recognizes that there are fundamental differences between hazardous liquid pipelines and gas pipelines and that a different system of safety regulations must be applied for each kind of pipeline.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the utilities and transportation commission.

(2) "Department" means the department of ecology.

(3) "Failsafe" means a design feature that will maintain or result in a safe condition in the event of malfunction or failure of a power supply, component, or control device.

(4) "Gas" means natural gas, flammable gas, or toxic or corrosive gas.

(5) "Hazardous liquid" means: (a) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 in effect March 1, 1998; and (b) carbon dioxide.

(6) "Local government" means a political subdivision of the state or a city or town.

(7) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any political subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

(8) "Pipeline" or "pipeline system" means all parts of a pipeline facility through which a hazardous liquid moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. "Pipeline" or "pipeline system" does not include process or transfer pipelines.

(9) "Pipeline company" means a person or entity constructing, owning, or operating a pipeline for transporting hazardous liquid.

(10) "Reportable release" means a spilling, leaking, pouring, emitting, discharging, or any other uncontrolled escape of a hazardous liquid in excess of one barrel, or forty-two gallons.

(11) "Safety management systems" means management systems that include coordinated and interdisciplinary evaluations of the effect of significant changes to a pipeline system before such changes are implemented.

(12) "Transfer pipeline" means a buried or aboveground pipeline used to carry oil between a tank vessel or transmission pipeline and the first valve inside secondary containment at the facility provided that any discharge on the facility side of that first valve will not directly impact waters of the state. A transfer pipeline includes valves, and other appurtenances connected to the pipeline, pumping units, and fabricated assemblies associated with pumping units. A transfer pipeline does not include process pipelines, pipelines carrying ballast or bilge water, transmission pipelines, or tank vessel or storage tanks.

Sec. 3. RCW 81.88.040 and 1998 c 123 s 1 are each amended to read as follows:

(1) ((~~The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

~~(a) "Pipeline company" means a person or entity constructing, owning, or operating an intrastate pipeline for transporting hazardous liquid, whether or not such a person or entity is a public service company otherwise regulated by the commission.~~)) For

the purposes of this section, a pipeline company does not include: (((~~(i)~~))) (a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (((~~(ii)~~))) (b) excavation contractors or other contractors that contract with a pipeline company.

(((~~(b) "Hazardous liquid" means: (i) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 in effect March 1, 1998; and (ii) carbon dioxide. The commission by rule may incorporate by reference other substances designated as hazardous by the secretary of transportation under 49 U.S.C. Sec. 60101(a)(4).~~))

(2) ((~~The commission shall adopt by rule intrastate pipeline safety standards for pipeline transportation and pipeline facilities that: (a) Apply to pipeline companies transporting hazardous liquids; (b) cover the design, construction, and operation of pipelines transporting hazardous liquids; and (c) require pipeline companies to design, construct, and maintain their pipeline facilities so they are safe and efficient.~~

~~(3)~~)) A person, officer, agent, or employee of a pipeline company who, as an individual or acting as an officer, agent, or employee of such a company, violates or fails to comply with this ((~~section~~)) chapter or a rule adopted under this section, or who procures, aids, or abets another person or entity in the violation of or noncompliance with this section or a rule adopted under this section, is guilty of a gross misdemeanor.

(((~~(4)~~))) (3)(a) A pipeline company, or any person, officer, agent, or employee of a pipeline company that violates a provision of this section, or a rule adopted under this section, is subject to a civil penalty to be assessed by the commission.

(b) The commission shall adopt rules: (i) Setting penalty amounts, but may not exceed the penalties specified in the federal pipeline safety laws, 49 U.S.C. Sec. 60101 et seq.; and (ii) establishing procedures for mitigating penalties assessed((~~; and (iii) incorporating by reference other substances designated as hazardous by the secretary of transportation under 49 U.S.C. Sec. 60101(a)(4)~~)).

(c) In determining the amount of the penalty, the commission shall consider: (i) The appropriateness of the penalty in relation to the position of the person charged with the violation; (ii) the gravity of the violation; and (iii) the good faith of the person or company charged in attempting to achieve compliance after notification of the violation.

(d) The amount of the penalty may be recovered in a civil action in the superior court of Thurston county or of some other county in which the violator may do business. In all actions for recovery, the rules of evidence shall be the same as in ordinary civil actions. All penalties recovered under this section must be paid into the state treasury and credited to the public service revolving fund.

(4) The commission shall adopt rules incorporating by reference other substances designated as hazardous by the secretary of transportation under 49 U.S.C. Sec. 60101(a)(4).

(5) The commission shall also have the power of injunctive relief, as required by 49 U.S.C. Sec. 60105(b), to enforce the provisions of this chapter.

(6) Nothing in this section duplicates the authority of the energy facility site evaluation council under chapter 80.50 RCW.

NEW SECTION. **Sec. 4.** (1) The hazardous liquid pipeline safety account is created in the custody of the state treasurer. All receipts from the federal office of pipeline safety and any other state or federal funds provided for hazardous liquid pipeline safety must be deposited in the account, except as provided in subsection (2) of this section. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for funding pipeline safety.

(2) Federal funds received before June 30, 2001, shall be treated as receipt of unanticipated funds and expended, without appropriation, for the designated purposes.

NEW SECTION. **Sec. 5.** (1) A comprehensive program of hazardous liquid pipeline safety is authorized by sections 2, 4, 5, 9, 11, 13, and 19 of this act, and RCW 81.88.040 to be developed and implemented consistent with federal law. Except as provided in subsection (6) of this section, the commission shall administer and enforce all laws related to hazardous liquid pipeline safety.

(2) The commission shall adopt rules for pipeline safety standards for hazardous liquid pipeline transportation that:

(a) Require pipeline companies to design, construct, operate, and maintain their pipeline facilities so they are safe and efficient;

(b) Require pipeline companies to rapidly locate and isolate all reportable releases from hazardous liquid pipelines, that may include:

(i) Installation of remote control shut-off valves; and

(ii) Installation of remotely monitored pressure gauges and meters;

(c) Require the training and certification of personnel who operate hazardous liquid pipelines and the associated systems;

(d) Require reporting of emergency situations, including emergency shutdowns and material defects or physical damage that impair the serviceability of a pipeline; and

(e) Require hazardous liquid pipeline companies to submit operations safety plans to the commission once every five years, as well as any amendments to the plan made necessary by changes to the pipeline system or its operation. The safety plan shall include emergency response procedures.

(3) The commission shall approve operations safety plans if they have been deemed fit for service. A plan shall be deemed fit for service when it provides for pipelines that are designed, developed, constructed, operated, and periodically modified to provide for protection of public safety and the environment. Pipeline operations safety plans shall, at a minimum, include:

(a) A schedule of inspection and testing within the pipeline distribution system of:

(i) All mechanical components;

(ii) All electronic components; and

(iii) The structural integrity of all pipelines as determined through pressure testing, internal inspection tool surveys, or another appropriate technique;

(b) Failsafe systems;

(c) Safety management systems; and

(d) Emergency management training for pipeline operators.

(4) The commission shall coordinate information related to pipeline safety by providing technical assistance to local planning and siting authorities.

(5) The commission shall evaluate, and consider adopting, proposals developed by the federal office of pipeline safety, the national transportation safety board, and other agencies and organizations related to methods and technologies for testing the integrity of pipeline structure, leak detection, and other elements of pipeline operation.

(6) The authorities of sections 2, 4, 5, 9, 11, 13, and 19 of this act, and RCW 81.88.040 relating to hazardous liquid pipeline safety shall be transferred from the commission to the department pursuant to section 13 of this act upon the occurrence of either:

(a) Amendments to federal pipeline safety laws to eliminate preemption of state authority to regulate safety requirements for such pipelines; or

(b) The granting of federal authority to the state to enforce or adopt any safety requirements for interstate hazardous liquid pipelines.

NEW SECTION. **Sec. 6.** (1) The commission shall develop, in consultation with representatives of owners and operators of hazardous liquid pipelines and gas pipelines, local governments, and the excavation and construction industries: (a) A curricula aimed at the prevention of third-party excavation damage to hazardous liquid pipelines and gas pipelines; and (b) a plan for distribution of the curricula.

(2) The curricula shall include training on:

(a) Prevention of damage to pipelines;

(b) The danger involved if a pipeline is damaged;

(c) The significance of pipeline damage that does not cause immediate failure; and

(d) The importance of immediately reporting damage to a pipeline and the importance of immediately repairing a damaged pipeline.

NEW SECTION. **Sec. 7.** (1) The commission shall require hazardous liquid pipelines, and gas pipeline companies with gas transmission pipelines or gas pipelines operating over two hundred fifty pounds per square inch gauge, to provide accurate maps of their pipeline to specifications developed by the commission sufficient to meet the needs of first responders including installation depth information when known.

(2) The commission shall evaluate the sufficiency of the maps and consolidate the maps into a state-wide geographic information system. The commission shall assist local governments in obtaining pipeline location information and maps. The maps shall be made available to the one-number locator services as provided in chapter 19.122 RCW. The mapping system shall be compatible with the United States department of transportation national pipeline mapping program.

(3) The mapping system shall be completed by January 1, 2006, and periodically updated thereafter. The commission shall develop a plan for funding the geographic information system and report its recommendations to the legislature by December 15, 2000.

NEW SECTION. **Sec. 8.** A new section is added to chapter 43.110 RCW to read as follows:

The municipal research council shall, by June 30, 2001, develop and periodically update, for the consideration by local governments:

(1) A model ordinance that establishes setback and depth requirements for new hazardous liquid and gas pipeline construction; and

(2) A model franchise agreement for jurisdictions through which a hazardous liquid or gas pipeline is located.

NEW SECTION. **Sec. 9.** (1) The commission and the department shall apply for federal designation of the state's program for the purposes of enforcement of federal hazardous liquid pipeline safety requirements. If the secretary of transportation delegates inspection authority to the state as provided in this subsection, the department, at a minimum, shall do the following:

(a) Inspect hazardous liquid pipelines periodically as specified in the inspection program;

(b) Collect fees;

(c) Order and oversee the testing of hazardous liquid pipelines as authorized by federal law and regulation; and

(d) File reports with the United States secretary of transportation as required to maintain the delegated authority.

(2) The commission and the department shall also seek federal authority to adopt safety standards related to the monitoring and testing of interstate hazardous liquid pipelines.

(3) Upon designation under subsection (1) of this section or under a grant of authority under subsection (2) of this section, to the extent authorized by federal law, the department shall adopt rules for interstate pipelines that are no less stringent than the state's laws and rules for intrastate hazardous liquid pipelines.

NEW SECTION. **Sec. 10.** A new section is added to chapter 80.28 RCW to read as follows:

(1) The commission shall seek and accept federal designation of the commission's inspectors as federal agents for the purposes of enforcement of federal laws covering gas pipeline safety and the associated federal rules, as they exist on the effective date of this section. The commission shall establish and submit to the United States secretary of transportation an inspection program that complies with requirements for delegated interstate agent inspection authority. If the secretary of transportation delegates inspection authority to the state as provided in this subsection, the commission, at a minimum, shall do the following:

(a) Inspect gas pipelines periodically as specified in the inspection program;

(b) Collect fees;

(c) Order and oversee the testing of gas pipelines as authorized by federal law and regulation; and

(d) File reports with the United States secretary of transportation as required to maintain the delegated authority.

(2) The commission shall also seek federal authority to adopt safety standards related to the monitoring and testing of interstate gas pipelines.

(3) Upon designation under subsection (1) of this section or under a grant of authority under subsection (2) of this section, to the extent authorized by federal law, the commission shall adopt rules for interstate gas pipelines that are no less stringent than the state's laws and rules for intrastate gas pipelines.

NEW SECTION. **Sec. 11.** The commission may inspect any record, map, or written procedure required by federal law to be kept by a hazardous liquid pipeline company concerning the reportable releases, and the design, construction, testing, or operation and maintenance of hazardous liquid pipelines.

NEW SECTION. **Sec. 12.** A new section is added to chapter 80.28 RCW to read as follows:

The commission may inspect any record, map, or written procedure required by federal law to be kept by a gas pipeline company concerning the reporting of gas releases, and the design, construction, testing, or operation and maintenance of gas pipelines.

NEW SECTION. **Sec. 13.** (1) All powers, duties, and functions of the utilities and transportation commission pertaining to hazardous liquid pipeline safety, except economic regulatory authority under chapters 81.88, 80.24, and 81.24 RCW, are transferred to the department of ecology effective upon the department's receipt of any delegated federal authority over interstate hazardous liquid pipelines, or upon such earlier date as the office of financial management may determine in the event that federal law is amended to remove all or part of the federal preemption of state regulation of hazardous liquid pipelines. The timing of the transfer shall be facilitated by a memorandum of agreement between the two agencies, with any disputes resolved by the office of financial management. All references to the commission or the utilities and transportation commission in the Revised Code of Washington shall be construed to mean the director or the department of ecology when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of ecology. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the utilities and transportation commission in carrying out the powers, functions, and duties transferred shall be made available to the department of ecology. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of ecology.

(b) Any appropriations made to the utilities and transportation commission for carrying out the powers, functions, and duties transferred shall be transferred and credited to the department of ecology under the agreement authorized in subsection (1) of this section.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions

transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the utilities and transportation commission engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of ecology. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of ecology to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of ecology. All existing contracts and obligations shall remain in full force and shall be performed by the department of ecology.

(5) The transfer of the powers, duties, functions, and personnel of the utilities and transportation commission shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. **Sec. 14.** (1) The citizens committee on pipeline safety is established to advise the state agencies and other appropriate federal and local government agencies and officials on matters relating to pipeline safety, routing, construction, operation, and maintenance. The committee shall have thirteen total members who shall be appointed by the governor to staggered three-year terms and shall consist of: (a) Nine members representing local government, including elected officials and the public; and (b) four nonvoting members, representing owners and operators of hazardous liquid and gas pipelines. The committee shall review and comment on proposed rules and the operation of the state pipeline safety programs.

(2) The committee may create one or more technical advisory committees comprised of gas and hazardous liquid pipeline owners or operators, agency representatives, natural resource and environmental interests, or other interested parties.

(3) The committee established in subsection (1) of this section constitutes a class one group under RCW 43.03.220. Expenses for this group, as well as staff support, shall be provided by the utilities and transportation commission and, if additional pipeline authority is transferred to it, the department of ecology.

NEW SECTION. **Sec. 15.** A new section is added to chapter 19.122 RCW to read as follows:

(1) By December 31, 2000, the utilities and transportation commission shall cause to be established a single state-wide toll-free telephone number to be used for referring excavators to the appropriate one-number locator service.

(2) The utilities and transportation commission, in consultation with the Washington utilities coordinating council, shall establish minimum standards and best management practices for one-number locator services consistent with the recommendations of the governor's fuel accident prevention and response team issued in December 1999. By December 31, 2000, the commission shall provide its recommendations to the appropriate standing committees of the house of representatives and the senate.

(3) One-number locator services shall be operated by nongovernmental agencies.

Sec. 16. RCW 19.122.030 and 1988 c 99 s 1 are each amended to read as follows:

(1) Before commencing any excavation, excluding agriculture tilling of soil less than twelve inches in depth, the excavator shall provide notice of the scheduled commencement of excavation to all owners of underground facilities through a one-number locator service.

(2) All owners of underground facilities within a one-number locator service area shall subscribe to the service. One-number locator service rates for cable television companies will be based on the amount of their underground facilities. If no one-number locator service is available, notice shall be provided individually to those owners of underground facilities known to or suspected of having underground facilities within the area of proposed excavation. The notice shall be communicated to the owners of underground facilities not less than two business days or more than ten business days before the scheduled date for commencement of excavation, unless otherwise agreed by the parties. The notice shall also comply with the requirements of section 20 of this act.

(3) Upon receipt of the notice provided for in this section, the owner of the underground facility shall provide the excavator with reasonably accurate information as to its locatable underground facilities by surface-marking the location of the facilities. If there are identified but unlocatable underground facilities, the owner of such facilities shall provide the excavator with the best available information as to their locations. The owner of the underground facility providing the information shall respond no later

than two business days after the receipt of the notice or before the excavation time, at the option of the owner, unless otherwise agreed by the parties. Excavators shall not excavate until all known facilities have been marked. Once marked by the owner of the underground facility, the excavator is responsible for maintaining the markings. Excavators shall have the right to receive compensation from the owner of the underground facility for costs incurred if the owner of the underground facility does not locate its facilities in accordance with this section.

(4) The owner of the underground facility shall have the right to receive compensation for costs incurred in responding to excavation notices given less than two business days prior to the excavation from the excavator.

(5) An owner of underground facilities is not required to indicate the presence of existing service laterals or appurtenances if the presence of existing service laterals or appurtenances on the site of the construction project can be determined from the presence of other visible facilities, such as buildings, manholes, or meter and junction boxes on or adjacent to the construction site.

(6) Emergency excavations are exempt from the time requirements for notification provided in this section.

(7) If the excavator, while performing the contract, discovers underground facilities which are not identified, the excavator shall cease excavating in the vicinity of the facility and immediately notify the owner or operator of such facilities, or the one-number locator service.

NEW SECTION. **Sec. 17.** A new section is added to chapter 19.122 RCW to read as follows:

When the excavator contacts the one-number locator service under RCW 19.122.030(1), the excavator shall notify the service if surface markings or other information indicates that the excavation work, excluding agricultural tilling less than twelve inches in depth, is to occur within five feet of a hazardous liquid pipeline or gas transmission pipeline. The one-number locator service shall inform the pipeline company that owns or operates the pipeline that excavation is to occur within five feet of their pipeline and inform the company that its representative must be on-site, prior to the start of excavation.

Sec. 18. RCW 19.122.050 and 1984 c 144 s 5 are each amended to read as follows:

An excavator who, in the course of excavation, contacts or damages an underground facility shall immediately notify the utility owning or operating such facility and the state-wide one-number ((~~locator~~)) referral service. If the damage causes an emergency condition, the excavator causing the damage shall also immediately alert the appropriate local public safety agencies and take all appropriate steps to ensure the public safety. No damaged underground facility may be buried until it is repaired or relocated.

(2) The owner of the underground facilities damaged shall arrange for repairs or relocation as soon as is practical or may permit the excavator to do necessary repairs or relocation at a mutually acceptable price.

NEW SECTION. **Sec. 19.** A new section is added to chapter 48.48 RCW to read as follows:

(1) The chief of the Washington state patrol, through the director of fire protection or his or her authorized deputy, shall, in consultation with the emergency management program within the state military department, the department of ecology, the utilities and transportation commission, and local emergency services organizations:

(a) Evaluate the preparedness of local first responders in meeting emergency management demands under subsection (2) of this section; and

(b) Conduct an assessment of the equipment and personnel needed by local first responders to meet emergency management demands related to pipelines.

(2) The chief of the Washington state patrol, through the director of fire protection or his or her deputy, shall develop curricula for training local first responders to deal with hazardous liquid and gas pipeline accidents. The curricula shall be developed in conjunction with pipeline companies and local first responders, and shall include a timetable and costs for providing training as defined in the curricula to all communities housing pipelines. Separate curricula shall be developed for hazardous liquid and gas pipelines so that the differences between pipelines may be recognized and appropriate accident responses provided. The need for a training program for regional incident management teams shall also be evaluated.

(3) In consultation with other relevant agencies, the chief of the Washington state patrol, through the director of fire protection or his or her deputy, shall identify the need and means for achieving consistent application of the national interagency incident management system.

(4) For the purposes of this section, "local first responders" means police, fire, emergency medical staff, and volunteers.

NEW SECTION. **Sec. 20.** (1) A pipeline company that has been notified by an excavator pursuant to RCW 19.122.050 that excavation work will occur within five feet of a hazardous liquid pipeline shall ensure that the pipeline company's representative is on-site during the excavation within the five foot zone. The pipeline company has the discretion to require that the pipeline section in the vicinity of the excavation is fully uncovered and examined for damage prior to being reburied. If safety concerns exist, the pipeline company may elect, at the excavator's expense, to conduct the uncovering of the pipeline.

(2) Immediately upon receiving information of third-party damage to a pipeline owned or operated by a pipeline company, that company shall visually inspect the pipeline. After visual inspection, a pipeline company shall determine whether the pipeline

section that has sustained third-party damage should be replaced or repaired. A record of the company's inspection report and test results shall be provided to the commission within fourteen calendar days of the inspection.

(3) Pipeline companies shall immediately notify local first responders and the department of any reportable release from a hazardous liquid pipeline.

NEW SECTION. **Sec. 21.** A new section is added to chapter 80.28 RCW to read as follows:

(1) A gas pipeline company that has been notified by an excavator pursuant to RCW 19.122.050 that excavation work will occur within five feet of a gas transmission pipeline shall ensure that the pipeline company's representative is on-site during the excavation within the five foot zone. The gas pipeline company has the discretion to require that the pipeline section in the vicinity of the excavation is fully uncovered and examined for damage prior to being reburied. If safety concerns exist, the gas pipeline company may elect, at the excavator's expense, to conduct the uncovering of the pipeline.

(2) Immediately upon receiving information of third-party damage to any gas pipeline owned or operated by a gas pipeline company, that company shall visually inspect the pipeline. After visual inspection, a gas pipeline company shall determine whether the pipeline section that has sustained third-party damage should be replaced or repaired. A record of the company's inspection report and test results shall be provided to the commission within fourteen calendar days of the inspection.

(3) Pipeline companies shall immediately notify local first responders and the commission of any blowing gas leak from a gas pipeline that has ignited or represents a probable hazard to persons or property.

NEW SECTION. **Sec. 22.** A new section is added to chapter 19.122 RCW to read as follows:

Any person who willfully damages or removes a permanent marking used to identify an underground facility, or a temporary marking prior to its intended use, is subject to a civil penalty of not more than one thousand dollars for each act.

NEW SECTION. **Sec. 23.** A new section is added to chapter 19.122 RCW to read as follows:

(1) Any person who fails to notify the one-number locator service and causes damage to a hazardous liquid or gas pipeline is subject to a civil penalty of not more than ten thousand dollars for each violation.

(2) Any person who excavates within five feet of a hazardous liquid pipeline or gas transmission pipeline without the pipeline company's representative on-site, is subject to a civil penalty of not more than ten thousand dollars for each violation.

(3) All civil penalties recovered under subsections (1) and (2) of this section shall be deposited in the general fund and expended for the purpose of enforcement of hazardous liquid and gas pipeline safety laws.

(4) For the purposes of this section and section 17 of this act: (a) "Hazardous liquid" means: (i) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 in effect March 1, 1998; and (ii) carbon dioxide. The utilities and transportation commission by rule may incorporate by reference other substances designated as hazardous by the secretary of transportation under 49 U.S.C. Sec. 60101(a)(4); and (b) "gas" means natural gas, flammable gas, or toxic or corrosive gas.

NEW SECTION. **Sec. 24.** A pipeline containing petroleum or petroleum products that is wholly owned by an individual and which pipeline is located wholly on the individual's property, that is not adjoining marine waters, is exempt from the provisions of this chapter. This exemption applies only for pipelines that do not have any connections to pipelines or facilities that extend beyond the pipeline owner's property and the petroleum or petroleum products must be for use only at that location.

NEW SECTION. **Sec. 25.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 26.** This act may be known and cited as the Washington state pipeline safety act.

NEW SECTION. **Sec. 27.** Sections 1, 2, 4 through 7, 9, 11, 13, 14, 20, and 24 through 26 of this act are each added to chapter 81.88 RCW.

NEW SECTION. **Sec. 28.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTION

On motion of Senator Spanel, the following amendment by Senators Spanel and Morton to the striking amendment by Senators Spanel, Morton, Gardner and Fraser was adopted:

On page 7, line 6, after "to provide" strike "accurate"

MOTION

Senator Honeyford moved that the following amendment to the striking amendment by Senators Spanel, Morton, Gardner and Fraser be adopted:

On page 11, line 15, after "four" strike "nonvoting" and insert "voting"

Debate ensued.

Senator Johnson demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Honeyford on page 11, line 15, to the striking amendment by Senators Spanel, Morton, Gardner and Fraser to Engrossed Second Substitute House Bill No. 2420.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 19; Nays, 27; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 19.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, McDonald, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27.

Absent: Senator Finkbeiner - 1.

Excused: Senators Deccio and Sellar - 2.

MOTION

On motion of Senator Spanel, the following amendments by Senators Spanel and Morton to the striking amendment by Senators Spanel, Morton, Gardner and Fraser were considered simultaneously and were adopted:

On page 15, line 8, after "reburied." strike all language through line 9

On page 15, line 28, after "reburied." strike all language through line 30

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Spanel, Morton, Gardner and Fraser, as amended, to Engrossed Substitute House Bill No. 2420.

The motion by Senator Spanel carried and the striking amendment, as amended, was adopted.

MOTION

On motion of Senator Honeyford, Senator Finkbeiner was excused.

MOTIONS

On motion of Senator Spanel, the following title amendment was adopted:

On page 1, line 1 of the title, after "safety;" strike the remainder of the title and insert "amending RCW 81.88.040, 19.122.030, and 19.122.050; adding new sections to chapter 81.88 RCW; adding a new section to chapter 43.110 RCW; adding new sections to chapter 80.28 RCW; adding new sections to chapter 19.122 RCW; adding a new section to chapter 48.48 RCW; prescribing penalties; and declaring an emergency."

On motion of Senator Fraser, the rules were suspended, Engrossed Second Substitute House Bill No. 2420, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2420, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2420, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Deccio, Finkbeiner and Sellar - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2420, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2491, by House Committee on Appropriations (originally sponsored by Representatives Schindler, Ballasiotes, Koster, Sullivan, Esser, Wood, Crouse, Cairnes, Rockefeller, Edmonds, Mulliken, Clements, Ruderman, McDonald and Dunn)

Providing a procedure to conduct DNA testing of evidence for persons sentenced to death or life imprisonment.

The bill was read the second time.

MOTION

On motion of Senator Hargrove, the following Committee on Ways and Means striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 10.73 RCW to read as follows:

(1) On or before December 31, 2002, a person in this state who has been sentenced to death or life imprisonment without possibility of release or parole and who has been denied postconviction DNA testing may submit a request to the county prosecutor in the county where the conviction was obtained for postconviction DNA testing, if DNA evidence was not admitted because the court ruled DNA testing did not meet acceptable scientific standards or DNA testing technology was not sufficiently developed to test the DNA evidence in the case. On and after January 1, 2003, a person must raise the DNA issues at trial or on appeal.

(2) The prosecutor shall screen the request. The request shall be reviewed based upon the likelihood that the DNA evidence would demonstrate innocence on a more probable than not basis. Upon determining that testing should occur and the evidence still exists, the prosecutor shall request DNA testing by the Washington state patrol crime laboratory. Contact with victims shall be handled through victim/witness divisions.

(3) A person denied a request made pursuant to subsections (1) and (2) of this section has a right to appeal his or her request within thirty days of denial of the request by the prosecutor. The appeal shall be to the attorney general's office. If the attorney general's office determines that it is likely that the DNA testing would demonstrate innocence on a more probable than not basis, then the attorney general's office shall request DNA testing by the Washington state patrol crime laboratory.

NEW SECTION. **Sec. 2.** By December 1, 2001, the office of public defense shall prepare a report detailing the following: (1) The number of postconviction DNA test requests approved by the respective prosecutor; (2) the number of postconviction DNA test requests denied by the respective prosecutor and a summary of the basis for the denials; (3) the number of appeals for postconviction DNA testing approved by the attorney general's office; (4) the number of appeals for postconviction DNA testing denied by the attorney general's office and a summary of the basis for the denials; and (5) a summary of the results of the postconviction DNA tests conducted pursuant to section 1 (2) and (3) of this act. The report shall also provide an estimate of the number of persons convicted of crimes where DNA evidence was not admitted because the court ruled DNA testing did not meet acceptable scientific standards or where DNA testing technology was not sufficiently developed to test the DNA evidence in the case.

Sec. 3. RCW 10.37.050 and 1891 c 28 s 29 are each amended to read as follows:

The indictment or information is sufficient and will toll any statute of limitations if it can be understood therefrom--

(1) That it is entitled in a court having authority to receive ((~~[it.]~~)) it;

(2) That it was found by a grand jury or prosecuting attorney of the county in which the court was held;

(3) That the defendant is named, or if his name cannot be discovered, that he is described by a fictitious name or by reference to a unique genetic sequence of deoxyribonucleic acid, with the statement that his real name is ((~~to the jury~~)) unknown;

(4) That the crime was committed within the jurisdiction of the court, except where, as provided by law, the act, though done without the county in which the court is held, is triable therein;

(5) That the crime was committed at some time previous to the finding of the indictment or filing of the information, and within the time limited by law for the commencement of an action therefor;

(6) That the act or omission charged as the crime is clearly and distinctly set forth in ordinary and concise language, without repetition, and in such a manner as to enable a person of common understanding to know what is intended;

(7) The act or omission charged as the crime is stated with such a degree of certainty as to enable the court to pronounce judgment upon a conviction according to the right of the case.

NEW SECTION. **Sec. 4.** Nothing in this act is intended to create a legal right or cause of action. Nothing in this act is intended to deny or alter any existing legal right or cause of action. Nothing in this act should be interpreted to deny postconviction DNA testing requests under existing law by convicted and incarcerated persons who were sentenced to confinement for a term less than life or the death penalty."

MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "evidence;" strike the remainder of the title and insert "amending RCW 10.37.050; adding a new section to chapter 10.73 RCW; and creating new sections."

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2491, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2491, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2491, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Finkbeiner and Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 2491, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2340, by Representatives O'Brien, Ballasiotes, Carlson, Hurst and Talcott (by request of Sentencing Guidelines Commission)

Providing for removal of offenders from the drug offender sentencing alternative who are subject to a deportation order.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, Engrossed House Bill No. 2340 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2340.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2340 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Finkbeiner and Sellar - 2.

ENGROSSED HOUSE BILL NO. 2340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, Substitute House Bill No. 2060, which was on the second reading calendar, was referred to the Committee on Rules.

MOTION

At 6:19 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Friday, March 3, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-THIRD DAY, MARCH 2, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIFTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 3, 2000

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner, Haugen, Horn, Prentice, Roach, Sellar, Tim Sheldon and Wojahn On motion of Senator Franklin, Senators Haugen, Prentice and Wojahn were excused. On motion of Senator Honeyford, Senators Finkbeiner, Horn, Roach and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages Tyler Schlauderaff and Chelsea Young, presented the Colors. Chaplain Beverly Jenden-Riedlinger, pastor of the Providence Spiritual Care Network at St. Peter Hospital in Olympia, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE HOUSE

March 1, 2000

MR. PRESIDENT:

The House has adopted SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4428, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

SHCR 4428 by Committee on State Government (originally sponsored by Representatives Conway, D. Schmidt, O'Brien Campbell, Lovick, Miloscia, Talcott, Bush, Woods, Haigh, Radcliff, Kenney, Kessler, Rockefeller, Santos and Skinner)

Creating a joint select committee on veterans and military affairs.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended and Substitute House Concurrent Resolution No. 4428 was advanced to second reading and placed on the second reading calendar.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Betti Sheldon, Gubernatorial Appointment No. 9317, Sue Batali, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

APPOINTMENT OF SUE BATALI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 41.

Absent: Senator Sheldon, T. - 1.

Excused: Senators Finkbeiner, Haugen, Horn, Prentice, Roach, Sellar and Wojahn - 7.

MOTION

On motion of Senator Honeyford, Senator Long was excused.

MOTIONS

On motion of Senator Eide, Senators Patterson and Tim Sheldon were excused.

On motion of Senator Franklin, Senator Thibaudeau was excused.

MOTION

On motion of Senator Heavey, Gubernatorial Appointment No. 9308, Vera Chan-Ing, as a member of the Liquor Control Board, was confirmed.

APPOINTMENT OF VERA CHAN-ING

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 1; Excused, 11.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McCaslin, McDonald, Morton, Oke, Rasmussen, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 37.

Absent: Senator McAuliffe - 1.

Excused: Senators Deccio, Finkbeiner, Horn, Long, Patterson, Prentice, Roach, Sellar, Sheldon, T., Thibaudeau and Wojahn - 11.

MOTION

On motion of Senator Franklin, Senators McAuliffe, Loveland and Snyder were excused.

MOTION

On motion of Senator Heavey, Gubernatorial Appointment No. 9322, George Orr, as a member of the Gambling Commission, was confirmed.

Senators Heavey, McCaslin, Brown and Jacobsen spoke to the confirmation of George Orr as a member of the Gambling Commission.

APPOINTMENT OF GEORGE ORR

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 1; Excused, 11.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, McCaslin, McDonald, Morton, Oke, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 37.

Absent: Senator West - 1.

Excused: Senators Deccio, Long, Loveland, McAuliffe, Patterson, Prentice, Roach, Sellar, Snyder, Thibaudeau and Wojahn - 11.

MOTION

On motion of Senator Johnson, Senator West was excused.

MOTION

On motion of Senator Costa, Gubernatorial Appointment No. 9300, Nancy Truitt Pierce, as a member of the Board of Trustees for Everett Community College District No. 5, was confirmed.

APPOINTMENT OF NANCY TRUITT PIERCE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 41.

Excused: Senators Deccio, Long, Loveland, Prentice, Sellar, Snyder, West and Wojahn - 8.

MOTION

On motion of Senator Honeyford, the following resolution was adopted:

SENATE RESOLUTION 2000-8748

By Senators Honeyford, Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli

WHEREAS, Babies are a sign that God wishes the world should go on; and

WHEREAS, The potential possibilities of any child are the most intriguing and stimulating in all creation; and

WHEREAS, Children are our most precious natural resource; and

WHEREAS, Sophia Vina Ho'onanea Hart was born to the daughter of Lieutenant Governor Brad Owen on October 15, 1999; and

WHEREAS, Grace Alexandra Kruschke was born to the daughter of Senator Alex Deccio on July 9, 1999; and

WHEREAS, Karissa Jean Akselsen was born to the granddaughter of Senator Alex Deccio on May 6, 1999; and

WHEREAS, Sarah Moyes was born to the daughter of Senator Karen Fraser on February 27, 2000; and

WHEREAS, Hannah Nicole Hochstatter was born to the son of Senator Harold Hochstatter on July 2, 1999; and

WHEREAS, John Henry "Jack" Hammingh was born to the daughter of Senator Jim Honeyford on June 1, 1999; and

WHEREAS, Haley Elizabeth Smith was born to the daughter of Senator Steve Johnson on July 11, 1999; and

WHEREAS, Andrew Evan McDonald was born to the youngest son of Senator Dan McDonald on September 9, 1999; and

WHEREAS, Will Christian McDonald was born to the oldest son of Senator Dan McDonald on January 25, 2000; and

WHEREAS, Molly Kate Warrington was born to the daughter of Senator George Sellar on January 19, 2000;

WHEREAS, Megan Marie Huggler was born to the daughter of Senator Marilyn Rasmussen on June 16, 1999;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby welcome the 1999 Interim and 2000 Session Babies born to members of the Senate or to the children of members of the Senate; and

BE IT FURTHER RESOLVED, That the Washington State Senate wishes all the blessings of life for Sophia, Grace, Karissa, Sarah, Hannah, Jack, Haley, Andrew, Will, Molly and Megan; and

BE IT FURTHER RESOLVED, That Lieutenant Governor Owen, and Senators Deccio, Fraser, Hochstatter, Honeyford, Johnson, McDonald, Sellar and Rasmussen be given an official copy of this resolution to be placed in the baby book of his or her 1999 Interim/2000 Session Baby.

Senators Honeyford, Rasmussen, Johnson, McCaslin, Finkbeiner, Deccio, Hochstatter and Shin spoke to Senate Resolution 2000-8748.

MOTION

At 9:42 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:11 a.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the sixth order of business.

STATEMENT FOR THE JOURNAL

Please record in the Journal that I missed voting on Engrossed House Bill No. 2755, because I was across the rotunda negotiating a transportation budget issue with a member of the House of Representatives.

SENATOR DON BENTON, Seventeenth District

SECOND READING

ENGROSSED HOUSE BILL NO. 2755, by Representatives Gombosky, Crouse, Wood, Poulsen, Bush, Reardon, Mielke, Grant, McDonald, Delvin and Mastin

Clarifying the taxation of electrical energy sales.

The bill was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Engrossed House Bill No. 2755 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2755.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2755 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 5; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Winsley, Wojahn and Zarelli - 40.

Absent: Senators Benton, Fraser, Hargrove, Horn and Thibaudeau - 5.

Excused: Senators Deccio, Loveland, Sellar and West - 4.

ENGROSSED HOUSE BILL NO. 2755, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Horn was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2649, by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Wolfe, Radcliff and Ruderman) (by request of Department of Information Services)

Granting the department of information services the authority to provide services to nonprofit organizations.

The bill was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Substitute House Bill No. 2649 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Stevens: "Senator Brown, could you provide for me the information as to the types of non-profit organizations? For example, would these be considered 501C3 non-profit organizations, as is designated under the federal government?"

Senator Brown: "Senator, thank you for your question. These are non-profit public benefit organizations that receive at least fifty percent of their funding from public sources. I would be happy to get you a list. I think that there are about thirty of them that are receiving these--basically discounted phone services for their organizations. This just clarifies that the department that is currently providing these services has the authority to do that. If we don't do this, it is not clear--if we want to take away their authority, then essentially we are imposing on these small non-profits additional costs, which they will have to pass on to taxpayers, because they receive their funds from taxpayers."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2649.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2649 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 17; Absent, 2; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Spanel, West, Winsley and Wojahn - 27.

Voting nay: Senators Benton, Finkbeiner, Hale, Hochstatter, Honeyford, Johnson, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker and Zarelli - 17.

Absent: Senators Snyder and Thibaudeau - 2.

Excused: Senators Deccio, Horn and Sellar - 3.

SUBSTITUTE HOUSE BILL NO. 2649, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Snyder was excused.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1071, by House Committee on State Government (originally sponsored by Representatives Romero and D. Schmidt) (by request of Alternative Public Works Methods Oversight Committee)

Creating a limited public works process.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the following Committee on State and Local Government striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 39.04 RCW to read as follows:

In addition to any other power or authority that an agency may have, an agency alone or in concert with another agency may award contracts for work, construction, alteration, repair, or improvement projects estimated to cost less than thirty-five thousand dollars using a limited public works process without advertising and competitive bidding. An agency using the limited public works process shall solicit electronic or written quotations from a minimum of three contractors included on the appropriate small works roster established under RCW 39.04.150, making an effort to include a certified minority or certified woman-owned contractor, and shall award the contract to the lowest responsible bidder, even if only one quotation is received, or shall reject all quotations. After an award is made, the quotations shall be open to public inspection and available by electronic request. Unless the agency chooses to notify all contractors on the appropriate roster who are willing to perform work in the geographic area of the work, a contractor on the appropriate roster who is willing to perform work in that geographic area and who has been sent a notice of a project shall not be sent another notice of a project until all others on the appropriate roster who are willing to perform work in the geographic area have been sent notice of a project. An agency shall maintain a list each biennium of the contracts awarded under the limited public works process, including the name of the contractor, the amount of the contract, a brief description of the type of work performed, and the date it was awarded. For limited public works projects, an agency may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materialmen, suppliers, and taxes imposed pursuant to Title 82 RCW that may be due from the contractor for the limited public works project, however the agency shall have a right of recovery against the contractor for any payments made on the contractor's behalf.

(2) The breaking down of any public work or improvement into units or accomplishing any public work or improvement by phases for the purpose of avoiding the minimum dollar amount for bidding is contrary to public policy and is prohibited.

(3) As used in this section, the term "agency" means the department of general administration, the department of fish and wildlife, the department of natural resources, the department of transportation, and the state parks and recreation commission.

Sec. 2. RCW 39.04.155 and 1998 c 278 s 12 are each amended to read as follows:

(1) A municipality may use either the small works roster process as defined in subsection (2) of this section or an alternative small works roster process that is called the limited public works process as defined in subsection (3) of this section for work, construction, repair, alteration, or improvement projects.

(2)(a) This ((~~section~~)) subsection provides a uniform process to award contracts for public works projects by those municipalities that are authorized to use a small works roster in lieu of the requirements for formal sealed bidding. The state statutes governing a specific type of municipality shall establish the maximum dollar thresholds of the contracts that can be awarded under this process, and may include other matters concerning the small works roster process, for the municipality.

(((~~2~~))) (b) Such municipalities may create a single general small works roster, or may create a small works roster for different categories of anticipated work. The small works roster or rosters shall consist of all responsible contractors who have requested to be on the list, and where required by law are properly licensed or registered to perform such work in this state. At least twice a year, the municipality shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters.

The governing body of the municipality shall establish a procedure for securing ((~~telephone~~)) electronic or written quotations from the contractors on the general small works roster, or a specific small works roster for the appropriate category of work, to assure that a competitive price is established and to award contracts to the lowest responsible bidder, as defined in RCW 43.19.1911. Such invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation. This section does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building

codes. Whenever possible at least five contractors shall be invited to submit bids. Once a contractor has been afforded an opportunity to submit a proposal, that contractor shall not be offered another opportunity until all other appropriate contractors on the small works roster have been afforded an opportunity to submit a proposal on a contract. Proposals may be invited from all appropriate contractors on the small works roster.

A contract awarded from a small works roster under this section need not be advertised.

Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by ((~~telephone~~)) electronic inquiry.

(3)(a) Work, construction, alteration, repair, or improvement projects estimated to cost less than thirty-five thousand dollars are limited public works exempt from the small works roster process and from the requirement that contracts be awarded after advertisement and competitive bid as provided in RCW 39.04.010. For limited public works projects, the municipality shall solicit electronic or written quotations from a minimum of three contractors on the appropriate small works roster, making an effort to include a certified minority or certified woman-owned contractor, and shall award the contract to the lowest responsible bidder, even if only one quotation is received, or reject all quotations. After an award is made, the quotations must be open to public inspection and available by electronic request. Unless the municipality chooses to notify all contractors on the appropriate roster, a contractor on the appropriate roster who has been sent a notice of a project shall not be sent another notice of a project until all others on the appropriate roster who are willing to perform work have been sent notice of a project. A municipality shall maintain a list each biennium of the contracts awarded under the limited public works process, including the name of the contractor, the amount of the contract, a brief description of the type of work performed, and the date it was awarded. For limited public works projects, a municipality may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materialmen, suppliers, and taxes imposed pursuant to Title 82 RCW that may be due from the contractor for the limited public works project, however the agency shall have a right of recovery against the contractor for any payments made on the contractor's behalf.

(b) The breaking down of any public work or improvement into units or accomplishing any public work or improvement by phases for the purpose of avoiding the minimum dollar amount for bidding is contrary to public policy and is prohibited."

MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 1 of the title, after "works;" strike the remainder of the title and insert "amending RCW 39.04.155; and adding a new section to chapter 39.04 RCW."

On motion of Senator Patterson, the rules were suspended, Engrossed Second Substitute House Bill No. 1071, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1071, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1071, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Deccio, Sellar and Snyder - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1071, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, Senator Wojahn was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2345, by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives O'Brien, Ballasiotes, Ruderman, Hurst and Lovick) (by request of Department of Social and Health Services)

Requiring the secretary of social and health services to adopt rules for oversight and operation of the sexually violent predator program.

The bill was read the second time.

MOTION

On motion of Senator Costa, the rules were suspended, Substitute House Bill No. 2345 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2345.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2345 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 44.

Absent: Senator Zarelli - 1.

Excused: Senators Deccio, Sellar, Snyder and Wojahn - 4.

SUBSTITUTE HOUSE BILL NO. 2345, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6062, by Senators Gardner, Spanel, West and Oke

Providing a sales and use tax deferral for natural gas-fired energy generating facilities sited in rural areas.

MOTIONS

On motion of Senator Gardner, Substitute Senate Bill No. 6062 was substituted for Senate Bill No. 6062 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gardner, the rules were suspended, Substitute Senate Bill No. 6062 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6062.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6062 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 40.

Voting nay: Senators Brown, Fairley, Fraser, Jacobsen, Kohl-Welles, McDonald, Patterson and Thibaudeau - 8.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6062, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2348, by House Committee on Agriculture and Ecology (originally sponsored by Representatives G. Chandler and Linville) (by request of Conservation Commission)

Authorizing treasurer services for conservation districts.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 2348 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2348.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2348 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45.

Absent: Senators Deccio, Morton and Zarelli - 3.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 2348, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Rhododendron Festival Royalty from Port Townsend, who were seated in the gallery.

MOTION

On motion of Senator Honeyford, Senator Morton was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2377, by House Committee on Agriculture and Ecology (originally sponsored by Representatives G. Chandler, Linville, Pennington and Haigh) (by request of Department of Agriculture)

Regulating custom meat slaughter and preparation.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 2377 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2377.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2377 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senators Haugen and Horn - 2.

Excused: Senators Morton and Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 2377, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

March 1, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6644, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

March 2, 2000

MR. PRESIDENT:

The Co-Speakers have signed:

ENGROSSED SENATE BILL NO. 5152,
SUBSTITUTE SENATE BILL NO. 5408,
ENGROSSED SENATE BILL NO. 5667,
SENATE BILL NO. 6138,
SENATE BILL NO. 6139,
SENATE BILL NO. 6140,
SUBSTITUTE SENATE BILL NO. 6147,
SUBSTITUTE SENATE BILL NO. 6182,
SENATE BILL NO. 6206,
SENATE BILL NO. 6223,
SUBSTITUTE SENATE BILL NO. 6276,
SENATE BILL NO. 6307,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6347, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

March 2, 2000

MR. PRESIDENT:

The Co-Speakers have signed:
SUBSTITUTE SENATE BILL NO. 5366,
SUBSTITUTE SENATE BILL NO. 5932,
SENATE BILL NO. 6237,
SENATE BILL NO. 6275,
SUBSTITUTE SENATE BILL NO. 6349,
SENATE BILL NO. 6366,
SENATE BILL NO. 6378,
SENATE BILL NO. 6429,
SENATE BILL NO. 6622,
SENATE BILL NO. 6642,
SUBSTITUTE SENATE BILL NO. 6643,
SENATE BILL NO. 6667,
SENATE BILL NO. 6678,
SUBSTITUTE SENATE BILL NO. 6687,
SENATE BILL NO. 6741,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8017,
SENATE JOINT MEMORIAL NO. 8019,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8026, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

March 2, 2000

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 6149,
SUBSTITUTE SENATE BILL NO. 6375,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6732, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

March 2, 2000

MR. PRESIDENT:

The House has passed:
SUBSTITUTE SENATE BILL NO. 5590,
SUBSTITUTE SENATE BILL NO. 5805,
SUBSTITUTE SENATE BILL NO. 6115,
SUBSTITUTE SENATE BILL NO. 6213,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6295,
SENATE BILL NO. 6602,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6761,

SENATE JOINT MEMORIAL NO. 8021, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

March 2, 2000

MR. PRESIDENT:

The Co-Speakers have signed:
ENGROSSED HOUSE BILL NO. 1711,
ENGROSSED HOUSE BILL NO. 2334,
SUBSTITUTE HOUSE BILL NO. 2367,
SUBSTITUTE HOUSE BILL NO. 2410,
SUBSTITUTE HOUSE BILL NO. 2528,
HOUSE BILL NO. 2532,
ENGROSSED HOUSE BILL NO. 2559,
SUBSTITUTE HOUSE BILL NO. 2590,
HOUSE BILL NO. 2722,
HOUSE BILL NO. 2750,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2798,
SUBSTITUTE HOUSE BILL NO. 2846,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2884,
HOUSE BILL NO. 2904, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

March 2, 2000

MR. PRESIDENT:

The Co-Speakers have signed:
SUBSTITUTE HOUSE BILL NO. 2022,
HOUSE BILL NO. 2031,
ENGROSSED HOUSE BILL NO. 2322,
HOUSE BILL NO. 2328,
HOUSE BILL NO. 2329,
SUBSTITUTE HOUSE BILL NO. 2358,
HOUSE BILL NO. 2397,
SUBSTITUTE HOUSE BILL NO. 2423,
SUBSTITUTE HOUSE BILL NO. 2493,
HOUSE BILL NO. 2496,
HOUSE BILL NO. 2516,
HOUSE BILL NO. 2519,
HOUSE BILL NO. 2535,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2589,
HOUSE BILL NO. 2607,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2617,
HOUSE BILL NO. 2630,
HOUSE BILL NO. 2660,
HOUSE BILL NO. 2765,
HOUSE BILL NO. 2848,
SUBSTITUTE HOUSE BILL NO. 2899,

HOUSE BILL NO. 2926,
HOUSE JOINT MEMORIAL NO. 4022, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 6149,
SUBSTITUTE SENATE BILL NO. 6375,
SUBSTITUTE SENATE BILL NO. 6644,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6732.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5590,
SUBSTITUTE SENATE BILL NO. 5805,
SUBSTITUTE SENATE BILL NO. 6115,
SUBSTITUTE SENATE BILL NO. 6213,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6295,
SENATE BILL NO. 6602,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6761,
SENATE JOINT MEMORIAL NO. 8021.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED HOUSE BILL NO. 1711,
ENGROSSED HOUSE BILL NO. 2334,
SUBSTITUTE HOUSE BILL NO. 2367,
SUBSTITUTE HOUSE BILL NO. 2410,
SUBSTITUTE HOUSE BILL NO. 2528,
HOUSE BILL NO. 2532,
ENGROSSED HOUSE BILL NO. 2559,
SUBSTITUTE HOUSE BILL NO. 2590,
HOUSE BILL NO. 2722,
HOUSE BILL NO. 2750,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2798,
SUBSTITUTE HOUSE BILL NO. 2846,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2884,
HOUSE BILL NO. 2904.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 2022,
HOUSE BILL NO. 2031,
ENGROSSED HOUSE BILL NO. 2322,

HOUSE BILL NO. 2328,
HOUSE BILL NO. 2329,

SUBSTITUTE HOUSE BILL NO. 2358,
HOUSE BILL NO. 2397,
SUBSTITUTE HOUSE BILL NO. 2423,
SUBSTITUTE HOUSE BILL NO. 2493,
HOUSE BILL NO. 2496,
HOUSE BILL NO. 2516,
HOUSE BILL NO. 2519,
HOUSE BILL NO. 2535,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2589,
HOUSE BILL NO. 2607,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2617,
HOUSE BILL NO. 2630,
HOUSE BILL NO. 2660,
HOUSE BILL NO. 2765,
HOUSE BILL NO. 2848,
SUBSTITUTE HOUSE BILL NO. 2899,
HOUSE BILL NO. 2926,
HOUSE JOINT MEMORIAL NO. 4022.

MOTION

On motion of Senator Betti Sheldon, Rule 15 will be suspended for the remainder of the day.

EDITOR'S NOTE: Rule 15 states: 'The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day, the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.'

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 1:15 p.m. by President Owen.

There being no objection the President advanced the Senate to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2522, by Representatives Lantz, McDonald, Constantine, Lambert, Dickerson, Barlean, Hurst and Carrell

Modifying court jurisdiction.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, House Bill No. 2522 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Honeyford, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2522.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2522 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 0; Absent, 9; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Long, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West and Wojahn - 37.

Absent: Senators Finkbeiner, Gardner, Hargrove, Horn, Kline, Kohl-Welles, Thibaudeau, Winsley and Zarelli - 9.

Excused: Senators McCaslin, Morton and Sellar - 3.

HOUSE BILL NO. 2522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Snyder, the Senate advanced to the ninth order of business.

On motion of Senator Snyder, the Committee on State and Local Government was relieved of further consideration of House Bill No. 2505.

MOTIONS

On motion of Senator Snyder, the rules were suspended, House Bill No. 2505 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Snyder, the Senate returned to the sixth order of business.

MOTION

On motion of Senator Franklin, Senator Hargrove was excused.

SECOND READING

HOUSE BILL NO. 2449, by Representatives Pennington, Constantine and Mitchell

Revising provisions relating to ethics board staff review of ethics complaints.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the following Committee on State and Local Government striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.52.420 and 1994 c 154 s 212 are each amended to read as follows:

(1) After the filing of any complaint, except as provided in RCW 42.52.450, the staff of the appropriate ethics board shall investigate the complaint. The investigation shall be limited to the ((~~alleged facts~~)) allegations contained in the complaint.

(2) The results of the investigation shall be reduced to writing and the staff shall either make a determination ((~~shall be made~~)) that the complaint should be dismissed pursuant to section 2 of this act, or recommend to the board that there is or that there is not reasonable cause to believe that a violation of this chapter or rules adopted under it has been or is being committed.

((~~A copy of the written~~)) (3) The board's determination on reasonable cause shall be provided to the complainant and to the person named in such complaint.

NEW SECTION. **Sec. 2.** A new section is added to chapter 42.52 RCW to read as follows:

(1) Based on the investigation conducted under RCW 42.52.420, and subject to rules issued by each board, the staff of the appropriate ethics board may issue an order of dismissal based on any of the following findings:

(a) Any violation that may have occurred is not within the jurisdiction of the board;

(b) The complaint is obviously unfounded or frivolous; or

(c) Any violation that may have occurred does not constitute a material violation because it was inadvertent and minor, or has been cured, and, after consideration of all of the circumstances, further proceedings would not serve the purposes of this chapter.

(2) Written notice of the determination under subsection (1) of this section shall be provided to the complainant, respondent, and the board. The written notice to the respondent shall include a statement of the respondent's right to appeal to the board under subsection (3) of this section.

(3) In the event that a complaint is dismissed under this section, the complainant may request that the board review the action. Following review, the board shall:

(a) Affirm the staff dismissal;

(b) Direct the staff to conduct further investigation; or

(c) Issue a determination that there is reasonable cause to believe that a violation has been or is being committed.

(4) The board's decision under subsection (3) of this section shall be reduced to writing and provided to the complainant and the respondent."

MOTION

On motion of Senator Patterson, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.52.420 and 1994 c 154 s 212 are each amended to read as follows:

(1) After the filing of any complaint, except as provided in RCW 42.52.450, the staff of the appropriate ethics board shall investigate the complaint. The investigation shall be limited to the ((~~alleged facts~~)) allegations contained in the complaint.

(2) The results of the investigation shall be reduced to writing and the staff shall either make a determination ((~~shall be made~~)) that the complaint should be dismissed pursuant to section 2 of this act, or recommend to the board that there is or that there is not reasonable cause to believe that a violation of this chapter or rules adopted under it has been or is being committed.

((~~A copy of the written~~)) (3) The board's determination on reasonable cause shall be provided to the complainant and to the person named in such complaint.

NEW SECTION. **Sec. 2.** A new section is added to chapter 42.52 RCW to read as follows:

(1) Based on the investigation conducted under RCW 42.52.420, and subject to rules issued by each board, the staff of the appropriate ethics board may issue an order of dismissal based on any of the following findings:

(a) Any violation that may have occurred is not within the jurisdiction of the board;

(b) The complaint is obviously unfounded or frivolous; or

(c) Any violation that may have occurred does not constitute a material violation because it was inadvertent and minor, or has been cured, and, after consideration of all of the circumstances, further proceedings would not serve the purposes of this chapter.

(2) Written notice of the determination under subsection (1) of this section shall be provided to the complainant, respondent, and the board. The written notice to the complainant shall include a statement of the complainant's right to appeal to the board under subsection (3) of this section.

(3) In the event that a complaint is dismissed under this section, the complainant may request that the board review the action. Following review, the board shall:

(a) Affirm the staff dismissal;

(b) Direct the staff to conduct further investigation; or

(c) Issue a determination that there is reasonable cause to believe that a violation has been or is being committed.

(4) The board's decision under subsection (3) of this section shall be reduced to writing and provided to the complainant and the respondent."

MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 1 of the title, after "complaints;" strike the remainder of the title and insert "amending RCW 42.52.420; and adding a new section to chapter 42.52 RCW."

On motion of Senator Patterson, the rules were suspended, House Bill No. 2449, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2449, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2449, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Hargrove, McCaslin and Sellar - 3.

HOUSE BILL NO. 2449, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2853, by Representatives Wolfe, D. Schmidt, Romero, Cairnes, Haigh and Cody (by request of Department of Services for the Blind)

Conforming the advisory council for the blind with the federal rehabilitation act.

The bill was read the second time.

MOTION

On motion of Senator Costa, the rules were suspended, House Bill No. 2853 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2853.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2853 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Hargrove, McCaslin and Sellar - 3.

HOUSE BILL NO. 2853, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced visitors from Kyrgyzstan, a newly established nation in Central Asia. Accompanying the special guests was Robert Shoemaker with the American Bar Association. The guests, lawyers from the Kyrgyzstan Parliament, are here for two weeks studying our law-making processes.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2776, by House Committee on Judiciary (originally sponsored by Representatives Constantine, Carrell, Lantz and Hurst)

Providing for deferred findings and collection of an administrative fee in an infraction case.

The bill was read the second time.

MOTION

On motion of Senator Kline, the following amendment was adopted:

On page 2, line 21, after "conditions" insert "and has not been determined to have committed another traffic infraction"

MOTION

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 2776, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2776, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2776, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 39.

Voting nay: Senators Benton, Hale, Hochstatter, Long, Morton, Stevens, West and Zarelli - 8.

Excused: Senators Hargrove and Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 2776, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2330, by Representatives McMorris and Scott

Allowing liquor revolving fund disbursements to the death investigations account.

The bill was read the second time.

MOTION

On motion of Senator Goings, the rules were suspended, House Bill No. 2330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2330.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2330 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Deccio - 1.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 2330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2495, by Representatives Pennington and Benson (by request of Department of Fish and Wildlife)

Allowing holders of big and small game hunting licenses to hunt unclassified wildlife.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 2495 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Costa: "Senator Jacobsen, would you tell us what a big game license is usually applied for--what type of big game?"

Senator Jacobsen: "I am going to yield to Senator Oke, who is a hunter."

REMARKS BY SENATOR OKE

Senator Oke: "The big game license is normally for elk, deer--those things. We hope a few cougar."

Senator Costa: "What are unclassified wildlife licenses?"

Senator Oke: "It is on the list there. The fox, the coyote--those critters that all like to eat pheasants every day and I think that is a mistake."

Senator Costa: "Does that include bunny rabbits, too?"

Senator Oke: "I think bunny rabbits require a small game license."

Senator Costa: "Oh, okay. Thank you."

POINT OF INQUIRY

Senator Patterson: "Senator Jacobsen, I am reluctant to vote for this legislation. However, if you can assure me that crows are on the list of unclassified animals--if you can show me where the word ‘crow’ appears in the bill, I will lend you a vote."

Senator Jacobsen: "I can’t assure you of that. It is my understanding that crows are protected by international treaties. Therefore, you have to get a special license for that and permit and so on. So, I can’t assure you on this one, but I think is does show you one of the things --the species--when they become over abundant, can become a nuisance. If they are uncontrolled in some ways, it can make the planet uninhabitable."

POINT OF INQUIRY

Senator Stevens: "Senator Patterson, it is my understanding that your point of inquiry here is because you are planning to eat crow. Is that correct?"

Senator Patterson: "You got it."

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2495.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2495 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Finkbeiner, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Oke, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 35.

Voting nay: Senators Costa, Eide, Fairley, Franklin, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Sheldon, B., Thibaudeau and Wojahn - 12.

Absent: Senator Snyder - 1.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 2495, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3076, by House Committee on Transportation (originally sponsored by Representatives G. Chandler, Fisher, Mitchell, Cooper, Hankins, Skinner, Ericksen, McDonald, Radcliff, Mulliken and Pflug)

Convening a work group on streamlining project permit processes.

The bill was read the second time.

MOTION

On motion of Senator Gardner, the rules were suspended, Substitute House Bill No. 3076 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 3076.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3076 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Snyder - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 3076, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Snyder was excused.

SECOND READING

HOUSE BILL NO. 2576, by Representatives D. Sommers and Veloria (by request of Department of Licensing)

Modifying provisions concerning the registration of business trade names.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, House Bill No. 2576 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2576.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2576 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Haugen - 1.

Excused: Senators Sellar and Snyder - 2.

HOUSE BILL NO. 2576, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senators Haugen and Fairley were excused.

SECOND READING

HOUSE BILL NO. 2600, by Representatives Santos, Bush and Tokuda

Controlling domestic insurance companies.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2600 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2600.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2600 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin,

McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Kline - 1.

Excused: Senators Fairley, Haugen, Sellar and Snyder - 4.

HOUSE BILL NO. 2600, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2628, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Linville and G. Chandler)

Modifying prohibitions on colostrum milk.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 2628 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2628.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2628 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senator Fraser - 1.

Absent: Senator Kline - 1.

Excused: Senators Fairley, Haugen, Sellar and Snyder - 4.

SUBSTITUTE HOUSE BILL NO. 2628, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, Senator Kline was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3032, by House Committee on Local Government (originally sponsored by Representative Mulliken)

Extending annexation authority to certain port districts along the Interstate 90 corridor.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the following Committee on State and Local Government striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 53.04.180 and 1999 c 250 s 5 are each amended to read as follows:

(1) By a majority vote of the commission, and with the written consent of all the owners of the property to be annexed, a port commission of a district that is less than county-wide, and that is located in a county with a population of less than ninety thousand and located in either the Interstate 5 or Interstate 90 corridor, may annex, for industrial development or other port district purposes, property contiguous to the district's boundaries and not located within the boundaries of any other port district.

(2) The written consent required by subsection (1) of this section must contain a full and correct legal description of the property to be annexed, must include the signature of all owners of the property to be annexed, and must be addressed to and filed with the commission.

(3) If the commission approves annexation under this section, it shall do so by resolution and shall file a certified copy of the resolution with the board of county commissioners of the county in which the annexed property is located. Upon the date fixed in the resolution, the area annexed becomes part of the district.

Sec. 2. RCW 53.04.150 and 1999 c 250 s 2 are each amended to read as follows:

A port district that is less than county-wide, and that is located in a county with a population of less than ninety thousand and located in either the Interstate 5 or Interstate 90 corridor, may petition for annexation of an area that is contiguous to its boundaries, is not located within the boundaries of any other port district, and contains no registered voters. The petition must be in writing, addressed to and filed with the port commission, and signed by the owners of not less than seventy-five percent of the property value in the area to be annexed, according to the assessed value for general taxation. The petition must contain a legal description of the property according to government legal subdivisions or legal plats, or a sufficient metes and bounds description, and must be accompanied by a plat outlining the boundaries of the property to be annexed.

Sec. 3. RCW 36.70A.103 and 1991 sp.s. c 32 s 4 are each amended to read as follows:

(1) State agencies shall comply with the local comprehensive plans and development regulations and amendments thereto adopted pursuant to this chapter.

(2) Any annexation pursuant to RCW 53.04.150 or 53.04.180, occurring in a county planning under this chapter, must comply with local comprehensive plans and development regulations adopted pursuant to this chapter when the comprehensive plans and development regulations are consistent with the county-wide planning policies developed pursuant to RCW 36.70A.210."

MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 3032 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 3032.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3032 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Hargrove - 1.

Excused: Senators Kline and Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 3032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2670, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Delvin, Linville, G. Chandler and Hankins)

Authorizing the department of ecology to waive the requirement for a reserve account for landfills.

The bill was read the second time.

MOTION

Senator Fraser moved that the following Committee on Environmental Quality and Water Resources striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.95.215 and 1985 c 436 s 1 are each amended to read as follows:

(1) By July 1, 1987, each holder or applicant of a permit for a landfill disposal facility issued under this chapter shall establish a reserve account to cover the costs of closing the facility in accordance with state and federal regulations. The account shall be designed to ensure that there will be adequate revenue available by the projected date of closure. A landfill disposal ((~~facilities~~)) facility maintained on private property for the sole use of the entity owning the site and a landfill disposal facility operated and maintained by a government shall not be required to establish a reserve account if, to the satisfaction of the department, ((~~they~~)) the entity or government provides another form of financial assurance adequate to comply with the requirements of this section.

(2) By July 1, 1986, the department shall adopt rules under chapter 34.05 RCW to implement subsection (1) of this section. The department is not required to adopt rules pertaining to other approved forms of financial assurance to cover the costs of closing a landfill disposal facility. The rules shall include but not be limited to:

(a) Methods to estimate closure costs, including postclosure monitoring, pollution prevention measures, and any other procedures required under state and federal regulations;

(b) Methods to ensure that reserve accounts receive adequate funds, including:

(i) Requirements that the reserve account be generated by user fees. However, the department may waive this requirement for existing landfills if user fees would be prohibitively high;

(ii) Requirements that moneys be placed in the reserve account on a regular basis and that the reserve account be kept separate from all other accounts; and

(iii) Procedures for the department to verify that adequate sums are deposited in the reserve account; and

(c) Methods to ensure that other types of financial assurance provided in accordance with subsection (1) of this section are adequate to cover the costs of closing the facility.

NEW SECTION. **Sec. 2.** (1) The state solid waste advisory committee shall direct a study by the department of ecology and the utilities and transportation commission on the adequacy of financing to assure landfill closure. The study shall include, but is not limited to:

(a) Clear description of the financial assurance mechanisms authorized by law;

(b) A summary of current financial assurances for landfill closure currently in place for all landfills in the state. The department shall compile this information from existing sources such as capital facilities plans authorized under the growth management act, local government solid waste management plans and budgets, and financial audits by the state auditor. The summary shall include, but shall not be limited to:

(i) A list of all landfill disposal facilities, the ownership of the facilities, and whether the facilities have an affiliated interest, as defined in chapter 81.16 RCW, with a solid waste collection company;

(ii) The estimated cost to close the landfill and the years to closure;

(iii) The financial mechanisms approved by the jurisdictional health department or the department to assure landfill closure; and

(iv) The status of financial mechanisms, including account balance, loans against, or encumbrances on the financial mechanisms; and

(c) The effect of various financial assurance mechanisms on consumers' rates.

(2) The report shall include recommendations for modifying requirements for financing mechanisms to assure landfill closure and maintaining and reporting information on the status of financial assurances. The solid waste advisory committee shall provide the report to the legislature by December 15, 2000."

MOTION

Senator Fraser moved that the following amendment by Senators Fraser, Hale and Morton to the Committee on Environmental Quality and Water Resources striking amendment be adopted:

On page 2, line 6, after "Sec. 2." strike the remainder of the section through "December 15, 2000." on line 34 and insert: "(1) The state solid waste advisory committee shall direct a study by the department of ecology on the adequacy of financing to assure landfill closure. The study shall include, but is not limited to:

(a) A clear description of the financial assurance mechanisms authorized by law;

(b) A summary of current financial assurances for landfill closure currently in place for all landfills in the state. The department shall compile this information from existing sources such as capital facilities plans authorized under the growth management act, local government solid waste management plans and budgets, and financial audits by the state auditor. The summary shall include, but shall not be limited to:

(i) The estimated cost to close the landfill facility and the years to closure;

(ii) The financial mechanisms approved by the jurisdictional health department or the department to assure landfill closure; and

(iii) The status of financial mechanisms, including account balance, loans against, or encumbrances on the financial mechanisms; and

(c) The effect of various financial assurance mechanisms on consumers' rates.

(2) The report shall include recommendations for modifying requirements for financing mechanisms to assure landfill closure and maintaining and reporting information on the status of financial assurances. The solid waste advisory committee shall provide the report to the legislature by December 15, 2000."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser, Hale and Morton on page 2, line 6, to the Committee on Environmental Quality and Water Resources striking amendment to Substitute House Bill No. 2670.

The motion by Senator Fraser carried and the amendment to the committee striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Environmental Quality and Water Resources striking amendment, as amended, to Substitute House Bill No. 2670.

The motion by Senator Fraser carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 70.95.215; and creating a new section."

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 2670, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2670, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2670, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Hargrove - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 2670, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, Senator Loveland was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2939, by House Committee on Agriculture and ecology (originally sponsored by Representatives Linville and G. Chandler)

Providing guidelines for recycling and waste reduction.

The bill was read the second time.

MOTION

Senator Fraser moved that the following Committee on Environmental Quality and Water Resources striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The department of general administration shall work with commercial and industrial construction industry organizations to develop guidelines for implementing on-site construction waste management planning. The topics addressed in the guidelines shall include, but shall not be limited to:

(a) Standards for identifying the type of wastes generated during construction;

(b) Methods for analyzing the availability and cost-effectiveness of recycling services for each type of waste;

(c) Methods for evaluating construction waste management alternatives given limited recycling services in rural areas of the state;

(d) Strategies to maximize reuse and recycling of wastes and minimize landfill disposal;

(e) Standardized formats for on-site construction waste management planning and reporting documents; and

(f) A training and technical assistance plan for public and private building owners and construction industry members, in order to facilitate incorporation of waste management planning and recycling into standard construction industry practice.

(2) By December 15, 2000, the department of general administration shall provide a report to the legislature on the development of the guidelines required by subsection (1) of this section. The report shall include recommendations for incorporating job-site waste management planning and recycling into standard construction industry practice.

Sec. 2. RCW 43.19.1905 and 1995 c 269 s 1402 are each amended to read as follows:

The director of general administration shall establish overall state policy for compliance by all state agencies, including educational institutions, regarding the following purchasing and material control functions:

(1) Development of a state commodity coding system, including common stock numbers for items maintained in stores for reissue;

(2) Determination where consolidations, closures, or additions of stores operated by state agencies and educational institutions should be initiated;

(3) Institution of standard criteria for determination of when and where an item in the state supply system should be stocked;

(4) Establishment of stock levels to be maintained in state stores, and formulation of standards for replenishment of stock;

(5) Formulation of an overall distribution and redistribution system for stock items which establishes sources of supply support for all agencies, including interagency supply support;

(6) Determination of what function data processing equipment, including remote terminals, shall perform in state-wide purchasing and material control for improvement of service and promotion of economy;

(7) Standardization of records and forms used state-wide for supply system activities involving purchasing, receiving, inspecting, storing, requisitioning, and issuing functions, including a standard notification form for state agencies to report cost-effective direct purchases, which shall at least identify the price of the goods as available through the division of purchasing, the price of the goods as available from the alternative source, the total savings, and the signature of the notifying agency's director or the director's designee;

(8) Screening of supplies, material, and equipment excess to the requirements of one agency for overall state need before sale as surplus;

(9) Establishment of warehouse operation and storage standards to achieve uniform, effective, and economical stores operations;

(10) Establishment of time limit standards for the issuing of material in store and for processing requisitions requiring purchase;

(11) Formulation of criteria for determining when centralized rather than decentralized purchasing shall be used to obtain maximum benefit of volume buying of identical or similar items, including procurement from federal supply sources;

(12) Development of criteria for use of leased, rather than state owned, warehouse space based on relative cost and accessibility;

(13) Institution of standard criteria for purchase and placement of state furnished materials, carpeting, furniture, fixtures, and nonfixed equipment, in newly constructed or renovated state buildings;

(14) Determination of how transportation costs incurred by the state for materials, supplies, services, and equipment can be reduced by improved freight and traffic coordination and control;

(15) Establishment of a formal certification program for state employees who are authorized to perform purchasing functions as agents for the state under the provisions of chapter 43.19 RCW;

(16) Development of performance measures for the reduction of total overall expense for material, supplies, equipment, and services used each biennium by the state;

(17) Establishment of a standard system for all state organizations to record and report dollar savings and cost avoidance which are attributable to the establishment and implementation of improved purchasing and material control procedures;

(18) Development of procedures for mutual and voluntary cooperation between state agencies, including educational institutions, and political subdivisions for exchange of purchasing and material control services;

(19) Resolution of all other purchasing and material matters which require the establishment of overall state-wide policy for effective and economical supply management;

(20) Development of guidelines and criteria for the purchase of vehicles, alternate vehicle fuels and systems, equipment, and materials that reduce overall energy-related costs and energy use by the state, including the requirement that new passenger vehicles purchased by the state meet the minimum standards for passenger automobile fuel economy established by the United States secretary of transportation pursuant to the energy policy and conservation act (15 U.S.C. Sec. 2002);

(21) Development of goals for state use of recycled and environmentally preferable products through specifications for products and services, processes for requests for proposals and requests for qualifications, contractor selection, and contract negotiations.

Sec. 3. RCW 43.19A.020 and 1996 c 198 s 1 are each amended to read as follows:

(1) The ((~~USEPA~~)) federal product standards, ((~~as now or hereafter amended~~)) adopted under 42 U.S.C. Sec. 6962(e) as it exists on the effective date of this act, are adopted as the minimum standards for the state of Washington. These standards shall be implemented for at least the products listed in (((~~(a) and (b) of~~)) this subsection ((~~by the dates indicated~~)), unless the director finds that a different standard would significantly increase recycled product availability or competition.

(a) ((~~By July 1, 1997:~~

~~(i)~~)) Paper and paper products;

(((~~(ii)~~))) (b) Organic recovered materials; ((~~and~~

~~(iii)~~))) (c) Latex paint products;

(((~~(b) By July 1, 1997:~~

~~(i)~~)) (d) Products for lower value uses containing recycled plastics;

(((~~(ii)~~))) (e) Retread and remanufactured tires;

(((~~(iii)~~))) (f) Lubricating oils;

(((~~(iv)~~))) (g) Automotive batteries;

(((~~(v)~~))) (h) Building ((~~insulation~~)) products and materials;

(((~~(vi)~~))) (i) Panelboard; and

(((~~(vii)~~))) (j) Compost products.

(2) By July 1, 2001, the director shall adopt product standards for strawboard manufactured using as an ingredient straw that is produced as a by-product in the production of cereal grain or turf or grass seed.

(3) The standards required by this section shall be applied to recycled product purchasing by the department ((~~and~~)), other state agencies, and state postsecondary education institutions. The standards may be adopted or applied by any other local government in product procurement. The standards shall provide for exceptions under appropriate circumstances to allow purchases of recycled products that do not meet the minimum content requirements of the standards.

NEW SECTION. **Sec. 4.** The legislature encourages city, county, and state governments, the private sector, and consumers to collaborate in sharing information and becoming informed about opportunities for increasing voluntary product stewardship to support the state's recycling goals. For purposes of this section, "product stewardship" means a principle that directs all actors in the life cycle of a product to minimize impacts of that product on the environment.

Sec. 5. RCW 39.04.133 and 1996 c 198 s 5 are each amended to read as follows:

(1) The state's preferences for the purchase and use of recycled content products shall be included as a factor in the design and development of state capital improvement projects.

(2) ((~~Specifications for materials in state construction projects shall include the use of recycled content products and recyclable products whenever practicable.~~)) If a construction project receives state public funding, the product standards, as provided in RCW 43.19A.020, shall apply to the materials used in the project, whenever the administering agency and project owner determine that such products would be cost-effective and are readily available.

(3) This section does not apply to contracts entered into by a municipality.

NEW SECTION. **Sec. 6.** A new section is added to chapter 81.77 RCW to read as follows:

(1) As an incentive to increase recycling and reduce landfill disposal, the commission shall allow a solid waste collection company collecting recyclable materials from residential customers to retain a portion of the revenue derived from the sale of increased recyclable materials tonnage. In order to qualify to participate in a recycling revenue sharing program each hauler must submit to the commission a plan certified by the appropriate local government authority as being consistent with the local government solid waste management plan and specifying the 1999 per capita recycling base as determined by the local government. Provided, that customers shall receive one hundred percent of the revenue derived from the sale of recyclable materials, up to the established per capita base. Customers shall receive eighty percent of the revenue derived from the sale of recyclable materials exceeding the established per capita base.

(2) By December 2, 2004, the commission shall provide a report to the legislature that evaluates:

(a) The effectiveness of revenue sharing as an incentive to increase recycling in the state; and

(b) The effect of revenue sharing on costs to customers.

(3) This section expires December 31, 2005.

Sec. 7. RCW 70.95.010 and 1989 c 431 s 1 are each amended to read as follows:

The legislature finds:

(1) Continuing technological changes in methods of manufacture, packaging, and marketing of consumer products, together with the economic and population growth of this state, the rising affluence of its citizens, and its expanding industrial activity have created new and ever-mounting problems involving disposal of garbage, refuse, and solid waste materials resulting from domestic, agricultural, and industrial activities.

(2) Traditional methods of disposing of solid wastes in this state are no longer adequate to meet the ever-increasing problem. Improper methods and practices of handling and disposal of solid wastes pollute our land, air and water resources, blight our countryside, adversely affect land values, and damage the overall quality of our environment.

(3) Considerations of natural resource limitations, energy shortages, economics and the environment make necessary the development and implementation of solid waste recovery and/or recycling plans and programs.

(4) Waste reduction must become a fundamental strategy of solid waste management. It is therefore necessary to change manufacturing and purchasing practices and waste generation behaviors to reduce the amount of waste that becomes a governmental responsibility.

(5) Source separation of waste must become a fundamental strategy of solid waste management. Collection and handling strategies should have, as an ultimate goal, the source separation of all materials with resource value or environmental hazard.

(6)(a) It is the responsibility of every person to minimize his or her production of wastes and to separate recyclable or hazardous materials from mixed waste.

(b) It is the responsibility of state, county, and city governments to provide for a waste management infrastructure to fully implement waste reduction and source separation strategies and to process and dispose of remaining wastes in a manner that is environmentally safe and economically sound. It is further the responsibility of state, county, and city governments to monitor the cost-effectiveness and environmental safety of combusting separated waste, processing mixed waste, and recycling programs.

(c) It is the responsibility of county and city governments to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies.

(d) It is the responsibility of state government to ensure that local governments are providing adequate source reduction and separation opportunities and incentives to all, including persons in both rural and urban areas, and nonresidential waste generators such as commercial, industrial, and institutional entities, recognizing the need to provide flexibility to accommodate

differing population densities, distances to and availability of recycling markets, and collection and disposal costs in each community; and to provide county and city governments with adequate technical resources to accomplish this responsibility.

(7) Environmental and economic considerations in solving the state's solid waste management problems requires strong consideration by local governments of regional solutions and intergovernmental cooperation.

(8) The following priorities for the collection, handling, and management of solid waste are necessary and should be followed in descending order as applicable:

(a) Waste reduction;

(b) Recycling, with source separation of recyclable materials as the preferred method;

(c) Energy recovery, incineration, or landfill of separated waste;

(d) Energy recovery, incineration, or landfilling of mixed wastes.

(9) It is the state's goal to achieve a fifty percent recycling rate by ((~~1995~~)) 2005.

(10) It is the state's goal that programs be established to eliminate disposal of residential or commercial yard debris in landfills by 2010.

(11) Steps should be taken to make recycling at least as affordable and convenient to the ratepayer as mixed waste disposal.

(((~~11~~))) (12) It is necessary to compile and maintain adequate data on the types and quantities of solid waste that are being generated and to monitor how the various types of solid waste are being managed.

(((~~12~~))) (13) Vehicle batteries should be recycled and the disposal of vehicle batteries into landfills or incinerators should be discontinued.

(((~~13~~))) (14) Excessive and nonrecyclable packaging of products should be avoided.

(((~~14~~))) (15) Comprehensive education should be conducted throughout the state so that people are informed of the need to reduce, source separate, and recycle solid waste.

(((~~15~~))) (16) All governmental entities in the state should set an example by implementing aggressive waste reduction and recycling programs at their workplaces and by purchasing products that are made from recycled materials and are recyclable.

(((~~16~~))) (17) To ensure the safe and efficient operations of solid waste disposal facilities, it is necessary for operators and regulators of landfills and incinerators to receive training and certification.

(((~~17~~))) (18) It is necessary to provide adequate funding to all levels of government so that successful waste reduction and recycling programs can be implemented.

(((~~18~~))) (19) The development of stable and expanding markets for recyclable materials is critical to the long-term success of the state's recycling goals. Market development must be encouraged on a state, regional, and national basis to maximize its effectiveness. The state shall assume primary responsibility for the development of a multifaceted market development program to carry out the purposes of this act.

(((~~19~~))) (20) There is an imperative need to anticipate, plan for, and accomplish effective storage, control, recovery, and recycling of discarded tires and other problem wastes with the subsequent conservation of resources and energy.

Sec. 8. RCW 70.95.030 and 1998 c 36 s 17 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "City" means every incorporated city and town.

(2) "Commission" means the utilities and transportation commission.

(3) "Committee" means the state solid waste advisory committee.

(4) "Composted material" means organic solid waste that has been subjected to controlled aerobic degradation at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

(5) "Department" means the department of ecology.

(6) "Director" means the director of the department of ecology.

(7) "Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.

(8) "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.

(9) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.

(10) "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.

(11) "Jurisdictional health department" means city, county, city-county, or district public health department.

(12) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.

(13) "Local government" means a city, town, or county.

(14) "Modify" means to substantially change the design or operational plans including, but not limited to, removal of a design element previously set forth in a permit application or the addition of a disposal or processing activity that is not approved in the permit.

(15) "Multiple family residence" means any structure housing two or more dwelling units.

(16) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(17) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2), local governments may identify recyclable materials by ordinance from July 23, 1989.

(18) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.

(19) "Residence" means the regular dwelling place of an individual or individuals.

(20) "Sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70.95J RCW.

(21) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70.95J RCW and wastewater as regulated in chapter 90.48 RCW.

(22) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

(23) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof.

(24) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

(25) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(26) "Waste-derived soil amendment" means any soil amendment as defined in this chapter that is derived from solid waste as defined in RCW 70.95.030, but does not include biosolids or biosolids products regulated under chapter 70.95J RCW or wastewaters regulated under chapter 90.48 RCW.

(27) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

(28) "Yard debris" means plant material commonly created in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard debris includes but is not limited to grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden debris, holiday trees, and tree prunings four inches or less in diameter.

Sec. 9. RCW 70.95.090 and 1991 c 298 s 3 are each amended to read as follows:

Each county and city comprehensive solid waste management plan shall include the following:

(1) A detailed inventory and description of all existing solid waste handling facilities including an inventory of any deficiencies in meeting current solid waste handling needs.

(2) The estimated long-range needs for solid waste handling facilities projected twenty years into the future.

(3) A program for the orderly development of solid waste handling facilities in a manner consistent with the plans for the entire county which shall:

(a) Meet the minimum functional standards for solid waste handling adopted by the department and all laws and regulations relating to air and water pollution, fire prevention, flood control, and protection of public health;

(b) Take into account the comprehensive land use plan of each jurisdiction;

(c) Contain a six year construction and capital acquisition program for solid waste handling facilities; and

(d) Contain a plan for financing both capital costs and operational expenditures of the proposed solid waste management system.

(4) A program for surveillance and control.

(5) A current inventory and description of solid waste collection needs and operations within each respective jurisdiction which shall include:

(a) Any franchise for solid waste collection granted by the utilities and transportation commission in the respective jurisdictions including the name of the holder of the franchise and the address of his or her place of business and the area covered by the franchise;

(b) Any city solid waste operation within the county and the boundaries of such operation;

(c) The population density of each area serviced by a city operation or by a franchised operation within the respective jurisdictions;

(d) The projected solid waste collection needs for the respective jurisdictions for the next six years.

(6) A comprehensive waste reduction and recycling element that, in accordance with the priorities established in RCW 70.95.010, provides programs that (a) reduce the amount of waste generated, (b) provide incentives and mechanisms for source separation, and (c) establish recycling opportunities for the source separated waste.

(7) The waste reduction and recycling element shall include the following:

(a) Waste reduction strategies;

(b) Source separation strategies, including:

(i) Programs for the collection of source separated materials from residences in urban and rural areas. In urban areas, these programs shall include collection of source separated recyclable materials from single and multiple family residences, unless the department approves an alternative program, according to the criteria in the planning guidelines. Such criteria shall include: Anticipated recovery rates and levels of public participation, availability of environmentally sound disposal capacity, access to markets for recyclable materials, unreasonable cost impacts on the ratepayer over the six-year planning period, utilization of environmentally sound waste reduction and recycling technologies, and other factors as appropriate. In rural areas, these programs shall include but not be limited to drop-off boxes, buy-back centers, or a combination of both, at each solid waste transfer, processing, or disposal site, or at locations convenient to the residents of the county. The drop-off boxes and buy-back centers may be owned or operated by public, nonprofit, or private persons;

(ii) Programs to monitor the collection of source separated waste at nonresidential sites where there is sufficient density to sustain a program;

(iii) Programs to ((~~collect~~)) manage yard ((~~waste, if the county or city submitting the plan finds that there are~~)) debris, including strategies to:

(A) Develop collection programs or alternative means for managing yard debris;

(B) Eliminate disposal of yard debris in landfills; and

(C) Encourage adequate markets or capacity for composted yard ((~~waste~~)) debris within or near the service area to consume ((~~the majority of~~)) the material collected; and

(iv) Programs to educate and promote the concepts of waste reduction and recycling;

(c) Recycling strategies, including a description of markets for recyclables, a review of waste generation trends, a description of waste composition, a discussion and description of existing programs and any additional programs needed to assist public and private sector recycling, and an implementation schedule for the designation of specific materials to be collected for recycling, and for the provision of recycling collection services; and

(d) Other information the county or city submitting the plan determines is necessary.

(8) County and city comprehensive solid waste management plans may provide for the establishment of residential collection rate structures that provide economic incentives for customers to reduce their level of solid waste collection service and encourage participation in waste reduction, recycling, and yard debris collection programs. Any jurisdictions that are signatories to comprehensive solid waste management plans that adopt residential incentive rates shall adopt ordinances to implement rate structures that are consistent with the guidelines in the comprehensive plans. The utilities and transportation commission is authorized to issue rules to implement this section for solid waste collection companies regulated under Title 81 RCW.

(9) An assessment of the plan's impact on the costs of solid waste collection. The assessment shall be prepared in conformance with guidelines established by the utilities and transportation commission. The commission shall cooperate with the Washington state association of counties and the association of Washington cities in establishing such guidelines.

(((~~9~~))) (10) A review of potential areas that meet the criteria as outlined in RCW 70.95.165.

Sec. 10. RCW 70.95.280 and 1989 c 431 s 13 are each amended to read as follows:

The department of ecology shall determine the best management practices for categories of solid waste in accordance with the priority solid waste management methods established in RCW 70.95.010. In order to make this determination, the department shall conduct a comprehensive solid waste stream analysis and evaluation. Following establishment of baseline data resulting from an initial in-depth analysis of the waste stream, the department shall develop a less intensive method of monitoring

the disposed waste stream including, but not limited to, changes in the amount of waste generated and waste type. The department shall monitor curbside collection programs and other waste segregation and disposal technologies to determine, to the extent possible, the effectiveness of these programs in terms of cost and participation, their applicability to other locations, and their implications regarding rules adopted under this chapter. Persons who collect solid waste shall annually report to the department the types and quantities of solid waste that are collected and where it is delivered. The department shall adopt guidelines for reporting and for ((~~keeping proprietary information confidential~~)) maintaining the confidentiality of proprietary information included in the report. By March 1st of each year, entities that collect recycled material shall report their activity from the previous calendar year on a form provided by the department. The department may impose a penalty of one hundred dollars on any entity that fails to submit the required report to the department. The department may impose an additional penalty of one hundred dollars for each day after March 1st that a firm fails to submit the required report. The total penalties for failure to report shall not exceed one thousand dollars. By May 1st of each year, the department may arrange for the publication in recycling and solid waste industry trade publications the names of those entities failing to file the required report. The department shall structure penalties and other sanctions so as to encourage compliance with the annual reporting requirement.

Sec. 11. RCW 70.95.290 and 1988 c 184 s 3 are each amended to read as follows:

(1) The evaluation of the solid waste stream required in RCW 70.95.280 shall include the following elements:

(a) The department shall determine which management method for each category of solid waste will have the least environmental impact; and

(b) The department shall evaluate the costs of various management options for each category of solid waste, including a review of market availability, and shall take into consideration the economic impact on affected parties;

(c) Based on the results of (a) and (b) of this subsection, the department shall determine the best management for each category of solid waste. Different management methods for the same categories of waste may be developed for different parts of the state.

(2) The department shall give priority to evaluating categories of solid waste that, in relation to other categories of solid waste, comprise a large volume of the solid waste stream or present a high potential of harm to human health. At a minimum the following categories of waste shall be evaluated:

(a) By January 1, 1989, yard ((~~waste~~)) debris and other biodegradable materials, paper products, disposable diapers, and batteries; ((~~and~~))

(b) By January 1, 1990, metals, glass, plastics, styrofoam or rigid lightweight cellular polystyrene, and tires; and

(c) By January 1, 2004, construction, demolition, and land-clearing debris, manure, and major food-processing wastes.

(3) The department is prohibited from adopting rules that mandate best management practices for the categories of solid waste identified in subsection (2) of this section.

Sec. 12. RCW 70.95.810 and 1998 c 245 s 132 are each amended to read as follows:

(1) In order to establish the feasibility of composting food and yard ((~~wastes~~)) debris, the department shall provide funds, as available, to local governments submitting a proposal to compost such wastes.

(2) The department, in cooperation with the department of community, trade, and economic development, may approve an application if the project can demonstrate the essential parameters for successful composting, including, but not limited to, cost-effectiveness, handling and safety requirements, and current and potential markets."

MOTION

Senator Eide moved that the following amendment by Senators Eide, Fraser and Morton to the Committee on Environmental Quality and Water Resources striking amendment be adopted:

On page 5, line 30, after "receive" strike "eighty" and insert "sixty"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Eide, Fraser and Morton on page 5, line 30, to the Committee on Environmental Quality and Water Resources striking amendment to Substitute House Bill No. 2939.

The motion by Senator Eide carried and the amendment to the committee striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Environmental Quality and Water Resources striking amendment, as amended, to Substitute House Bill No. 2939.

The motion by Senator Fraser carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 1 of the title, after "reduction;" strike the remainder of the title and insert "amending RCW 43.19.1905, 43.19A.020, 39.04.133, 70.95.010, 70.95.030, 70.95.090, 70.95.280, 70.95.290, and 70.95.810; adding a new section to chapter 81.77 RCW; creating new sections; prescribing penalties; and providing an expiration date."

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 2939, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2939, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2939, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Loveland and Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 2939, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1987, by House Committee on Finance (originally sponsored by Representatives Schoesler, Grant and G. Chandler)

Providing tax exemptions and credits to encourage a reduction in agricultural burning of cereal grains and field and turf grass grown for seed.

The bill was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Engrossed Second Substitute House Bill No. 1987 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1987.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1987 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 42.

Voting nay: Senators Jacobsen, Kline, Kohl-Welles, Patterson and Thibaudeau - 5.

Excused: Senators Loveland and Sellar - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1987, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2799, by House Committee on Judiciary (originally sponsored by Representatives Lambert, Hurst, Kagi, Benson, Lovick and Pflug)

Granting state-wide warrant jurisdiction to courts of limited jurisdiction.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the following Committee on Judiciary striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The administrator for the courts shall establish a pilot program for the efficient state-wide processing of warrants issued by courts of limited jurisdiction. The pilot program shall contain procedures and criteria for courts of limited jurisdiction to enter into agreements with other courts of limited jurisdiction throughout the state to process each other's warrants when the defendant is within the processing court's jurisdiction. The administrator for the courts shall establish a formula for allocating between the court processing the warrant and the court that issued the warrant any moneys collected and costs associated with the processing of warrants.

Sec. 2. RCW 3.66.010 and 1984 c 258 s 40 are each amended to read as follows:

(1) The justices of the peace elected in accordance with chapters 3.30 through 3.74 RCW are authorized to hold court as judges of the district court for the trial of all actions enumerated in chapters 3.30 through 3.74 RCW or assigned to the district court by law; to hear, try, and determine the same according to the law, and for that purpose where no special provision is otherwise made by law, such court shall be vested with all the necessary powers which are possessed by courts of record in this state; and all laws of a general nature shall apply to such district court as far as the same may be applicable and not inconsistent with the provisions of chapters 3.30 through 3.74 RCW. The district court shall, upon the demand of either party, impanel a jury to try any civil or criminal case in accordance with the provisions of chapter 12.12 RCW. No jury trial may be held in a proceeding involving a traffic infraction.

(2) A district court participating in the program established by the office of the administrator for the courts pursuant to section 1 of this act shall have jurisdiction to take recognizance, approve bail, and arraign defendants held within its jurisdiction on warrants issued by any other court of limited jurisdiction participating in the program.

Sec. 3. RCW 3.66.060 and 1984 c 258 s 44 are each amended to read as follows:

The district court shall have jurisdiction: (1) Concurrent with the superior court of all misdemeanors and gross misdemeanors committed in their respective counties and of all violations of city ordinances. It shall in no event impose a greater punishment than a fine of five thousand dollars, or imprisonment for one year in the county or city jail as the case may be, or both such fine and imprisonment, unless otherwise expressly provided by statute. It may suspend and revoke vehicle operators' licenses in the cases provided by law; (2) to sit as a committing magistrate and conduct preliminary hearings in cases provided by law; (3) concurrent with the superior court of a proceeding to keep the peace in their respective counties; (4) concurrent with the superior court of all violations under Title 75 RCW; ((~~and~~)) (5) to hear and determine traffic infractions under chapter 46.63 RCW; and (6) to take recognizance, approve bail, and arraign defendants held within its jurisdiction on warrants issued by other courts of limited jurisdiction when those courts are participating in the program established under section 1 of this act.

Sec. 4. RCW 3.66.070 and 1991 c 290 s 2 are each amended to read as follows:

All criminal actions shall be brought in the district where the alleged violation occurred: PROVIDED, That (1) the prosecuting attorney may file felony cases in the district in which the county seat is located, (2) with the consent of the defendant criminal actions other than those arising out of violations of city ordinances may be brought in or transferred to the district in which the county seat is located, ((~~and~~)) (3) if the alleged violation relates to driving, or being in actual physical control of, a motor vehicle while under the influence of intoxicating liquor or any drug and the alleged violation occurred within a judicial district which has been designated an enhanced enforcement district under RCW 2.56.110, the charges may be filed in that district or in a district within the same county which is adjacent to the district in which the alleged violation occurred, and (4) a district court participating in the program established by the office of the administrator for the courts pursuant to section 1 of this act shall have jurisdiction to take recognizance, approve bail, and arraign defendants held within its jurisdiction on warrants issued by any other court of limited jurisdiction participating in the program.

Sec. 5. RCW 3.46.030 and 1985 c 303 s 13 are each amended to read as follows:

A municipal department shall have exclusive jurisdiction of matters arising from ordinances of the city, and no jurisdiction of other matters except as conferred by statute. A municipal department participating in the program established by the office of the administrator for the courts pursuant to section 1 of this act shall have jurisdiction to take recognizance, approve bail, and arraign defendants held within its jurisdiction on warrants issued by any court of limited jurisdiction participating in the program.

Sec. 6. RCW 3.50.020 and 1985 c 303 s 14 are each amended to read as follows:

The municipal court shall have exclusive original jurisdiction over traffic infractions arising under city ordinances and exclusive original criminal jurisdiction of all violations of city ordinances duly adopted by the city in which the municipal court is located and shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances or by state statutes. The municipal court shall also have the jurisdiction as conferred by statute. The municipal court is empowered to forfeit cash bail or bail bonds and issue execution thereon; and in general to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinances and to pronounce judgment in accordance therewith. A municipal court participating in the program established by the office of the administrator for the courts pursuant to section 1 of this act shall have jurisdiction to take recognizance, approve bail, and arraign defendants held within its jurisdiction on warrants issued by any court of limited jurisdiction participating in the program.

Sec. 7. RCW 35.20.030 and 1993 c 83 s 3 are each amended to read as follows:

The municipal court shall have jurisdiction to try violations of all city ordinances and all other actions brought to enforce or recover license penalties or forfeitures declared or given by any such ordinances. It is empowered to forfeit cash bail or bail bonds and issue execution thereon, to hear and determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith: PROVIDED, That for a violation of the criminal provisions of an ordinance no greater punishment shall be imposed than a fine of five thousand dollars or imprisonment in the city jail not to exceed one year, or both such fine and imprisonment, but the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime. All civil and criminal proceedings in municipal court, and judgments rendered therein, shall be subject to review in the superior court by writ of review or on appeal: PROVIDED, That an appeal from the court's determination or order in a traffic infraction proceeding may be taken only in accordance with RCW 46.63.090(5). Costs in civil and criminal cases may be taxed as provided in district courts. A municipal court participating in the program established by the office of the administrator for the courts pursuant to section 1 of this act shall have jurisdiction to take recognizance, approve bail, and arraign defendants held within its jurisdiction on warrants issued by any court of limited jurisdiction participating in the program.

NEW SECTION. **Sec. 8.** The program established by the office of the administrator for the courts pursuant to section 1 of this act shall by June 1, 2003, report to the legislature on the effectiveness and costs of the pilot program. Copies of the report shall be distributed to the house of representatives judiciary committee and the senate judiciary committee."

MOTIONS

On motion of Senator Heavey, the following title amendment was adopted:

On page 1, line 2 of the title, after "jurisdiction;" strike the remainder of the title and insert "amending RCW 3.66.010, 3.66.060, 3.66.070, 3.46.030, 3.50.020, and 35.20.030; and creating new sections."

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 2799, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2799, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2799, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senators Brown and Snyder - 2.

Excused: Senators Loveland and Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 2799, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Heavey, Senator Prentice was excused.

SECOND READING

HOUSE BILL NO. 2579, by Representatives Lambert and Dickerson (by request of Department of Social and Health Services)

Making technical corrections to the implementation of the federal personal responsibility and work opportunity reconciliation act of 1996.

The bill was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 2579 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2579.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2579 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senators Honeyford and McDonald - 2.

Excused: Senators Prentice and Sellar - 2.

HOUSE BILL NO. 2579, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

August 23, 1999

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Mark Wolfram, reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Cascadia Community College District No. 30.

Sincerely,

GARY LOCK, Governor

Referred to Committee on Higher Education.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 2, 2000

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 3105, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 3105 by Representatives McDonald, Lantz, Talcott, Bush, Campbell, Huff and Kastama

Apportioning a sales and use tax for zoos, aquariums, wildlife preserves and regional parks.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Engrossed House Bill No. 3105 was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Franklin, Senator Thibaudeau was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 3105, by House Committee on Finance (originally sponsored by Representatives McDonald, Lantz, Talcott, Bush, Campbell, Huff and Kastama)

Apportioning a sales and use tax for zoos, aquariums, wildlife preserves, and regional parks.

The bill was read the second time.

MOTION

On motion of Senator Wojahn, the rules were suspended, Engrossed House Bill No. 3105 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 3105.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 3105 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheldon, B., Shin, Snyder, Spanel, Swecker, West, Winsley and Zarelli - 36.

Voting nay: Senators Benton, Deccio, Finkbeiner, Heavey, Honeyford, McCaslin, Sheahan, Sheldon, T., Stevens and Wojahn - 10.

Excused: Senators Prentice, Sellar and Thibaudeau - 3.

ENGROSSED HOUSE BILL NO. 3105, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2934, by House Committee on Local Government (originally sponsored by Representative Koster)

Making changes to flood plain construction limitations.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute House Bill No. 2934 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2934.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2934 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Hargrove - 1.

Excused: Senators Prentice and Sellar - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2934, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2774, by Representatives Carrell, Constantine, Esser, Fortunato, Dickerson, Mulliken and Edwards

Revising provisions for appointment of judges pro tempore.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, House Bill No. 2774 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2774.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2774 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Voting nay: Senators Johnson and Roach - 2.

Absent: Senator Hochstatter - 1.

Excused: Senators Prentice and Sellar - 2.

HOUSE BILL NO. 2774, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2505, by Representatives Cairnes, Veloria, O'Brien, Morris, Radcliff, Scott, Barlean, Esser, Kagi, Keiser, Fortunato, Schual-Berke, Edwards and Miloscia

Modifying the definition of "city" for the multiple-unit dwellings property tax exemption.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 2505 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2505.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2505 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Voting nay: Senators Costa and Gardner - 2.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 2505, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2766, by House Committee on Transportation (originally sponsored by Representatives Cairnes and Hatfield)

Adjusting RV size limits.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2766 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2766.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2766 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Finkbeiner, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Snyder, Stevens, Swecker, West, Winsley and Zarelli - 34.

Voting nay: Senators Costa, Eide, Fairley, Franklin, Fraser, Hargrove, Kline, McAuliffe, Patterson, Rasmussen, Shin, Spanel, Thibaudeau and Wojahn - 14.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 2766, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6296, by Senators Kohl-Welles, Jacobsen, Shin, Thibaudeau, Bauer, Fairley, Patterson, B. Sheldon, McAuliffe and Winsley

Creating the independence through college for achievers in need program.

POINT OF ORDER

Senator Johnson: "A point of order, Mr. President. Senate Bill No. 6296 is not properly before the Senate and should be referred back to the Committee on Ways and Means for the following reasons: Senate Concurrent Resolution No. 8421 provides cutoff dates and provides that Senate Bills will not be considered--any bill will not be considered in the house of origin after February 15, 2000. This actually was voted out of committee well after that.

"The exception, of course, is bills that are necessary to implement the budget. There is no reference, whatsoever, in this bill to the budget, so there are no state general funds used in this. These are TANF funds and this bill simply describes the way the department is to distribute the funds in a way that they have not been doing so up to this time. There is no budget, of course, at this time, although there soon will be, but even when there is a budget, this does not include an appropriation. For those reasons and for those set out in the ruling yesterday on Senate Bill No. 5243, the bill should be referred back to Ways and Means. It is not properly before the Senate."

Debate ensued.

MOTION

On motion of Senator Betti Sheldon, further consideration of Senate Bill No. 6296 was deferred.

President Pro Tempore Wojahn assumed the Chair.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4026, by Representatives Doumit, Buck, Anderson, Sump, Eickmeyer, Hatfield and Schoesler

Requesting a review of migratory bird predation on salmonid stocks.

The joint memorial was read the second time.

MOTION

On motion of Senator Jacobsen, the following Committee on Natural Resources, Parks and Recreation amendment was adopted:

Beginning on page 1, after line 9, strike the remainder of the joint memorial and insert the following:

"WHEREAS, The state of Washington has embarked on a major salmon recovery effort as reflected in significant legislation enacted in 1998 and 1999; and

WHEREAS, The state of Washington has formulated a state-wide strategy to recover salmon; and

WHEREAS, The state of Washington has spent and is prepared to spend millions of dollars to protect and restore salmon populations; and

WHEREAS, The state of Washington is aggressively pursuing salmon recovery through a comprehensive undertaking in partnerships with federal agencies, Indian tribal nations, local governments, nonprofit organizations, and others; and

WHEREAS, The national marine fisheries service has listed under the federal endangered species act a number of salmon species that live in evolutionarily significant units within Washington state; and

WHEREAS, Predation by certain migratory birds such as the Caspian Tern is widely viewed as a significant issue for recovery of listed fish species throughout Washington inland and coastal waters; and

WHEREAS, The federal migratory bird treaty act of 1918, 16 U.S.C.A. Sec. 703 et seq., has proven ineffective in managing migratory bird predation on salmonids; and

WHEREAS, Washington's efforts toward salmon recovery, while addressing nearly all the factors that have led to the decline of salmon, cannot currently, because of federal law, effectively address predation by these migratory birds; and

WHEREAS, Public confidence and support of Washington's salmon recovery efforts will be diminished unless the interaction among migratory birds and salmonid populations is better understood and site-specific conflicts are addressed;

NOW, THEREFORE, Your Memorialists respectfully pray that Congress pass legislation that amends the federal migratory bird treaty act of 1918, 16 U.S.C.A. Sec. 703 et seq., to provide a more effective means to allow for the protection and restoration of salmonid populations.

Congress is further urged to:

(1) Fund joint federal and state research on migratory and resident predatory bird interactions with salmonids, especially site-specific investigations to determine the significance of migratory and resident bird predation on adult and juvenile salmonids for stock recovery, and to develop a cohesive conservation plan that balances protection of both migratory and resident birds and salmonids;

(2) Grant at least limited management authority for state and federal agencies to remove those migratory and resident birds preying on listed fish stocks at areas of restricted fish passage;

(3) Prohibit the relocation of predatory bird nesting areas that could result in shifting predation to salmonid stocks that need recovery in other geographic areas.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the United States House of Representatives Committee on Resources, the United States Senate Committee on Commerce, Science, and Transportation, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Joint Memorial No. 4026, as amended by the Senate, was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Heavey: "Senator Snyder, on these Terns--I don't know if they are u-Terns are what, but wouldn't it be better to neuter them, so that they wouldn't multiply?"

Senator Snyder: "Well, would you like the contract?"

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4026, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4026, as amended by the Senate, and the joint memorial passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Deccio, Finkbeiner, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Oke, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 35.

Voting nay: Senators Costa, Eide, Fairley, Franklin, Heavey, Jacobsen, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice and Thibaudeau - 12.

Absent: Senator Brown - 1.

Excused: Senator Sellar - 1.

HOUSE JOINT MEMORIAL NO. 4026, as amended by the Senate, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED HOUSE BILL NO. 2609, by Representatives Carrell, Constantine, Mulliken and G. Chandler

Allowing agents to give notice of dishonored checks.

The bill was read the second time.

MOTION

On motion of Senator Brown, the following amendment by Senators Brown, McAuliffe, Winsley, Fairley, Kohl-Welles, Patterson, Franklin, Gardner, Spanel and Wojahn was adopted:

On page 3, after line 11, insert the following:

"NEW SECTION. **Sec. 4.** A new section is added to chapter 26.23 RCW to read as follows:

For any payment made by a check as defined in RCW 62A.3-104, if the instrument is dishonored under RCW 62A.3-515, the costs and fees authorized under RCW 62A.3-515 apply. The department may establish procedures and adopt rules to enforce this section."

MOTIONS

On motion of Senator Brown, the following title amendment was adopted:

On page 1, line 1 of the title, after "checks;" strike "and" and on line 2, after "62A.3-525" insert "; and adding a new section to chapter 26.23 RCW"

On motion of Senator Heavey, the rules were suspended, Engrossed House Bill No. 2609, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2609, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2609, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senators Rossi, Swecker and Thibaudeau - 3.

Excused: Senator Sellar - 1.

ENGROSSED HOUSE BILL NO. 2609, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the family of Senator Betti Sheldon, who were seated in the gallery.

SECOND READING

ENGROSSED HOUSE BILL NO. 2985, by Representatives Edwards, Fortunato, Scott and Doumit

Authorizing hearing examiners to issue final decisions regarding final plats of subdivisions.

The bill was read the second time.

MOTION

Senator Haugen moved that the following striking amendment by Senators Haugen and Patterson be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 58.17.020 and 1995 c 32 s 2 are each amended to read as follows:

As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

(1) "Subdivision" is the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership, except as provided in subsection (6) of this section.

(2) "Plat" is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.

(3) "Dedication" is the deliberate appropriation of land by an owner for any general and public uses, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

A dedication of an area of less than two acres for use as a public park may include a designation of a name for the park, in honor of a deceased individual of good character.

(4) "Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

(5) "Final plat" is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this chapter and in local regulations adopted under this chapter.

(6) "Short subdivision" is the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership((: PROVIDED, That)). However, the legislative authority of any city or town may by

local ordinance increase the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine. The legislative authority of any county planning under RCW 36.70A.040 that has adopted a comprehensive plan and development regulations in compliance with chapter 36.70A RCW may by ordinance increase the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine in any urban growth area.

(7) "Binding site plan" means a drawing to a scale specified by local ordinance which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan; and (c) contains provisions making any development be in conformity with the site plan.

(8) "Short plat" is the map or representation of a short subdivision.

(9) "Lot" is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

(10) "Block" is a group of lots, tracts, or parcels within well defined and fixed boundaries.

(11) "County treasurer" shall be as defined in chapter 36.29 RCW or the office or person assigned such duties under a county charter.

(12) "County auditor" shall be as defined in chapter 36.22 RCW or the office or person assigned such duties under a county charter.

(13) "County road engineer" shall be as defined in chapter 36.40 RCW or the office or person assigned such duties under a county charter.

(14) "Planning commission" means that body as defined in chapter((~~s~~)) 36.70, 35.63, or 35A.63 RCW as designated by the legislative body to perform a planning function or that body assigned such duties and responsibilities under a city or county charter.

(15) "County commissioner" shall be as defined in chapter 36.32 RCW or the body assigned such duties under a county charter.

Sec. 2. RCW 58.17.060 and 1990 1st ex.s. c 17 s 51 are each amended to read as follows:

(1) The legislative body of a city, town, or county shall adopt regulations and procedures, and appoint administrative personnel for the summary approval of short plats and short subdivisions or alteration or vacation thereof. When an alteration or vacation involves a public dedication, the alteration or vacation shall be processed as provided in RCW 58.17.212 or 58.17.215. Such regulations shall be adopted by ordinance and shall provide that a short plat and short subdivision may be approved only if written findings that are appropriate, as provided in RCW 58.17.110, are made by the administrative personnel, and may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions and may require surveys and monumentations and shall require filing of a short plat, or alteration or vacation thereof, for record in the office of the county auditor: PROVIDED, That such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries: PROVIDED FURTHER, That such regulations are not required to contain a penalty clause as provided in RCW 36.32.120 and may provide for wholly injunctive relief.

An ordinance requiring a survey shall require that the survey be completed and filed with the application for approval of the short subdivision.

(2) Cities, towns, and counties shall include in their short plat regulations and procedures pursuant to subsection (1) of this section provisions for considering sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

(3) The legislative body of a city, town, or county may by ordinance exempt short plats or short subdivisions from the requirements in subsection (1) of this section in which the division is for the purpose of establishing a site solely used for an uninhabited public or private utility or telecommunications facility, provided a record survey is recorded per chapter 58.09 RCW.

Sec. 3. RCW 58.17.070 and 1981 c 293 s 4 are each amended to read as follows:

A preliminary plat of proposed subdivisions and dedications of land shall be submitted for approval to the ((~~legislative body of the~~)) city, town, or county within which the plat is situated.

Unless an applicant for preliminary plat approval requests otherwise, a preliminary plat shall be processed simultaneously with applications for rezones, variances, planned unit developments, site plan approvals, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing.

Sec. 4. RCW 58.17.100 and 1995 c 347 s 428 are each amended to read as follows:

If a city, town, or county has established a planning commission or planning agency in accordance with state law or local charter, such commission or agency shall review all preliminary plats and make recommendations thereon to the city, town, or

county legislative body to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications as adopted by the city, town, or county. Reports of the planning commission or agency shall be advisory only: PROVIDED, That the legislative body of the city, town, or county may, by ordinance, assign to such commission or agency, or any department official or group of officials, such administrative functions, powers and duties as may be appropriate, including the holding of hearings, and recommendations for approval or disapproval of preliminary plats of proposed subdivisions.

Such recommendation shall be submitted to the legislative body not later than fourteen days following action by the hearing body. Upon receipt of the recommendation on any preliminary plat the legislative body shall at its next public meeting set the date for the public meeting where it shall consider the recommendations of the hearing body and may adopt or reject the recommendations of such hearing body based on the record established at the public hearing. If, after considering the matter at a public meeting, the legislative body deems a change in the planning commission's or planning agency's recommendation approving or disapproving any preliminary plat is necessary, the legislative body shall adopt its own recommendations and approve or disapprove the preliminary plat.

Every decision or recommendation made under this section shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation.

A record of all public meetings and public hearings shall be kept by the appropriate city, town, or county authority and shall be open to public inspection.

((~~Sole authority to approve final plats, and to adopt or amend platting ordinances shall reside in the legislative bodies.~~))

Sec. 5. RCW 58.17.110 and 1995 c 32 s 3 are each amended to read as follows:

(1) The city, town, or county ((~~legislative body~~)) shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.

(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county ((~~legislative body~~)) makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the ((~~legislative body~~)) city, town, or county shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property. The ((~~legislative body~~)) city, town, or county shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

(3) If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the city, town, or county ((~~legislative body~~)) must adopt the designated name.

Sec. 6. RCW 58.17.120 and 1974 ex.s. c 134 s 6 are each amended to read as follows:

The city, town, or county ((~~legislative body~~)) shall consider the physical characteristics of a proposed subdivision site and may disapprove a proposed plat because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.

No plat shall be approved by any city, town, or county ((~~legislative authority~~)) covering any land situated in a flood control zone as provided in chapter 86.16 RCW without the prior written approval of the department of ecology of the state of Washington.

Sec. 7. RCW 58.17.130 and 1974 ex.s. c 134 s 7 are each amended to read as follows:

Local regulations shall provide that in lieu of the completion of the actual construction of any required improvements prior to the approval of a final plat, the city, town, or county ((~~legislative body~~)) may accept a bond, in an amount and with surety and conditions satisfactory to it, or other secure method, providing for and securing to the municipality the actual construction and installation of such improvements within a period specified by the city, town, or county ((~~legislative body~~)) and expressed in the bonds. In addition, local regulations may provide for methods of security, including the posting of a bond securing to the municipality the successful operation of improvements for an appropriate period of time up to two years after final approval. The

municipality is hereby granted the power to enforce bonds authorized under this section by all appropriate legal and equitable remedies. Such local regulations may provide that the improvements such as structures, sewers, and water systems shall be designed and certified by or under the supervision of a registered civil engineer prior to the acceptance of such improvements.

Sec. 8. RCW 58.17.140 and 1995 c 68 s 1 are each amended to read as follows:

Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety days from date of filing thereof unless the applicant consents to an extension of such time period or the ninety day limitation is extended to include up to twenty-one days as specified under RCW 58.17.095(3): PROVIDED, That if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency. Final plats and short plats shall be approved, disapproved, or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period. A final plat meeting all requirements of this chapter shall be submitted to the ((~~legislative body of the~~)) city, town, or county for approval within five years of the date of preliminary plat approval. Nothing contained in this section shall act to prevent any city, town, or county from adopting by ordinance procedures which would allow extensions of time that may or may not contain additional or altered conditions and requirements.

Sec. 9. RCW 58.17.150 and 1983 c 121 s 4 are each amended to read as follows:

Each preliminary plat submitted for final approval of the ((~~legislative body~~)) city, town, or county shall be accompanied by the following agencies' recommendations for approval or disapproval:

(1) Local health department or other agency furnishing sewage disposal and supplying water as to the adequacy of the proposed means of sewage disposal and water supply;

(2) Local planning agency or commission, charged with the responsibility of reviewing plats and subdivisions, as to compliance with all terms of the preliminary approval of the proposed plat subdivision or dedication;

(3) City, town, or county engineer.

Except as provided in RCW 58.17.140, an agency or person issuing a recommendation for subsequent approval under subsections (1) and (3) of this section shall not modify the terms of its recommendations without the consent of the applicant.

Sec. 10. RCW 58.17.170 and 1981 c 293 s 10 are each amended to read as follows:

When the ((~~legislative body of the~~)) city, town, or county finds that the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, and that said subdivision meets the requirements of this chapter, other applicable state laws, and any local ordinances adopted under this chapter which were in effect at the time of preliminary plat approval, it shall suitably inscribe and execute its written approval on the face of the plat. The original of said final plat shall be filed for record with the county auditor. One reproducible copy shall be furnished to the city, town or county engineer. One paper copy shall be filed with the county assessor. Paper copies shall be provided to such other agencies as may be required by ordinance. Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150 (1) and (3) for a period of five years after final plat approval unless the ((~~legislative body~~)) city, town, or county finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

Sec. 11. RCW 58.17.190 and 1969 ex.s. c 271 s 19 are each amended to read as follows:

The county auditor shall refuse to accept any plat for filing until approval of the plat has been given by the ((~~appropriate legislative body~~)) city, town, or county in which the plat is situated. Should a plat or dedication be filed without such approval, the prosecuting attorney of the county in which the plat is filed shall apply for a writ of mandate in the name of and on behalf of the ((~~legislative body~~)) city, town, or county required to approve same, directing the auditor and assessor to remove from their files or records the unapproved plat, or dedication of record.

Sec. 12. RCW 58.17.212 and 1987 c 354 s 3 are each amended to read as follows:

Whenever any person is interested in the vacation of any subdivision or portion thereof, or any area designated or dedicated for public use, that person shall file an application for vacation with the ((~~legislative authority of the~~)) city, town, or county in which the subdivision is located. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof.

When the vacation application is specifically for a county road or city or town street, the procedures for road vacation or street vacation in chapter 36.87 or 35.79 RCW shall be utilized for the road or street vacation. When the application is for the vacation of the plat together with the roads and/or streets, the procedure for vacation in this section shall be used, but vacations of

streets may not be made that are prohibited under RCW 35.79.030, and vacations of roads may not be made that are prohibited under RCW 36.87.130.

The ((~~legislative authority of the~~)) city, town, or county shall give notice as provided in RCW 58.17.080 and 58.17.090 and shall conduct a public hearing on the application for a vacation and may approve or deny the application for vacation of the subdivision after determining the public use and interest to be served by the vacation of the subdivision. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, town, or county, shall be deeded to the city, town, or county unless the ((~~legislative authority~~)) city, town, or county shall set forth findings that the public use would not be served in retaining title to those lands.

Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the ((~~legislative authority~~)) city, town, or county has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the ((~~legislative authority~~)) city, town, or county. When the road or street that is to be vacated was contained wholly within the subdivision and is part of the boundary of the subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

This section shall not be construed as applying to the vacation of any plat of state-granted tide or shore lands.

Sec. 13. RCW 58.17.215 and 1987 c 354 s 4 are each amended to read as follows:

When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the ((~~legislative authority of the~~)) city, town, or county where the subdivision is located. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

Upon receipt of an application for alteration, the ((~~legislative body~~)) city, town, or county shall provide notice of the application to all owners of property within the subdivision, and as provided for in RCW 58.17.080 and 58.17.090. The notice shall either establish a date for a public hearing or provide that a hearing may be requested by a person receiving notice within fourteen days of receipt of the notice.

The ((~~legislative body~~)) city, town, or county shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

After approval of the alteration, the ((~~legislative body~~)) city, town, or county shall order the applicant to produce a revised drawing of the approved alteration of the final plat or short plat, which after signature of the ((~~legislative authority~~)) city, town, or county, shall be filed with the county auditor to become the lawful plat of the property.

This section shall not be construed as applying to the alteration or replatting of any plat of state-granted tide or shore lands.

Sec. 14. RCW 58.17.225 and 1995 c 32 s 1 are each amended to read as follows:

The granting of an easement for ingress and egress or utilities over public property that is held as open space pursuant to a subdivision or plat, where the open space is already used as a utility right of way or corridor, where other access is not feasible, and where the granting of the easement will not impair public access or authorize construction of physical barriers of any type, may be authorized and exempted from the requirements of RCW 58.17.215 by the county, city, or town ((~~legislative authority~~)) following a public hearing with notice to the property owners in the affected plat.

Sec. 15. RCW 58.17.310 and 1990 c 194 s 1 are each amended to read as follows:

In addition to any other requirements imposed by the provisions of this chapter, ((~~the legislative authority of any~~)) a city, town, or county shall not approve a short plat or final plat, as defined in RCW 58.17.020, for any subdivision, short subdivision, lot, tract, parcel, or site which lies in whole or in part in an irrigation district organized pursuant to chapter 87.03 RCW unless there has been provided an irrigation water right of way for each parcel of land in such district. In addition, if the subdivision, short subdivision, lot, tract, parcel, or site lies within land within the district classified as irrigable, completed irrigation water distribution facilities for such land may be required by the irrigation district by resolution, bylaw, or rule of general applicability as a condition for approval of the short plat or final plat by the ((~~legislative authority of the~~)) city, town, or county. Rights of way shall be evidenced by the respective plats submitted for final approval to the ((~~appropriate legislative authority~~)) city, town, or county. In addition, if the subdivision, short subdivision, lot, tract, parcel, or site to be platted is wholly or partially within an irrigation district of two hundred

thousand acres or more and has been previously platted by the United States bureau of reclamation as a farm unit in the district, the ((~~legislative authority~~)) city, town, or county shall not approve for such land a short plat or final plat as defined in RCW 58.17.020 without the approval of the irrigation district and the administrator or manager of the project of the bureau of reclamation, or its successor agency, within which that district lies. Compliance with the requirements of this section together with all other applicable provisions of this chapter shall be a prerequisite, within the expressed purpose of this chapter, to any sale, lease, or development of land in this state.

Sec. 16. RCW 58.17.330 and 1995 c 347 s 429 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter requiring a planning commission to hear and issue recommendations for plat approval, the county or city legislative ((~~body~~)) authority may adopt a hearing examiner system and shall specify by ordinance the legal effect of the decisions made by the examiner. The legal effect of such decisions shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative ((~~body~~)) authority;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative ((~~body~~)) authority; or

(c) The decision may be given the effect of a final decision of the legislative ((~~body~~)) authority.

The legislative authority shall prescribe procedures to be followed by a hearing examiner.

(2) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Each final decision of a hearing examiner, unless a longer period is mutually agreed to by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings."

MOTION

Senator Horn moved that the following amendment to the striking amendment by Senators Haugen and Patterson be adopted:

On page 5, line 18, after "~~bodies.~~))" insert "Any party of record to a final decision by the planning commission to disapprove a final plat may appeal that decision to the city, town, or county within fourteen days following the party's receipt of the planning commission's decision."

Debate ensued.

Vice President Pro Tempore Bauer assumed the Chair.

Senator Johnson demanded a roll call and the demand was sustained

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Horn on page 5, line 18, to the striking amendment by Senators Haugen and Patterson.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was adopted by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 39.

Voting nay: Senators Brown, Costa, Eide, Jacobsen, Kline, Kohl-Welles, McAuliffe, Patterson and Thibaudeau - 9.

Excused: Senator Sellar - 1.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen and Patterson, as amended, to Engrossed House Bill No. 2985.

The motion by Senator Haugen carried and the striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 2 of the title, after "subdivisions;" strike the remainder of the title and insert "and amending RCW 58.17.020, 58.17.060, 58.17.070, 58.17.100, 58.17.110, 58.17.120, 58.17.130, 58.17.140, 58.17.150, 58.17.170, 58.17.190, 58.17.212, 58.17.215, 58.17.225, 58.17.310, and 58.17.330."

On motion of Senator Haugen, the rules were suspended, Engrossed House Bill No. 2985, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2985, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2985, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48. Excused: Senator Sellar - 1. ENGROSSED HOUSE BILL NO. 2985, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2663, by House Committee on Appropriations (originally sponsored by Representatives Alexander, Schual-Berke, Parlette, Cody, Reardon, Ericksen, Morris, Tokuda, Benson, Doumit, Pflug, Kessler, Ruderman, Rockefeller, Edmonds, Santos, O'Brien, Hurst and Esser)

Creating a program to provide atypical antipsychotic medications to underserved populations.

MOTION

On motion of Senator Hargrove, the following Committee on Ways and Means striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that schizophrenia is a devastating and costly disease. Atypical antipsychotic medications have been developed for treatment of schizophrenia and other similar psychiatric and neurological conditions, which have been effective at treating these conditions with less severe side effects than the side effects that accompany typical antipsychotics. In order to protect the public health, safety, and welfare, and reduce the economic and societal costs associated with untreated schizophrenia and other similar psychiatric and neurological conditions, the legislature intends to promote access to atypical antipsychotic medications by those unable to access them and who present a risk of harm to themselves and to the community.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.09 RCW to read as follows:

(1) To the extent funds are appropriated, the department of social and health services shall develop a distribution mechanism that promotes access to atypical antipsychotic medications to persons suffering from schizophrenia, or other psychiatric or neurological condition that is treated with atypical antipsychotic medication, who is an offender identified under RCW 72.09.370, or a person identified under RCW 71.05.235 or 10.77.090(1)(d). The department is authorized to establish rules necessary to implement the provisions of this act.

(2) "Atypical antipsychotic medications" means drugs with a pharmacological classification of dibenzodiazepines, benzisoxazoles, and thienobenzodiazepines.

(3) Under this program, the department shall purchase and distribute only those atypical antipsychotic medications whose manufacturers agree to provide a rebate for drugs purchased under the medical care services program, as defined in RCW 74.09.010. The rebate provided for the medical care services program shall be equivalent to, and subject to the same terms and conditions as, the manufacturer's rebate required for drugs purchased under Title XIX of the federal social security act.

(4) Nothing in this section creates or provides any individual with an entitlement to services or benefits. It is the intent of the legislature that atypical antipsychotic medications shall be made available under this section only to the extent of the availability and level of appropriation made by the legislature.

(5) The distribution mechanism shall require successful recipients to comply with data collection needs of the institute.

NEW SECTION. **Sec. 3.** (1) The Washington state institute for public policy shall conduct an evaluation of this act to determine the following:

(a) Outcomes for persons receiving atypical antipsychotic medications under the provisions of this act, including, but not limited to the person's: (i) Ability to perform basic living skills and maintain a job; (ii) adherence to medication regimens; (iii) number of inpatient placement or acute care services after having received atypical antipsychotic medications; and (iv) criminal conviction record for further offenses, if any, after having received atypical antipsychotic medications;

(b) The extent to which this act increases access to atypical antipsychotic medications to the targeted population; and

(c) The uniformity by health care providers in prescribing atypical antipsychotic medications among the population identified under the provisions of this act.

(2) The institute shall report to the legislature by January 1, 2002."

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Long be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that schizophrenia is a devastating and costly disease. Atypical antipsychotic medications have been developed for treatment of schizophrenia and other similar psychiatric and neurological conditions, which have been effective at treating these conditions with less severe side effects than the side effects that accompany typical antipsychotics. Atypical antipsychotic medications are commonly prescribed and are within the standard of care. In order to protect the public health, safety, and welfare, and reduce the economic and societal costs associated with untreated schizophrenia and other similar psychiatric and neurological conditions, the legislature intends to promote access to atypical antipsychotic medications by those unable to access them and who present a risk of harm to themselves and to the community.

NEW SECTION. **Sec. 2.** (1) To the extent funds are appropriated, the department of social and health services shall request proposals that promote access to atypical antipsychotic medications to persons who meet the following criteria:

(a) The person has schizophrenia or other psychiatric or neurological condition that is treated with atypical antipsychotic medication;

(b) The person's income is less than two hundred percent of the federal poverty level; and

(c) The person is not covered by insurance or other benefit that pays for atypical antipsychotic medications. The person may have a copayment requirement under available coverage, which is cost prohibitive for the person given his or her income level, which would not disqualify the person under the requirement of this section.

(2) Contracts shall be awarded to contractors whose proposal meets the following criteria:

(a) Has a distribution mechanism that achieves cost savings in service delivery and medication costs;

(b) Targets children and adults who are transitioning out of state or local correctional or detention facilities or who have recently received mental health services under chapter 71.05 or 71.34 RCW;

(c) Is based on a clear statement of intended outcomes which are objective and identified in the proposal;

(d) Is designed to provide temporary access to these atypical antipsychotic medications until the person has obtained coverage or achieved financial capacity to retain them;

(e) Proposes to dispense the atypical antipsychotic medications as a part of a comprehensive program designed to achieve an improved mental status and stable living situation; and

(f) Maximizes cost savings of the atypical antipsychotic medications.

(3)(a) "Atypical antipsychotic medications" means drugs with a pharmacological classification of dibenzodiazepines, benzisoxazoles, thienobenzodiazepines, and dibenzothiazepines, and such other drugs as are defined in rule by the department which have the same or very similar utility in treating schizophrenia or other similar psychiatric and neurological conditions.

(b) "Access to atypical antipsychotic medications" includes:

(i) Pharmaceutical companies participating in this program shall increase access to their products for the targeted population through intensive outreach to their respective indigent drug programs as of the effective date of this act. The eligibility criteria of their respective indigent drug programs shall not be changed to decrease access or availability from the criteria as they exist on March 15, 2000; and

(ii) Other drugs or laboratory tests when used in conjunction with the atypical antipsychotic medications to achieve maximum therapeutic effect, or to treat side effects.

(4) Nothing in this section creates or provides any individual with an entitlement to services or benefits. It is the intent of the legislature that atypical antipsychotic medications shall be made available under this section only to the extent of the availability and level of appropriation made by the legislature.

(5) The distribution mechanism shall require successful recipients to comply with data collection needs of the Washington institute for public policy.

(6) The department is authorized to establish rules necessary to implement the provisions of this act.

NEW SECTION. **Sec. 3.** (1) The Washington institute for public policy shall conduct an evaluation of this act to determine the following:

(a) Outcomes for persons receiving atypical antipsychotic medications under the provisions of this act, including, but not limited to the person's: (i) Ability to perform basic living skills and maintain a job; (ii) adherence to medication regimens; (iii) number of inpatient placement or acute care services after having received atypical antipsychotic medications; and (iv) criminal conviction record for further offenses, if any, after having received atypical antipsychotic medications;

(b) The extent to which this act increases access to atypical antipsychotic medications to the targeted population; and

(c) The uniformity by health care providers in prescribing atypical antipsychotic medications among the population identified under the provisions of this act.

(2) The Washington institute for public policy shall identify the number of children and the number of adults served; and outcomes, access, and uniformity for both children and adults.

(3) The Washington institute for public policy shall report to the legislature by January 1, 2002.

NEW SECTION. **Sec. 4.** This act expires June 30, 2002."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Long to Second Substitute House Bill No. 2663.

The motion by Senator Hargrove carried and the striking amendment by Senators Hargrove and Long was adopted.

MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 2 of the title, after "populations;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

On motion of Senator Hargrove, the rules were suspended, Second Substitute House Bill No. 2663, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 2663, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2663, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48. Excused: Senator Sellar - 1. SECOND SUBSTITUTE HOUSE BILL NO. 2663, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Rossi was excused.

President Owen assumed the Chair.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2994, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Parlette, G. Chandler, B. Chandler and Linville)

Regarding instream flows and trust water rights.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the following Committee on Environmental Quality and Water Resources striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.14.200 and 1989 c 175 s 180 are each amended to read as follows:

(1) All matters relating to the implementation and enforcement of this chapter by the department of ecology shall be carried out in accordance with chapter 34.05 RCW, the Administrative Procedure Act, except where the provisions of this chapter expressly conflict with chapter 34.05 RCW. Proceedings held pursuant to RCW 90.14.130 are adjudicative proceedings within the meaning of chapter 34.05 RCW. Final decisions of the department of ecology in these proceedings are subject to review in accordance with chapter 43.21B RCW.

(2) RCW 90.14.130 provides nonexclusive procedures for determining a relinquishment of water rights under RCW 90.14.160, 90.14.170, and 90.14.180. RCW 90.14.160, 90.14.170, and 90.14.180 may be applied in, among other proceedings, general adjudication proceedings initiated under RCW 90.03.110 or 90.44.220: PROVIDED, That nothing herein shall apply to litigation involving determinations of the department of ecology under RCW 90.03.290 relating to the impairment of existing rights.

(3) If the superior court issues an order excusing or prohibiting a person or entity from exercising a water right during the pendency of a general adjudication of water rights initiated by the department under RCW 90.03.110 or 90.44.220, the provisions of RCW 90.14.130 through 90.14.180 shall not be construed to curtail the powers of the superior court, under a recognized head of equitable jurisdiction, to set aside or cancel relinquishment at the suit of the party claiming the excused water right.

Sec. 2. RCW 90.38.020 and 1989 c 429 s 3 are each amended to read as follows:

(1) The department may acquire water rights, including but not limited to storage rights, by purchase, gift, or other appropriate means other than by condemnation, from any person or entity or combination of persons or entities. Once acquired, such rights are trust water rights.

(2) The department may make such other arrangements, including entry into contracts with other persons or entities as appropriate to ensure that trust water rights acquired in accordance with this chapter can be exercised to the fullest possible extent.

(3) The trust water rights may be acquired on a temporary or permanent basis.

(4) The trust water rights may be expressly conditioned by the grantor for instream use.

Sec. 3. RCW 90.42.005 and 1991 c 347 s 1 are each amended to read as follows:

(1) It is the policy of the state of Washington to recognize and preserve water rights in accordance with RCW 90.03.010.

(2) The legislature finds that:

(a) The state of Washington is faced with a shortage of water with which to meet existing and future needs, including the needs of aquatic species listed as threatened or endangered under the federal endangered species act, particularly during the summer and fall months and in dry years when the demand is greatest;

(b) Consistent with RCW 90.54.180, conservation and water use efficiency programs, including storage, and voluntary water reallocation programs, such as water banking, should be the preferred methods of addressing water uses because they can relieve current critical water situations, provide for presently unmet needs, and assist in meeting future water needs. Presently unmet needs or current needs includes the water required to increase the frequency of occurrence of base or minimum flow levels in streams of the state, the water necessary to satisfy existing water rights, or the water necessary to provide full supplies to existing water systems with current supply deficiencies; and

(c) The interests of the state will be served by developing programs and regional water resource plans, in cooperation with local governments, federally recognized tribal governments, appropriate federal agencies, private citizens, and the various water users and water interests in the state, that increase the overall ability to manage the state's waters in order to resolve conflicts and to better satisfy both present and future needs for water.

Sec. 4. RCW 90.42.010 and 1998 c 245 s 173 are each amended to read as follows:

The legislature finds that a need exists to continue to develop and test ((~~a~~)) all feasible means to facilitate the voluntary ((~~transfer~~)) reallocation of water and water rights, including conserved water, to provide water for presently unmet needs and emerging needs. Further, the legislature finds that water conservation and voluntary reallocation activities have the potential of affecting the quantity of return flow waters to which existing water right holders have a right to and rely upon. It is the intent of the legislature that persons holding rights to water, including return flows, not be adversely affected in the implementation of the provisions of this chapter.

Sec. 5. RCW 90.42.020 and 1991 c 347 s 6 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of ecology.

(2) "Net water savings" means the amount of water that is determined to be conserved and usable within a specified stream reach or reaches for other purposes without impairment or detriment to water rights existing at the time that a water conservation project is undertaken, reducing the ability to deliver water, or reducing the supply of water that otherwise would have been available to other existing water uses.

(3) "Trust water right" means any water right acquired by the state under this chapter for management in the state's trust water rights program.

(4) ((~~"Pilot planning areas" means the geographic areas designated under RCW 90.54.045(2).~~

~~(5)~~)) "Water conservation project" means any project or program that achieves physical or operational improvements that provide for increased water use efficiency in existing systems of diversion, conveyance, application, or use of water under water rights existing on July 28, 1991.

Sec. 6. RCW 90.42.030 and 1993 c 98 s 2 are each amended to read as follows:

(1) For purposes of this chapter, the state may enter into contracts to provide moneys to assist in the financing of water conservation projects. In consideration for the financial assistance provided, the state shall obtain public benefits defined in guidelines developed under RCW 90.42.050.

(2) If the public benefits to be obtained require conveyance or modification of a water right, the recipient of funds shall convey to the state the recipient's interest in that part of the water right or claim constituting all or a portion of the resulting net water savings for deposit in the trust water rights program. The amount to be conveyed shall be finitely determined by the parties, in accordance with the guidelines developed under RCW 90.42.050, before the expenditure of state funds. Conveyance may consist of complete transfer, lease contracts, or other legally binding agreements. When negotiating for the acquisition of conserved water or net water savings, or a portion thereof, the state may require evidence of a valid water right.

(3) As part of the contract, the water right holder and the state shall specify the process to determine the amount of water the water right holder would continue to be entitled to once the water conservation project is in place.

(4) The state shall cooperate fully with the United States in the implementation of this chapter. Trust water rights may be acquired through expenditure of funds provided by the United States and shall be treated in the same manner as trust water rights resulting from the expenditure of state funds.

(5) If water is proposed to be acquired by or conveyed to the state as a trust water right by an irrigation district, evidence of the district's authority to represent the water right holders shall be submitted to and for the satisfaction of the department.

(6) The state shall not contract with any person to acquire a water right served by an irrigation district without the approval of the board of directors of the irrigation district. Disapproval by a board shall be factually based on probable adverse effects on the ability of the district to deliver water to other members or on maintenance of the financial integrity of the district.

(7) RCW 90.03.380 has no applicability to trust water rights acquired by the state under this section through the funding of water conservation projects.

Sec. 7. RCW 90.42.040 and 1993 c 98 s 3 are each amended to read as follows:

(1) All trust water rights acquired by the state shall be placed in the state trust water rights program to be managed by the department. Trust water rights acquired by the state shall be held or authorized for use by the department for instream flows, irrigation, municipal, or other beneficial uses consistent with applicable ((~~regional plans for pilot planning areas,~~)) watershed plans under chapter 90.82 RCW or to resolve critical water supply problems, including implementation of state and local plans and programs for recovery of aquatic species listed as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.).

(2) The department shall issue a water right certificate in the name of the state of Washington for each permanent trust water right conveyed to the state indicating the reach or reaches of the stream, the quantity, and the use or uses to which it may be applied. A superseding certificate shall be issued that specifies the amount of water the water right holder would continue to be entitled to as a result of the water conservation project. The superseding certificate shall retain the same priority date as the original right. For nonpermanent conveyances, the department shall issue certificates or such other instruments as are necessary to reflect

the changes in purpose or place of use or point of diversion or withdrawal. Water rights for which such nonpermanent conveyances are arranged shall not be subject to relinquishment for nonuse.

(3) A trust water right retains the same priority date as the water right from which it originated, but as between them the trust right shall be deemed to be inferior in priority unless otherwise specified by an agreement between the state and the party holding the original right.

(4) Exercise of a trust water right may be authorized only if the department first determines that neither water rights existing at the time the trust water right is established, nor the public interest will be impaired. If impairment becomes apparent during the time a trust water right is being exercised, the department shall cease or modify the use of the trust water right to eliminate the impairment.

(5) Before any trust water right is created or modified, the department shall, at a minimum, require that a notice be published in a newspaper of general circulation published in the county or counties in which the storage, diversion, and use are to be made, and in other newspapers as the department determines is necessary, once a week for two consecutive weeks. At the same time the department shall send a notice containing pertinent information to all appropriate state agencies, potentially affected local governments and federally recognized tribal governments, and other interested parties, and shall post the notice on its web page.

(6) RCW 90.14.140 through 90.14.230 have no applicability to trust water rights held by the department under this chapter or exercised under this section.

(((7) RCW 90.03.380 has no applicability to trust water rights acquired by the state through the funding of water conservation projects.))

Sec. 8. RCW 90.42.050 and 1991 c 347 s 9 are each amended to read as follows:

The department, in cooperation with federal agencies, federally recognized Indian tribes, local governments, state agencies, and other interested parties, shall establish guidelines ((by July 1, 1992,)) governing the acquisition, administration, and management of trust water rights. The guidelines shall address at a minimum the following:

(1) Methods for determining the net water savings resulting from water conservation projects or programs carried out in accordance with this chapter, and other factors to be considered in determining the quantity or value of water available for potential designation as a trust water right;

(2) Criteria for determining the portion of net water savings to be conveyed to the state under this chapter;

(3) Criteria for prioritizing water conservation projects;

(4) A description of potential public benefits that will affect consideration for state financial assistance in RCW 90.42.030;

(5) Procedures for providing notification to potentially interested parties;

(6) Criteria for the assignment of uses of trust water rights acquired for implementation of state and local plans and programs for recovery of aquatic species listed as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.) or acquired in areas of the state not addressed in a regional water resource plan or critical area agreement; ((and))

(7) Procedures that will reasonably substitute for the requirements of RCW 90.03.380 and 90.03.390, when trust water rights are conveyed under RCW 90.42.080(6); and

(8) Contracting procedures and other procedures not specifically addressed in this section.

These guidelines shall be submitted to the joint select committee on water resource policy before adoption.

Sec. 9. RCW 90.42.080 and 1993 c 98 s 4 are each amended to read as follows:

(1) The state may acquire all or portions of existing water rights, by purchase, gift, contract, or other appropriate means other than by condemnation, from any person or entity or combination of persons or entities. Once acquired, such rights are trust water rights.

(2) The department may enter into leases, contracts, or such other arrangements with other persons or entities as appropriate, to ensure that trust water rights acquired in accordance with this chapter may be exercised to the fullest possible extent.

(3) Trust water rights may be acquired by the state on a temporary or permanent basis.

(4) The provisions of RCW 90.03.380 and 90.03.390 apply to transfers of water rights under this section, except as provided in RCW 90.42.050(7).

(5) No funds may be expended for the purchase of water rights by the state pursuant to this section unless specifically appropriated for this purpose by the legislature.

(6) Trust water rights may be expressly conditioned by the grantor for instream use, for implementation of state and local plans and programs for recovery of aquatic species listed as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.), or for compliance with federal actions under the act.

(7) The state may acquire all or portions of existing water rights as trust water rights on a temporary basis as a result of temporarily reduced water need where such reduction is due to varying weather conditions including but not limited to precipitation and temperature, as long as the water user's diversion and delivery facilities are maintained in good operating condition consistent with beneficial use of the full amount of the water right. The trust water rights under this subsection may be acquired either in anticipation of such reduced water need or at the conclusion of a season during which use of water had been anticipated but not carried out.

NEW SECTION. **Sec. 10.** A new section is added to chapter 90.42 RCW to read as follows:

The status of a water right as a trust water right shall not be evidence of the validity or quantity of the right."

MOTION

Senator Fraser moved that the following striking amendment by Senators Fraser and Honeyford be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec 1.** RCW 90.14.200 and 1989 c 175 s 180 are each amended to read as follows:

(1) All matters relating to the implementation and enforcement of this chapter by the department of ecology shall be carried out in accordance with chapter 34.05 RCW, the Administrative Procedure Act, except where the provisions of this chapter expressly conflict with chapter 34.05 RCW. Proceedings held pursuant to RCW 90.14.130 are adjudicative proceedings within the meaning of chapter 34.05 RCW. Final decisions of the department of ecology in these proceedings are subject to review in accordance with chapter 43.21B RCW.

(2) RCW 90.14.130 provides nonexclusive procedures for determining a relinquishment of water rights under RCW 90.14.160, 90.14.170, and 90.14.180. RCW 90.14.160, 90.14.170, and 90.14.180 may be applied in, among other proceedings, general adjudication proceedings initiated under RCW 90.03.110 or 90.44.220: PROVIDED, That nothing herein shall apply to litigation involving determinations of the department of ecology under RCW 90.03.290 relating to the impairment of existing rights.

(3) The provisions of RCW 90.14.130 through 90.14.180 shall not be construed to curtail the powers of the superior court, under a recognized head of equitable jurisdiction, to set aside or cancel relinquishment at the motion of a party claiming a water right that is subject to a general adjudication of water rights initiated by the department under RCW 90.03.110 or 90.44.220.

Sec. 2. RCW 90.38.020 and 1989 c 429 s 3 are each amended to read as follows:

(1) The department may acquire water rights, including but not limited to storage rights, by purchase, gift, or other appropriate means other than by condemnation, from any person or entity or combination of persons or entities. Once acquired, such rights are trust water rights.

(2) The department may make such other arrangements, including entry into contracts with other persons or entities as appropriate to ensure that trust water rights acquired in accordance with this chapter can be exercised to the fullest possible extent.

(3) The trust water rights may be acquired on a temporary or permanent basis.

(4) The trust water rights may be expressly conditioned by the grantor for instream use.

Sec. 3. RCW 90.42.005 and 1991 c 347 s 1 are each amended to read as follows:

(1) It is the policy of the state of Washington to recognize and preserve water rights in accordance with RCW 90.03.010.

(2) The legislature finds that:

(a) The state of Washington is faced with a shortage of water with which to meet existing and future needs, including the needs of aquatic species listed as threatened or endangered under the federal endangered species act, particularly during the summer and fall months and in dry years when the demand is greatest;

(b) Consistent with RCW 90.54.180, conservation and water use efficiency programs, including storage, and voluntary water programs, such as water banking, should be the preferred methods of addressing water uses because they can relieve current critical water situations, provide for presently unmet needs, and assist in meeting future water needs. Presently unmet needs or current needs includes the water required to increase the frequency of occurrence of base or minimum flow levels in streams of the state, the water necessary to satisfy existing water rights, or the water necessary to provide full supplies to existing water systems with current supply deficiencies; and

(c) The interests of the state will be served by developing programs and regional water resource plans, in cooperation with local governments, federally recognized tribal governments, appropriate federal agencies, private citizens, and the various water users and water interests in the state, that increase the overall ability to manage the state's waters in order to resolve conflicts and to better satisfy both present and future needs for water.

Sec. 4. RCW 90.42.010 and 1998 c 245 s 173 are each amended to read as follows:

The legislature finds that a need exists to continue to develop and test ((a)) all feasible means to facilitate the voluntary transfer of water and water rights, including conserved water, to provide water for presently unmet needs and emerging needs. Further, the legislature finds that water conservation activities and voluntary water programs have the potential of affecting the

quantity of return flow waters to which existing water right holders have a right to and rely upon. It is the intent of the legislature that persons holding rights to water, including return flows, not be adversely affected in the implementation of the provisions of this chapter.

Sec. 5. RCW 90.42.020 and 1991 c 347 s 6 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of ecology.

(2) "Net water savings" means the amount of water that is determined to be conserved and usable within a specified stream reach or reaches for other purposes without impairment or detriment to water rights existing at the time that a water conservation project is undertaken, reducing the ability to deliver water, or reducing the supply of water that otherwise would have been available to other existing water uses.

(3) "Trust water right" means any water right acquired by the state under this chapter for management in the state's trust water rights program.

(4) ((~~"Pilot planning areas" means the geographic areas designated under RCW 90.54.045(2).~~

~~(5)~~)) "Water conservation project" means any project or program that achieves physical or operational improvements that provide for increased water use efficiency in existing systems of diversion, conveyance, application, or use of water under water rights existing on July 28, 1991.

Sec. 6. RCW 90.42.030 and 1993 c 98 s 2 are each amended to read as follows:

(1) For purposes of this chapter, the state may enter into contracts to provide moneys to assist in the financing of water conservation projects. In consideration for the financial assistance provided, the state shall obtain public benefits defined in guidelines developed under RCW 90.42.050.

(2) If the public benefits to be obtained require conveyance or modification of a water right, the recipient of funds shall convey to the state the recipient's interest in that part of the water right or claim constituting all or a portion of the resulting net water savings for deposit in the trust water rights program. The amount to be conveyed shall be finitely determined by the parties, in accordance with the guidelines developed under RCW 90.42.050, before the expenditure of state funds. Conveyance may consist of complete transfer, lease contracts, or other legally binding agreements. When negotiating for the acquisition of conserved water or net water savings, or a portion thereof, the state may require evidence of a valid water right.

(3) As part of the contract, the water right holder and the state shall specify the process to determine the amount of water the water right holder would continue to be entitled to once the water conservation project is in place.

(4) The state shall cooperate fully with the United States in the implementation of this chapter. Trust water rights may be acquired through expenditure of funds provided by the United States and shall be treated in the same manner as trust water rights resulting from the expenditure of state funds.

(5) If water is proposed to be acquired by or conveyed to the state as a trust water right by an irrigation district, evidence of the district's authority to represent the water right holders shall be submitted to and for the satisfaction of the department.

(6) The state shall not contract with any person to acquire a water right served by an irrigation district without the approval of the board of directors of the irrigation district. Disapproval by a board shall be factually based on probable adverse effects on the ability of the district to deliver water to other members or on maintenance of the financial integrity of the district.

(7) RCW 90.03.380 has no applicability to trust water rights acquired by the state under this section through the funding of water conservation projects.

Sec. 7. RCW 90.42.040 and 1993 c 98 s 3 are each amended to read as follows:

(1) All trust water rights acquired by the state shall be placed in the state trust water rights program to be managed by the department. Trust water rights acquired by the state shall be held or authorized for use by the department for instream flows, irrigation, municipal, or other beneficial uses consistent with applicable ((~~regional plans for pilot planning areas,~~)) watershed plans under chapter 90.82 RCW or to resolve critical water supply problems, including implementation of state and local plans and programs for recovery of aquatic species listed as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.).

(2) The department shall issue a water right certificate in the name of the state of Washington for each permanent trust water right conveyed to the state indicating the reach or reaches of the stream, the quantity, and the use or uses to which it may be applied. A superseding certificate shall be issued that specifies the amount of water the water right holder would continue to be entitled to as a result of the water conservation project. The superseding certificate shall retain the same priority date as the original right. For nonpermanent conveyances, the department shall issue certificates or such other instruments as are necessary to reflect the changes in purpose or place of use or point of diversion or withdrawal. Water rights for which such nonpermanent conveyances are arranged shall not be subject to relinquishment for nonuse.

(3) A trust water right retains the same priority date as the water right from which it originated, but as between them the trust right shall be deemed to be inferior in priority unless otherwise specified by an agreement between the state and the party holding the original right.

(4) Exercise of a trust water right may be authorized only if the department first determines that neither water rights existing at the time the trust water right is established, nor the public interest will be impaired. If impairment becomes apparent during the time a trust water right is being exercised, the department shall cease or modify the use of the trust water right to eliminate the impairment.

(5) Before any trust water right is created or modified, the department shall, at a minimum, require that a notice be published in a newspaper of general circulation published in the county or counties in which the storage, diversion, and use are to be made, and in other newspapers as the department determines is necessary, once a week for two consecutive weeks. At the same time the department shall send a notice containing pertinent information to all appropriate state agencies, potentially affected local governments and federally recognized tribal governments, and other interested parties, and shall post the notice on its web page.

(6) RCW 90.14.140 through 90.14.230 have no applicability to trust water rights held by the department under this chapter or exercised under this section.

(((~~(7) RCW 90.03.380 has no applicability to trust water rights acquired by the state through the funding of water conservation projects.~~)))

Sec. 8. RCW 90.42.050 and 1991 c 347 s 9 are each amended to read as follows:

The department, in cooperation with federally recognized Indian tribes, local governments, state agencies, and other interested parties, shall establish guidelines ((~~by July 1, 1992,~~)) governing the acquisition, administration, and management of trust water rights. For purposes of subsection 6 of this section, the department shall consult with any appropriate federal agencies. The guidelines shall address at a minimum the following:

(1) Methods for determining the net water savings resulting from water conservation projects or programs carried out in accordance with this chapter, and other factors to be considered in determining the quantity or value of water available for potential designation as a trust water right;

(2) Criteria for determining the portion of net water savings to be conveyed to the state under this chapter;

(3) Criteria for prioritizing water conservation projects;

(4) A description of potential public benefits that will affect consideration for state financial assistance in RCW 90.42.030;

(5) Procedures for providing notification to potentially interested parties;

(6) Criteria for the assignment of uses of trust water rights acquired for implementation of state and local plans and programs for recovery of aquatic species listed as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.) or acquired in areas of the state not addressed in a regional water resource plan or critical area agreement; ((~~and~~))

(7) Procedures that will reasonably substitute for the requirements of RCW 90.03.380 and 90.03.390, that may be invoked in lieu of the requirements of RCW 90.03.380 and 90.03.390 at the option of the grantor, when trust water rights are conveyed under RCW 90.42.080(6); and

(8) Contracting procedures and other procedures not specifically addressed in this section.

These guidelines shall be submitted to the joint select committee on water resource policy before adoption.

Sec. 9. RCW 90.42.080 and 1993 c 98 s 4 are each amended to read as follows:

(1) The state may acquire all or portions of existing water rights, by purchase, gift, contract, or other appropriate means other than by condemnation, from any person or entity or combination of persons or entities. Once acquired, such rights are trust water rights.

(2) The department may enter into leases, contracts, or such other arrangements with other persons or entities as appropriate, to ensure that trust water rights acquired in accordance with this chapter may be exercised to the fullest possible extent.

(3) Trust water rights may be acquired by the state on a temporary or permanent basis.

(4) The provisions of RCW 90.03.380 and 90.03.390 apply to transfers of water rights under this section, except as provided in RCW 90.42.050(7).

(5) No funds may be expended for the purchase of water rights by the state pursuant to this section unless specifically appropriated for this purpose by the legislature.

(6) Trust water rights may be expressly conditioned by the grantor for instream use, for implementation of state and local plans and programs for recovery of aquatic species listed as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.), or for compliance with federal actions under the act.

(7) Trust water rights may be expressly conditioned by the grantor to include all or portions of existing water rights as trust water rights on a temporary basis as a result of temporarily reduced water need where such reduction is due to varying weather conditions, including but not limited to precipitation and temperature, or the presence of water from a source not within the control of the water user, as long as the water user's diversion and delivery facilities are maintained in good operating condition consistent with beneficial use of the full amount of the water right. The trust water rights under this subsection may be acquired either in anticipation of such reduced water need or at the conclusion of a season during which use of water had been anticipated but not carried out.

NEW SECTION. **Sec. 10.** A new section is added to chapter 90.42 RCW to read as follows:

The status of a water right as a trust water right shall not be evidence of the validity or quantity of the right.

NEW SECTION. **Sec. 11.** A new section is added to chapter 90.03 RCW to read as follows:

(1) Applications for transfers or changes may be processed without regard to potential impairment to pending applications for new water rights for the same source of supply.

(2) The department may accord priority to the processing of applications for transfers of water rights to the trust water rights program under chapter 90.42 RCW."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Fraser and Honeyford to Engrossed Substitute House Bill No. 2994.

The motion by Senator Fraser carried and the striking amendment by Senators Fraser and Honeyford was adopted.

MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "amending RCW 90.14.200, 90.38.020, 90.42.005, 90.42.010, 90.42.020,
90,42.030, 90.42.040, 90.42.050, and 90.42.080; and adding a new section to chapter 90.03 RCW and chapter 90.42.RCW."

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 2994, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2994, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2994, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Rossi and Sellar - 2. ENGROSSED SUBSTITUTE HOUSE BILL NO. 2994, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 6296, deferred earlier today, after the bill had been read and Senator Johnson challenged whether the bill was properly before the Senate.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order by Senator Johnson that Senate Bill No. 6296 was reported by the Committee on Ways and Means beyond the cutoff established in Senate Concurrent Resolution No. 8421, the President finds that Senate Bill No. 6296 is a measure which expands the usage of TANF funds. Namely

the measure would permit TANF funds to be used for participation in a newly created 'independence though college for achievers in need program'- the ICAN program - and would define the parameters of the new program.

"In ruling upon the point of order raised on Senate Bill No. 5243 on March 2, the President stated that there may be instances in which he would rule without first seeing a budget that a measure is necessary to implement a budget; including a measure extending or expanding a program that was actually funded in prior budgets. If such a measure failed to pass, the President could reasonably anticipate that a budget appropriation funding the extension or expansion of the program would lapse.

"Federal TANF funds have been appropriated through the state general fund budget historically. The President can reasonably anticipate that the ICAN program is funded in the Senate budget. Senate Bill No. 6296 defines the ICAN program, and but for the measure's passage, the President believes the appropriation for that program would lapse. As such, technically, the budget as written would not be implemented.

"In addressing Senator West's argument, the President believes that while it may be good in theory to wait until the budget has passed to make determinations like this, it has been the practice of the previous Presidents to rule ahead of the passage of the budget. It has been done on many occasions.

"The President, therefore, finds that the point of order is not well taken."

The President ruled that Senate Bill No. 6296 is properly before the Senate.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6296 was substituted for Substitute Senate Bill No. 6296 and the substitute bill was placed on second reading and read the second time.

Senator Deccio moved that the following striking amendment by Senators Deccio, McDonald, McCaslin, Benton, Horn, Zarelli, Honeyford, Winsley, Morton, West, Oke, Swecker, Long, Stevens, Rossi, Johnson, Hochstatter, Finkbeiner, Roach, Sheahan and Hale be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that there are many low income individuals in Washington who are not receiving assistance from the temporary assistance for needy families program. The legislature finds it commendable that these individuals are working hard at low wage jobs in order to make ends meet, without resorting to public assistance. Many of these individuals are working women raising children, and many are employed in nursing homes and boarding homes, providing necessary services in our state. It is the intent of the legislature to assist these workers through the application of a wage subsidy.

NEW SECTION. **Sec. 2.** The department of social and health services shall subsidize the wages of low income health care workers with the addition of one dollar per hour of work performed. The wage subsidy shall be paid using funds from the temporary assistance for needy families federal block grant.

For the purposes of this act, "low income health care workers" means:

(1) Low income nursing home employees, limited to nursing certified assistants, dietary and kitchen workers, and housekeeping workers; and

(2) Low income boarding home employees, limited to nursing and personal care assistants."

Debate ensued.

DEMAND FOR THE PREVIOUS QUESTION

Senators Heavey, Fairley and Spanel demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

Senator Deccio spoke to the amendment.

Senator Johnson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators Deccio, McDonald, McCaslin, Benton, Horn, Zarelli, Honeyford, Winsley, Morton, West, Oke, Swecker, Long, Stevens, Rossi, Johnson, Hochstatter, Finkbeiner, Roach, Sheahan and Hale to Substitute Senate Bill No. 6296.

ROLL CALL

The Secretary called the roll and the striking amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 22.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 26.

Excused: Senator Sellar - 1.

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. Again, this was a serious amendment. I am going to take the remarks of the Senators from the Thirty-sixth District and from the Twenty-ninth District seriously. We will work on this and we hope that we can go into it with a little more detail and bring this to a successful conclusion. I will certainly appreciate working with you. Thank you."

PERSONAL PRIVILEGE

Senator Franklin: "A point of personal privilege, Mr. President. To the good Senator from the Fourth District. I am a woman of my word. I never make a statement frivolously and really I am very sensitive to this issue and have stated in regards to the needs of the very low paying. When you mentioned, none of us would work in those jobs, that is not exactly true. I worked with those workers; they do a great job and without them, many of our elderly would not be getting the care, so they are proud of what they are doing. I will be happy to work with you and we want to be a poster state just like Wisconsin when it comes to our low income and TANF workers."

MOTION

Senator Horn moved that the following striking amendment by Senators Horn and Sheahan be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that a relatively small number of those on welfare would qualify for college admission and may benefit from completion of their higher education at a community, trade, or technical college, or other institute of higher education. In 1999, the federal government adopted final regulations for temporary assistance for needy families, allowing expanded use of block grant and maintenance of effort funds. Therefore under federal guidelines these funds may be used creatively for a variety of special approaches, to help poor families achieve true financial independence. (2) It has been suggested that funding be provided to allow selective access to postsecondary education for a limited number of qualified adult recipients of temporary assistance for needy families, while maintaining the emphasis on employment that is the hallmark of the WorkFirst program.

NEW SECTION. **Sec. 2.** (1) A legislative task force is established to review and make recommendations regarding the proposition that the legislature provide temporary assistance for needy families grants, including child care and tuition assistance, to a limited number of college-qualified individuals, with the goal of providing a means for highly motivated welfare recipients to complete college, exit assistance, and secure careers to benefit themselves, their families and society. The task force shall consist of five members, as follows:

(a) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) Two members from each of the two largest caucuses of the house of representatives, appointed by the co-speakers of the house of representatives; (c) A representative of the executive branch, appointed by the governor.

The task force shall choose its chair from among its membership.

(2) The task force shall review the fundamental intent, and history of the WorkFirst program and determine to what extent, if any, the system should be modified to meet the challenges of locating employment for individuals receiving temporary assistance for needy families, including the possibility of providing tuition assistance, to a limited number of college-qualified individuals. In examining the possibility of providing such tuition assistance, the task force shall compare the success of individuals who attend school full time prior to employment in their particular field, and those who attend school part time and are simultaneously employed

part time, thus acquiring valuable work experience. The task force shall compare completion rates, salary levels and promotion opportunities of these two groups of individuals.

(3) The task force shall use legislative facilities and staff from senate committee services and the office of program research, but may hire additional staff with specific technical expertise if such expertise is necessary to carry out the mandates of this study. All expenses of the task force, including travel, shall be paid jointly by the senate and the house of representatives.

(4) The task force shall report its findings and recommendations to the legislature by December 1, 2000.

(5) This section expires July 1, 2001."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Horn and Sheahan to Substitute Senate Bill No. 6296.

The motion by Senator Horn failed and the striking amendment was not adopted.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6296 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6296.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6296 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 28.

Voting nay: Senators Benton, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 20.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6296, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 5:23 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:30 a.m., Saturday, March 4, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIFTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, March 4, 2000

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator Sellar. On motion of Senator Deccio, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Pages Brandon Boyd and Anna Morergeli, presented the Colors. Secretary of the Senate Tony Cook, offered the prayer.

MOTION

On motion of Senator Goings, the reading of the Journal of the previous day was dispensed with and it was approved.

INTRODUCTION AND FIRST READING

SB 6861 by Senators Roach, Jacobsen, Kohl-Welles and Rasmussen

AN ACT Relating to the official mammal of the state of Washington; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State and Local Government.

MOTION

On motion of Senator Goings, the following resolution was adopted:

SENATE RESOLUTION 2000-8749

By Senator Goings

WHEREAS, Mr. Keith Bateman served honorably as Sergeant and Officer of the Sumner Police Department since 1970; and WHEREAS, Sgt. Bateman retires from duty on March 31, 2000; and

WHEREAS, Sgt. Bateman graduated from Sumner High School in 1964 and lived in the community with his family for most of his career; and WHEREAS, Sgt. Bateman was one of the longest serving employees to the City of Sumner having completed nearly 30 years of service to the citizens of Sumner; and

WHEREAS, Sgt. Bateman was known as an Officer who walked the streets of Sumner talking with citizens and checking doors of local businesses before the introduction of community oriented policing concepts; and

WHEREAS, Sgt. Bateman is respected as an Officer of honesty, loyalty, and a person of impeccable integrity; and

WHEREAS, Sgt. Bateman was one of the pillars of the Sumner Police Department and who will be sorely missed; and

WHEREAS, In recognition of Sgt. Bateman's loyal service to the citizens of Sumner, the Sumner Police Department has retired Sgt. Bateman's badge from service; and

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and honor Mr. Keith Bateman for his distinguished service to the people of Sumner, Pierce County, and the larger state community, and wish him continued success in his retirement; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to Mr. Keith Bateman.

MOTION

On motion of Senator Eide, the following resolution was adopted:

SENATE RESOLUTION 2000-8757

By Senator Eide

WHEREAS, Lynn Templeton, on September 30, 1999, celebrated thirty years of service as a Boys and Girls Club of America Professional; and

WHEREAS, Lynn's Boys and Girls Club career began in September 1969, at the Des Moines branch while he attended Highline Community College; and

WHEREAS, Assigned to Federal Way in 1976 to restart the Federal Way Club, Lynn Templeton oversaw the construction and opening of the facility on June 13, 1978, and its expansion in 1985; and

WHEREAS, In 1988, Lynn transferred to the organization's main office in Seattle to lead resource development and marketing, moved to a similar position in Tacoma in 1991 and returned to Federal Way as part of a system-wide leadership structuring in 1993; and

WHEREAS, From December 1996 to April 1997, Lynn served as Interim President\CEO of the King County Boys and Girls Club; and

WHEREAS, Lynn helped strengthen the community through his many volunteer efforts and leadership activities including serving two terms from 1989 to 1993 on the founding City Council of the new city of Federal Way; and

WHEREAS, Lynn is an outstanding man who built character in people, always worked for the best interests of children, through the Boys and Girls Club provided safe places where kids could come and talk or play, and as a Federal Way Boys and Girls Club Professional was a role model and father to two thousand two hundred kids;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acknowledge and honor Lynn Templeton, whose dedication, professionalism, and leadership on behalf of children have helped contribute to the betterment and well-being of the community he served; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the President of the Senate to Lynn Templeton.

MOTION

At 9:39 a.m., on motion of Senator Goings, the Senate was declared to be at ease.

The Senate was called to order at 12:01 p.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

March 3, 2000

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6067,

SENATE BILL NO. 6172,

SUBSTITUTE SENATE BILL NO. 6373,

SUBSTITUTE SENATE BILL NO. 6589,

ENGROSSED SENATE JOINT MEMORIAL NO. 8015, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

March 3, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6260, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6067,
SENATE BILL NO. 6172,
SUBSTITUTE SENATE BILL NO. 6260,
SUBSTITUTE SENATE BILL NO. 6373,
SUBSTITUTE SENATE BILL NO. 6589,
ENGROSSED SENATE JOINT MEMORIAL NO. 8015.

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:45 p.m., Sunday, March 5, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-FIFTH DAY, MARCH 4, 2000

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FIFTY-SIXTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Sunday, March 5, 2000

The Senate was called to order at 12:45 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator Sellar. On motion of Senator McCaslin, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Senate staff members Cynthia Kaiser and Wendy Hall, presented the Colors. Secretary of the Senate Tony Cook, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

March 4, 2000

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 3154, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

March 4, 2000

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:
SUBSTITUTE HOUSE BILL NO. 2332,
SUBSTITUTE HOUSE BILL NO. 2418,
ENGROSSED HOUSE BILL NO. 2424,
ENGROSSED HOUSE BILL NO. 2561.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

March 4, 2000

MR. PRESIDENT:

The Co-Speakers have signed SUBSTITUTE SENATE BILL NO. 6186 and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

INTRODUCTION OF FIRST READING OF HOUSE BILL

HB 3154 by Representatives Cody, Parlette, Conway, Clements, Campbell, Cairnes and Wood

Modifying provisions concerning health insurance.

MOTION

On motion of Senator Betti Sheldon, House Bill No. 3154 was held at the desk.

MOTION

At 12:53 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 5:10 p.m. by President Owen.

CALL OF THE SENATE

Senators Snyder, Goings and Betti Sheldon demanded a Call of the Senate.

A Call of the Senate was ordered.

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senator Sellar, who was excused.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 5, 2000

MR. PRESIDENT:
The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate.
HOUSE BILL NO. 1070,
SUBSTITUTE HOUSE BILL NO. 1218,
HOUSE BILL NO. 2449,
SUBSTITUTE HOUSE BILL NO. 2454,
HOUSE BILL NO. 2520,
SUBSTITUTE HOUSE BILL NO. 2599.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

March 5, 2000

SB 6404 Prime Sponsor, Senator Loveland: Making supplemental operating appropriations. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6404 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

March 5, 2000

SB 6499 Prime Sponsor, Senator Haugen: Making supplemental transportation appropriations. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6499 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Heavey, Horn, Prentice, Sheahan, T. Sheldon, Shin and Swecker.

March 5, 2000

SB 6845 Prime Sponsor, Senator Loveland: Reconciling actual revenues and the expenditure limit. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do Pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn,.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford, McDonald, Roach, Rossi, West and Zarelli.

March 5, 2000

SB 6856 Prime Sponsor, Senator Goings: Revising transportation funding. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6856 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Heavey, Jacobsen, Patterson, Prentice, T. Sheldon and Shin.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Finkbeiner, Horn, Johnson, Morton, Oke, Sheahan and Swecker.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Bill No. 6404, Senate Bill No. 6499, Senate Bill No. 6845 and Senate Bill No. 6856 were advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6404, by Senators Loveland and Rossi (by request of Governor Locke)

Making supplemental operating appropriations.

MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 6404 was substituted for Senate Bill No. 6404 and the substitute bill was placed on second reading and read the second time.

Senator Honeyford moved that the following amendments be considered simultaneously and be adopted:

On page 17, on line 7, strike "75,886,000" and insert "75,811,000" and adjust the totals accordingly.

On page 26, strike lines 4 down through and including line 6.

On page 210, on line 9, strike "22,097,509" and insert "22,122,509".

On page 210, on line 10, strike "44,195,012" and insert "44,245,012".

On page 210, on line 11, strike "66,292,518" and insert "67,367,518".

On page 211, on line 1, after "order:", insert the following:

"(a) For distribution to small towns with an calendar year 1999 general expense budget of less than $500,000;"

Reletter the subsections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Honeyford on page 17, line 7; page 26, strike lines 4 through line 6; page 210, lines 9, 10 and 11; and page 211, line 1, to Substitute Senate Bill No. 6404.

The motion by Senator Honeyford failed and the amendments were not adopted.

MOTION

Senator Honeyford moved that the following amendments be considered simultaneously and be adopted:

On page 17, on line 5, strike "73,462,000" and insert "72,509,000" and adjust the totals accordingly.

On page 26, strike lines 11 down through and including line 15.

On page 210, on line 9, strike "22,097,509" and insert "22,415,509".

On page 210, on line 10, strike "44,195,012" and insert "44,830,012".

On page 210, on line 11, strike "66,292,518" and insert "67,245,518".

On page 211, on line 1, after "order:", insert the following:

"(a) For distribution to small towns with an calendar year 1999 general expense budget of less than $500,000;"

On page 229, strike lines 7 down through and including line 26."

Reletter the subsections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Honeyford on page 17, line 5; page 26, strike lines 11 through line 15; page 210, lines 9, 10 and 11; page 211, line 1; and page 229, strike lines 7 through 26, to Substitute Senate Bill No. 6404.

The motion by Senator Honeyford failed and the amendments were not adopted.

MOTION

Senator Honeyford moved that the following amendments be considered simultaneously and be adopted:

On page 17, on line 7, strike "75,886,000" and insert "75,836,000" and adjust the totals accordingly.

On page 26, strike lines 7 down through and including line 10 and renumber the subsections.

On page 210, on line 9, strike "22,097,509" and insert "22,112,509".

On page 210, on line 10, strike "44,195,012" and insert "44,230,012".

On page 210, on line 11, strike "66,292,518" and insert "66,342,518".

On page 211, on line 1, after "order:", insert the following:

"(a) For distribution to small towns with an calendar year 1999 general expense budget of less than $500,000;" and reletter the subsections.

Debate ensued.

Senator Johnson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Honeyford on page l7, line 7; page 26, lines 7 through 10; page 210, lines 9, 10, and 11; and page 211, line 1, to Substitute Senate Bill No. 6404.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 21.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27.

Excused: Senator Sellar - 1.

MOTION

On motion of Senator Deccio, the following amendment by Senators Deccio, Thibaudeau, Loveland and Rossi was adopted:

Delete Ways and Means Committee amendment on page 63, line 8.

EDITOR'S NOTE: The Committee on Ways and Means Committee amendment on page 63, line 8, states:

"(j) Notwithstanding any other limitations in this section, the secretary shall transfer $1,000,000 of the general fund state appropriation for fiscal Year 2001 and $1,000,000 of the general fund federal appropriations, or so much thereof as may be necessary, between subsections (1) and (2) of this section to implement the choice of service provisions in RCW 71A.16,010."

MOTION

Senator Tim Sheldon moved that the following amendment by Senators Tim Sheldon, Rossi, West and Honeyford be adopted:

On page 86, after line 8, insert the following:

"(4)(a) The director shall only use funds appropriated in this section to conduct pilot programs pursuant to chapter 34.05 RCW to measure and test the feasibility, effectiveness, and cost of the department's proposed rule to provide safety and health standards for musculoskeletal disorders caused by awkward postures, high hand force, repetitive motion, repeated impacts, awkward lifting, vibration, or similar physical tasks.

(b) The department shall conduct pilot programs with interested private and public employers, including, but not limited to, the following state agencies:

(i) Department of labor and industries;

(ii) Department of general administration;

(iii) Department of ecology;

(iv) Department of transportation;

(v) Employment security department;

(vi) Department of corrections;

(vii) Department of revenue; and

(viii) Department of social and health services.

(c) No later than December 31, 2003, the department shall report to the legislature the results of the pilot programs. The report shall include:

(i) Ease of understanding and compliance;

(ii) Identification of ambiguities and difficulties encountered during implementation;

(iii) Injury reduction, including comparison to injury rates for prior years; and

(iv) Costs of compliance with rules, including direct and indirect costs.

(d) In order to more accurately reflect private sector circumstances, state agencies shall use current appropriations to implement the pilot programs.

(e) Until the department has reported to the legislature, the director shall not use funds appropriated in this section to propose or adopt safety and health standards for musculoskeletal disorders for Washington employers covered by chapter 49.17 RCW.

(f) Nothing in this section prevents the department from using funds appropriated in this section to work with employer and employee organizations to:

(i) Develop voluntary guidelines;

(ii) Identify industry-specific best practices;

(iii) Develop employee training programs; and

(iv) Provide information to reduce employee exposure to workplace hazards that can cause or aggravate musculoskeletal disorders."

Debate ensued.

Senator Johnson demanded a roll call and the demand was sustained.

POINT OF INQUIRY

Senator Johnson: "Senator Loveland, as chairman of the Ways and Means Committee, what is your guidance on this issue?"

Senator Loveland: "I have been informed by my legal counsel that this is an inappropriate amendment and would not withstand the order of law. Therefore, I am recommending a ‘no’ vote on the amendment."

Senator Johnson: "Would the chairman then join in relieving the Ways and Means Committee of the underlying amendment on this matter, so that bill could be voted on directly?"

Senator Loveland: "No, I tried to do that in committee, but was unsuccessful in getting the bill out of committee. This was another attempt by amendment, which I have been informed is not legal on the budget document. Therefore, I would not agree."

POINT OF ORDER

Senator Heavey: "A point of order, Mr. President. I believe the amendment by Senators Tim Sheldon, Rossi, West and Honeyford on page 86, after line 8, is beyond the scope and object of the underlying bill and request a ruling."

Debate ensued.

MOTION

On motion of Senator Betti Sheldon, further consideration of the amendment by Senators Tim Sheldon, Rossi, West and Honeyford was deferred.

MOTION

Senator Rossi moved that the following amendment be adopted:

On page 215, after line 2, insert the following:

"NEW SECTION. **Sec. 901.** A new section is added to chapter 41.06 RCW to read as follows:

Any department, agency, or institution of higher education may purchase services, including services that have been customarily and historically provided by employees in the classified service under this chapter, by contracting with individuals, nonprofit organizations, businesses, employee business units, or other entities.

No department, agency, or institution may enter into, renew, extend, or allow the automatic extension of any collective bargaining agreement that restricts or modifies the authority granted by this section.

NEW SECTION. **Sec. 902.** A new section is added to chapter 43.88 RCW to read as follows:

The office of financial management shall establish a process for identifying the savings achieved by state agencies and institutions of higher education as a result of contracting for services under the authority granted in section 902 of this act. Expenditures during the 1999-2001 fiscal biennium shall constitute the baseline for purposes of calculating the savings.

It is the intent of the legislature that, from the up to seven hundred million dollars in identified savings, fifty percent be directed to providing increased state funding for common school education programs and common school construction and fifty percent be directed to providing increased state funding for transportation projects and programs.

NEW SECTION. **Sec. 903.** The following acts or parts of acts are each repealed:

(1) RCW 41.06.380 (Purchasing services by contract not prohibited--Limitations) and 1979 ex.s. c 46 s 2; and

(2) RCW 41.06.382 (Purchasing services by contract not prohibited--Limitations) and 1979 ex.s. c 46 s 1."

Renumber the sections consecutively and correct any internal references accordingly.

POINT OF INQUIRY

Senator Loveland: "Senator Rossi, could you elaborate on what the seven hundred million dollar savings would be?"

Senator Rossi: "The seven hundred million dollar savings--we actually asked staff to go through some of the savings and we also looked with some of the savings from the Reason Foundation and others and some think tanks on contracting out of state services. Throughout state government, there are various opportunities to do this. All this would do is just allow that. Where it makes sense, yes do it. Where it doesn't make sense, just don't do it. It doesn't specifically say where. It would allow that."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rossi on page 215, line 2, to Substitute Senate Bill No. 6404.

The motion by Senator Rossi failed and the amendment was not adopted.

MOTION

Senator Rossi moved that the following amendment be adopted:

On page 225, after line 12, insert the following:

"**Sec. 915.** RCW 84.52.067 and 1967 ex.s. c 133 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, all property taxes levied by the state for the support of common schools shall be paid into the general fund of the state treasury as provided in RCW 84.56.280.

(2) Beginning with taxes collected in 2001, twenty percent of all receipts under this section shall be deposited by the state treasurer in the property tax reduction account hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used to replace funds lost from across the board legislative reductions in the state property tax.

NEW SECTION. **Sec. 916.** If SJR 8212 is enacted by the legislature during any legislative session held in 2000, section 915 of this act is null and void."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Finkbeiner demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Rossi on page 225, after line 12, to Substitute Senate Bill No. 6404.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 22.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 26.

Excused: Senator Sellar - 1.

WITHDRAWAL OF POINT OF ORDER

On motion of Senator Heavey, the point of order on the amendment by Senators Tim Sheldon, Rossi, West and Honeyford on page 86, after line 8, to Substitute Senate Bill No. 6404 was withdrawn.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Tim Sheldon, Rossi, West and Honeyford on page 86, after line 8, to Substitute Senate Bill No. 6404.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Gardner, Hale, Haugen, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 23.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 25.

Excused: Senator Sellar - 1.

MOTION

Senator Rossi moved that the following amendment be adopted:

On page 261, delete lines 24 through 27 and insert the following:

"NEW SECTION. **Sec. 1046.** Except as provided in section 1047 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 1047.** The secretary of state shall submit section 907 of this act and the transfer of moneys from the emergency reserve fund under section 802 of this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Debate ensued.

Senator Johnson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Rossi on page 261, delete lines 24 through 27, to Substitute Senate Bill No. 6404.

Further debate ensued.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 21.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 27.

Excused: Senator Sellar - 1.

MOTION

Senator Benton moved that the following amendment by Senators Benton, Sheahan, Johnson, Rossi, Honeyford and Stevens be adopted:

On page 261, after line 28, insert the following:

"NEW SECTION. **Sec. 1046** A new section is added to chapter 43.135 RCW to read as follows:

(1) Any tax increase imposed by the state requires voter approval.

(2) For the purposes of this section, "tax" includes, but is not necessarily limited to, sales and use taxes, property taxes, business and occupation taxes, excise taxes, fuel taxes, impact fees, license fees, permit fees, and any monetary charge by government.

(3) For the purposes of this section, "tax" does not include:

(a) Higher education tuition; and

(b) Civil and criminal fines and other charges collected in cases of restitution or violation of law or contract.

(4) For the purposes of this section, "tax increase" includes, but is not necessarily limited to, a new tax, a monetary increase in an existing tax, a tax rate increase, an expansion in the legal definition of a tax base, and an extension of an expiring tax.

(5) For the purposes of this section, "state" includes, but is not necessarily limited to, the state itself and all its departments and agencies, any city, county, special district, and other political subdivision or governmental instrumentality of or within the state.

(6) This section does not apply to any specific emergency measure authorized by vote of two-thirds of the members of each house of the legislature and expiring not later than twelve months from the effective date of the emergency act.

(7) This section is intended to add to, and not replace, the requirements for tax increases set forth in Initiative 601, the Taxpayer Protection Act, RCW 43.135.035.

NEW SECTION. **Sec. 1047.** The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act.

NEW SECTION. **Sec. 1048.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Debate ensued.

Senator Finkbeiner demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton, Sheahan, Johnson, Rossi, Honeyford and Stevens on page 261, after line 28, to Substitute Senate Bill No. 6404.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 21.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27.

Excused: Senator Sellar - 1.

POINT OF ORDER

Senator Tim Sheldon: "A point of order, Mr. President. There are several members that have expressed a desire to raise this subject. The amendment by Senators Tim Sheldon, Rossi, West and Honeyford on page 86, after line 8, was incorrectly identified on the board. Several members have expressed a desire to change their vote and I think that would be a fair item to do and take up."

REPLY BY THE PRESIDENT

President Owen: "Senator Sheldon, the President clearly stated which amendment we were on. Senator Heavey clearly stated which amendment we were on. The members were clear on what amendment we were on. The proper motion would be to move to reconsider, but the body can not just take it up without that motion."

MOTION TO RECONSIDER

Senator Hargrove, having voted on the prevailing side, moved to reconsider the vote by which the amendment by Senators Tim Sheldon, Rossi, West and Honeyford on page 86, after line 8, to Substitute Senate Bill No. 6404 failed to pass the Senate.

Debate ensued.

POINT OF ORDER

Senator Roach: "A point of order, Mr. President. That point--we don't know who it was that messed up the vote--okay?"

REPLY BY THE PRESIDENT

President Owen: "Senator Roach, that has nothing to do with a point of order that is before us right now. We are not discussing whether or not the amendment was appropriately displayed before us. If you want to bring that up in debate, that is fine, but that point of order has been settled."

Senator Roach: "But the point of order would be, if a vote was mistaken--miscast--then the members of the Senate can go to the Journal and write in the Journal, for the record, reasons for the inappropriate vote. I have had occasion to do that at least twice in my ten years and maybe someone would want to do that."

The President declared the question before the Senate to be the motion by Senator Hargrove to reconsider the vote by which the amendment by Senators Tim Sheldon, Rossi, West and Honeyford on page 86, after line 8, to Substitute Senate Bill No. 6404 failed to pass the Senate earlier today.

The motion to reconsider failed on a rising vote.

MOTION

On motion of Senator Loveland, the rules were suspended, Engrossed Substitute Senate Bill No. 6404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Rossi: "Mr. President, I rise to a point of parliamentary inquiry concerning how many votes are necessary to amend Initiative 601. Section 907, on page 219, says that the Legislature may transfer up to three hundred million dollars for the emergency reserve fund to the multi model fund. Mr. President, Article II, Section 1 (c) of the State Constitution provides as follows: 'No act, law approved by the majority of the electors voting thereon shall be amended or repealed by the legislature within a period of two years following such enactment, except by a vote of two-thirds of all the members elected to each house.'

"However, in November of 1998, the people passed Referendum 49. Referendum 49 contains the following unequivocal language in Section 14: 'Initiative Measure 601, Chapter 43.1.35 RCW is hereby reenacted and reaffirmed.' The word 'reenacted' is the operative word, Mr. President. This is the word that needs to be interpreted. In doing so, you need not, and I respectfully submit should not look beyond that word.

"In determining legislative intent, the court looks first to the language of a statute. The court must give effect to the statute's clear language. Specifically, in this case, the word 'reenact'. It is clear, it must therefore be accorded its ordinary meaning. The word's ordinary meaning can be derived from the dictionary. *The American Heritage Dictionary, Second Edition* defines the term 'enact' as follows: 'to make, a bill for example, into law.' The same dictionary defines the term 'reenact' as follows: 'to enact again, re-enact a law.' Thus, the term 'reenact' plainly means to enact a law a second time.

"I submit that it is clear that in November, 1998, the people enacted Initiative 601 into law a second time. Any amendment to Initiative 601, by this Legislature this session can only be made by two-thirds vote of each house under Article II, Section 1(c) of the State's Constitution."

Debate ensued.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the parliamentary inquiry by Senator Rossi concerning the number of votes necessary to amend Initiative 601, the President agrees that the issue here is the meaning of the term, 'I-601 is hereby reenacted.' In

Section 14 of Referendum 49, that is, whether the passage of Section 14 by the voters in November of 1998 insulated 1-601 in its entirety from amendment by the Legislature without a two-thirds vote through November, 2000.

"The President interpreted the word 'reenacted' differently in a 1998 ruling on Senator Snyder's point of order that the bill that became Referendum 49 contained two subjects in violation of Senate Rule 25. At that time, the President noted that the changes to I -601 referenced in Section 14 of Referendum 49 were made to accommodate the shift of Motor Vehicle Excise Tax funds and did not constitute a second subject in the measure. The President based his ruling, in part, on the fact that the text of I-601 was not set forth in full in Referendum 49.

"The President believes that he must be consistent in his rulings, so that this body will maintain a degree of certainty in the conduct of its business. For these reasons, the President believes that passage of an amendment to I-601--seven years after that measure's passage--- requires a simple majority vote."

POINT OF INQUIRY

Senator Heavey: "Senator Loveland, state law says that per diem rates for private pay patients in adult family homes will be stated in the contract with the private pay patients. Is it the intent of the Legislature to state that the per diem rate is the monthly rate divided by thirty?"

Senator Loveland: "No, the intent is that the per diem rate be disclosed in the contract."

POINT OF INQUIRY

Senator West: "Senator Zarelli, you participated in the capitol budget discussions in behalf of this caucus?"

Senator Zarelli: "I did."

Senator West: "Does this capital budget contain any money to offset the expenses that might be necessary to cover the directive in Executive Order 00-01, promulgated by the Governor on February 3, 2000? For the information of the members, in Executive Order 00-01, the Governor directs his agencies to require successful bidders on certain public works projects contracted by those agencies to use a percentage of Washington State Apprenticeship Training Council-registered apprentices. Again, Senator Zarelli, is there any accommodation for the extra cost that this might add?"

Senator Zarelli: "No."

Senator West: "That's what I hoped to hear, because Executive Order 00-01 is merely a directive issued by the Governor to his agency directors. It does not maintain the force of law, and I submit no agency, under the Governor's control, will be able to rely on the Executive Order for authority in a subsequent lawsuit for failure to follow the competitive bid statute as enacted by this Legislature.

"RCW 39.04.010 provides that public works contracts are to be competitively bid. The one policy exception to this requirement is the requirement that successful bidders comply with the state's prevailing wage law. That exception was created through statute, as it had to be. Last session, the Legislature considered and failed to pass a measure which was very similar to the Governor's Executive Order. The bill would have required a second policy exception to the competitive bid requirement, namely Senate Bill No. 5491, which would have required successful bidders to employ a certain percentage of registered apprentices on public works projects. That policy exception is also a matter for the Legislature, not the Governor.

"As the Attorney General has stated in a 1991 opinion, 'In the absence of a statute authorizing the Governor to act...the Governor cannot create obligations, responsibilities, conditions or processes having the force and effect of law by the issuance of an executive order.' This is true even if the order does not conflict with a statute enacted by the Legislature.

"With Executive Order 00-01, the Governor appears to be trying to take matters into his own hands. He knows, as the Legislature knows, as the courts and Attorney General have opined, that he cannot validly tread--"

POINT OF ORDER

Senator Snyder: "A point of order, Mr. President. We are discussing the final passage of the budget bill here today and we've given a lot of leeway this session to letting members express their opinions on a lot of different subjects, but I think that Senator West has gone on about an Executive Order that the Governor has issued. Really, it has no correlation with what we are discussing here on final passage. I think his remarks on the Executive Order are out of order at this time."

REPLY BY THE PRESIDENT

President Owen: "Senator West, the rules do require that your remarks be relative to the issue before us, which is the budget."

Senator West: "Yes, Mr. President, I am trying to establish that the budget makes no accommodation for this Executive Order, as it has been issued and that this is merely a directive on the part of the Governor and not a statutory obligation on the part of the state of Washington and does not have the force of law. Thank you, Mr. President. Thank you, members of the Senate."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6404.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6404 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 32.

Voting nay: Senators Benton, Finkbeiner, Hochstatter, Honeyford, Jacobsen, Johnson, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 16.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6404, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

SECOND READING

SENATE BILL NO. 6845, by Senators Loveland and Snyder

Reconciling actual revenues and the expenditure limit.

The bill was read the second time.

MOTION

Senator Rossi moved that the following amendment by Senators Rossi and McDonald be adopted:

On page 2, after line 16, strike all material through "immediately" on line 20, and insert the following:

"NEW SECTION. **Sec. 2.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Johnson demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Rossi and McDonald on page 2, after line 16, to Senate Bill No. 6845.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 22.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 26.

Excused: Senator Sellar - 1.

MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 6845 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF ORDER

Senator Benton: "A point of order, Madam President. Would you please remind the Senator that is speaking to speak to the issue and to the motion? I feel that my motives have been impugned. I would not like to cut higher education or education or any other program in the budget. I don't think it is necessary to cut any of those things and I don't like being accused of doing so. So, please ask the Senator speaking to keep his remarks to the issue and not impugn the members motives on this side of the aisle."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "Senator Kline, would you please keep your remarks to the issue?"

Senator Kline: "I certainly will."

Further debate ensued.

DEMAND FOR THE PREVIOUS QUESTION

Senators Snyder, Prentice and Spanel demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6845.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6845 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 27.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 21.

Excused: Senator Sellar - 1.

SENATE BILL NO. 6845, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6499, by Senators Haugen, Goings, Gardner and Patterson (by request of Governor Locke)

Making supplemental transportation appropriations.

MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 6499 was substituted for Senate Bill No. 6499 and the substitute bill was placed on second reading and read the second time.

Senator Benton moved that the following amendment by Senators Benton, Long and Hochstatter be adopted:

On page 12, after line 6, strike all of lines 7 & 8 and insert the following:

"(1) Within available funds, the department shall ensure that all new highway construction is compatible with the use by single-occupant vehicles of high occupancy vehicle lanes during the non-peak hours of 8:00 p.m. to 5:00 a.m."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Johnson demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Benton, Long and Hochstatter on page 12, after line 6, to Substitute Senate Bill No. 6499.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 21. Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27. Excused: Senator Sellar - 1.

MOTION

Senator Benton moved that the following amendment be adopted:

On page 12, after line 6, strike all of line 7 and 8 and insert the following:

"(1) For fiscal year 2001, the department shall issue an annual high occupancy vehicle lane use permit for $250 per vehicle that authorizes that vehicle to be used in the high occupancy vehicle lanes without restriction. All revenue generated by the sale of this permit shall be deposited into the state motor vehicle fund for highway improvement purposes to increase capacity."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Snyder demanded a roll call and the demand was sustained.

MOTION

Senator Benton moved to withdraw the amendment on page 12, line 6, to Substitute Senate Bill No. 6499.

PARLIAMENTARY INQUIRY

Senator Franklin: "A parliamentary inquiry, Madam President. Can the proponent of the amendment withdraw his amendment once the gavel has fallen and that we will take a roll call vote? I am confused. It doesn't seem if the rules allow that?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "Yes, they do allow it."

PARLIAMENTARY INQUIRY

Senator Johnson: "A parliamentary inquiry, Madam President. Is this amendment properly before the body? It looks to me like it is under Initiative 695. It is an additional fee and there is no referendum for referral to the people. I would like a ruling on that please, Madam President."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "In response to your question, Senator Johnson, it is up to the body to make that decision. It is not up to the Chair."

The President Pro Tempore declared the question before the Senate to be if the motion by Senator Benton to withdraw the amendment on page 12, line 6, to Substitute Senate Bill No. 6499.

The motion by Senator Benton failed and the amendment was not withdrawn.

. The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Benton on page 12, after line 6, to Substitute Senate Bill No. 6499.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 0; Nays, 48; Absent, 0; Excused, 1.

Voting nay: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

PERSONAL PRIVILEGE

Senator Benton: "Madam President, a point of personal privilege. It was a good amendment last year."

PARLIAMENTARY INQUIRY

Senator McCaslin: "A parliamentary inquiry, Madam President. Rule 15 states that we will have ninety minutes for lunch and ninety minutes for dinner. How about breakfast? We are going to be here until breakfast unless we keep going here folks. Drop some of those HOVs and that stuff--unless we are going to be here for breakfast."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "I have no rule in my book that deals with breakfast, Senator, so I can't give you a decision."

MOTION

Senator Benton moved that the following amendment be adopted:

On page 12, after line 6, strike all of lines 7 and 8 and insert the following:

"(1) Up to $200,000 of the high capacity transportation account— state appropriation is provided solely for the department to conduct a study of high occupancy vehicle lane use and report to the senate and house of representatives transportation committees."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 12, after line 6, to Substitute Senate Bill No. 6499.

The motion by Senator Benton failed and the amendment was not adopted.

MOTION

Senator Rossi moved that the following amendment by Senators Rossi, Benton and Patterson be adopted:

On page 12, strike all of lines 7-8 and insert the following:

"(1) The department shall institute a pilot program which opens High Occupancy Vehicle (HOV) lanes on I-405 to use by all vehicles during the nonpeak hours of 9:00 a.m. to 3:30 p.m. and 7:00 p.m. to 5:00 a.m. The department shall submit a report the senate and the house transportation committees on traffic flow along I-405 resulting from changes made under this pilot program by December 31, 2000."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Finkbeiner demanded a roll call and the demand was sustained.

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Rossi, Benton and Patterson to Substitute Senate Bill No. 6499.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Patterson, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 23.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 25.

Excused: Senator Sellar - 1.

MOTION

Senator Benton moved that the following amendment by Senators Benton and Rossi be adopted:

On page 12, line 7, delete the following:"(1) The commission is prohibited from using this appropriation for changing the current policy relating to high occupancy vehicle lanes. (2)"

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued

DEMAND FOR THE PREVIOUS QUESTION

Senators Snyder, Betti Sheldon and Spanel demanded the previous question and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Benton and Rossi on page 12, line 7, to Substitute Senate Bill No. 6499.

The motion by Senator Benton failed and the amendment was not adopted.

MOTION

Senator Horn moved that the following amendment by Senators Horn, Rossi, Oke and Benton be adopted:

On page 12, after line 10, insert the following:

"(3) For each department of transportation geographic administrative region, the commission shall review the capacity of those highways known to have congestion problems, and determine at what percentage of capacity the highway is operating. Those highways that are closest to capacity or most over capacity shall receive the highest priority. Within each department of transportation geographic administrative region, congestion relief projects shall be completed in the order of their prioritized ranking. The highest priority projects in each region must be completed before starting on lower priority projects."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Horn, Rossi, Oke and Benton on page 12, after line 10, to Substitute Senate Bill No. 6499.

The motion by Senator Horn failed and the amendment was not adopted.

MOTION

Senator Benton moved that the following amendments be considered simultaneously and be adopted:

On page 12, line 20, delete "151,896,000" and insert "153,396,000"

On page 12, line 27, delete "158,218,000' and insert "159,318,000"

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Benton on page 12, lines 20 and 27, to Substitute Senate Bill No. 6499.

The motion by Senator Benton failed and the amendments were not adopted.

MOTION

Senator Benton moved that the following amendment be adopted:

On page 14, line 1, beginning with "The" delete everything through "(12)" on line 27.

Renumber the sections consecutively and correct any internal references accordingly.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 14, line 1, to Substitute Senate Bill No. 6499.

The motion by Senator Benton failed and the amendment was not adopted.

MOTION

On motion of Senator Goings, the following amendments by Senators Goings, Gardner, Benton and Haugen were considered simultaneously and were adopted:

On page 15, line 1, delete "62,563,000" and insert "62,828,000"

On page 15, line 7, delete "63,410,000" and insert "63,675,000"

MOTION

Senator Goings moved that the following amendments by Senators Goings, Gardner, Benton and Haugen be considered simultaneously and be adopted:

On page 15, line 2, delete "62,563,000" and insert "62,788,000"

On page 15, line 7, delete "63,410,000" and insert "63,635,000"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Goings, Gardner, Benton and Haugen on page 15, lines 2 and 7, to Substitute Senate Bill No. 6499.

The motion by Senator Goings carried and the amendments were adopted.

MOTION

Senator Johnson moved that the following amendment be adopted:

On page 26, line 7, after "areas." insert "The secretary shall also determine whether there is TEA-21 funding available for a pilot project privatizing Washington state rest areas."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Johnson on page 26, line 7, to Substitute Senate Bill No. 6499.

The motion by Senator Johnson failed and the amendment was not adopted.

MOTION

Senator Oke moved that the following amendment be adopted:

On page 35, after line 36, insert the following: "(5) The Washington state ferries may lease or sell passenger-only ferries. The Washington state ferries and the utilities and transportation commission shall not prohibit any ferry operator from providing passenger-only ferry service in Washington."

Debate ensued.

POINT OF INQUIRY

Senator Benton asked Senator Heavey to yield to a question, but Senator Heavey did not yield.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Oke on page 35, line 36, to Substitute Senate Bill No. 6499.

The motion by Senator Oke failed and the amendment was not adopted.

MOTION

On motion of Senator Haugen, the following amendment was adopted:

On page 40, line 16, after "(3)" strike everything through "(4)" on line 21.

MOTION

Senator McDonald moved that the following amendment by Senators McDonald and West be adopted:

On page 40, line 21, after "((~~transportation account~~))", strike the remainder of line 21 through "provided solely" on line 22, and insert "general fund-- state appropriation is provided solely"

Senator McDonald demanded a roll call and the demand was sustained.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators McDonald and West on page 40, line 21, to Substitute Senate Bill No. 6499.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Patterson, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 23.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 25.

Excused: Senator Sellar - 1.

MOTION

Senator Roach moved that the following amendments by Senators Roach, McDonald, Benton, Zarelli, Stevens, Deccio, Sheahan, Johnson, McCaslin, Hale, Rossi, Morton, Hochstatter, Swecker and Honeyford be considered simultaneously and be adopted:

On page 13, line 8, delete "$7,436,000" and insert "$7,799,000"

On page 13, line 10, delete everything from "This" through "bureau." on line 11.

Debate ensued.

DEMAND FOR THE PREVIOUS QUESTION

Senators Snyder, Prentice and Bauer demanded the previous question and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

Senator Roach closed debate on the amendments.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Roach, McDonald, Benton, Zarelli, Stevens, Deccio, Sheahan, Johnson, McCaslin, Hale, Rossi, Morton, Hochstatter, Swecker and Honeyford on page 13, lines 8 and 10, to Substitute Senate Bill No. 6499.

The motion by Senator Roach failed and the amendments were not adopted.

MOTION

On motion of Senator Goings, the rules were suspended, Engrossed Substitute Senate Bill No. 6499 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Roach: "Senators Goings, can you tell us why you won't be here next year?"

Senator Goings: "This would probably not be the appropriate time to announce my career plans."

Senator Roach: "Okay."

Senator Goings: "I'll be back in some capacity, hopefully."

Senator Roach: "You are off the hook."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6499.

ROLL CALL

The Secretary called the roll on the final passage Engrossed Substitute Senate Bill No. 6499 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 42.

Voting nay: Senators Hochstatter, Honeyford, Jacobsen, Kline, Oke and West - 6.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6499, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6856, by Senators Goings, Gardner, Haugen, Prentice and Jacobsen

Revising transportation funding.

MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 6856 was substituted for Senate Bill No. 6856 and the substitute bill was placed on second reading and read the second time.

Senator Benton moved that the following amendment by Senators Benton, Swecker, Johnson, Honeyford, Stevens, McCaslin and West be adopted:

On page 43, line 28, strike all of **Sec. 39**.

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Johnson demanded a roll call and the demand was sustained.

DEMAND FOR THE PREVIOUS QUESTION

Senators Snyder, Betti Sheldon and Spanel demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Benton, Swecker, Johnson, Honeyford, Stevens, McCaslin and West on page 43, line 28, to Substitute Senate Bill No. 6856.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, West and Zarelli - 19.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 29.

Excused: Senator Sellar - 1.

MOTION

Senator Roach moved that the following amendment by Senators Roach, McCaslin, Hale, Horn, Shin, Sheahan, Benton, Johnson, Stevens, West and Honeyford be adopted and then withdrew the amendment:

On page 49, after line 7, insert the following:

"NEW SECTION. **Sec. 43.** A new section is added to chapter 81.112 RCW to read as follows:

A regional transit authority may acquire private property through condemnation or eminent domain only where it has first demonstrated, following public hearing with an opportunity for public comment, that no suitable government or public land is similarly situated to the land to be condemned."

Renumber the sections consecutively and correct any internal references accordingly.

MOTION

Senator Benton moved that the following amendment by Senators Benton, Roach, Rossi, Sheahan, Stevens, Johnson, and Honeyford be adopted:

On page 63, after line 27 , insert the following:

"NEW SECTION. **Sec. 63.** The following acts or parts of acts are each repealed:

(1) RCW 82.44.010 (Definitions) and 1990 c 42 s 301, 1979 c 107 s 10, 1971 ex.s. c 299 s 54, 1967 c 121 s 4, 1963 c 199 s 1, & 1961 c 15 s 82.44.010;

(2) RCW 82.44.015 (Ride-sharing passenger motor vehicles excluded--Notice--Liability for tax) and 1996 c 244 s 7, 1993 c 488 s 3, 1982 c 142 s 1, & 1980 c 166 s 3;

(3) RCW 82.44.020 (Basic and clean air excise tax imposed--Exceptions--Liability of residents for out-of-state licensing) and 1998 c 321 s 3 (Referendum Bill No. 49), 1993 sp.s. c 23 s 61, 1993 c 123 s 2, 1991 c 199 s 220, 1990 c 42 s 302, & 1988 c 191 s 1;

(4) RCW 82.44.022 (Credit on personal-use motor vehicle) and 1998 c 321 s 2 (Referendum Bill No. 49);

(5) RCW 82.44.023 (Exemption--Rental cars--Alteration of license plate month and year tabs--Rules--Taxes upon sale) and 1998 c 321 s 38 (Referendum Bill No. 49), 1998 c 145 s 1, 1994 c 227 s 3, & 1992 c 194 s 8;

(6) RCW 82.44.025 (Exemption--Vehicles of Taipei Economic and Cultural Office) and 1998 c 321 s 39 (Referendum Bill No. 49) & 1996 c 139 s 3;

(7) RCW 82.44.030 (Tax on motor vehicle dealers) and 1971 ex.s. c 299 s 51 & 1961 c 15 s 82.44.030;

(8) RCW 82.44.041 (Valuation of vehicles) and 1998 c 321 s 4 (Referendum Bill No. 49) & 1990 c 42 s 303;

(9) RCW 82.44.060 (Payment of tax based on registration year--Transfer of ownership) and 1990 c 42 s 304, 1981 c 222 s 12, 1979 c 158 s 233, 1975-'76 2nd ex.s. c 54 s 2, 1975 1st ex.s. c 118 s 14, 1963 c 199 s 4, & 1961 c 15 s 82.44.060;

(10) RCW 82.44.065 (Appeal of valuation) and 1990 c 42 s 305;

(11) RCW 82.44.080 (Tax additional) and 1961 c 15 s 82.44.080;

(12) RCW 82.44.090 (Penalty for issuing plates without collecting tax) and 1961 c 15 s 82.44.090;

(13) RCW 82.44.100 (Tax receipt) and 1961 c 15 s 82.44.100;

(14) RCW 82.44.110 (Disposition of revenue) and 1998 c 321 s 5 (Referendum Bill No. 49), 1997 c 338 s 68, & 1997 c 149 s 911;

(15) RCW 82.44.120 (Refunds, collections of erroneous amounts--Claims--False statement, penalty) and 1993 c 307 s 3, 1990 c 42 s 307, 1989 c 68 s 2, 1983 c 26 s 3, 1979 c 120 s 2, 1975 1st ex.s. c 278 s 95, 1974 ex.s. c 54 s 4, 1967 c 121 s 2, 1963 c 199 s 5, & 1961 c 15 s 82.44.120;

(16) RCW 82.44.130 (Ad valorem taxation barred) and 1961 c 15 s 82.44.130;

(17) RCW 82.44.140 (Director of licensing may act) and 1979 c 158 s 237, 1967 c 121 s 3, & 1961 c 15 s 82.44.140;

(18) RCW 82.44.150 (Apportionment and distribution of motor vehicle excise taxes generally) and 1999 c 94 s 30, 1998 c 321 s 6 (Referendum Bill No. 49), 1995 2nd sp.s. c 14 s 538, 1994 c 241 s 1, & 1993 c 491 s 2;

(19) RCW 82.44.155 (City police and fire protection assistance account--Distribution to cities and towns--Apportionment) and 1998 c 321 s 40 (Referendum Bill No. 49), 1993 c 492 s 254, 1991 c 199 s 223, & 1990 c 42 s 309;

(20) RCW 82.44.157 (Transfer of funds pursuant to government service agreement) and 1994 c 266 s 14;

(21) RCW 82.44.160 (Distribution to municipal research council) and 1999 c 309 s 931 & 1995 c 28 s 1;

(22) RCW 82.44.170 (Computation of excise taxes when commingled with licensing fees) and 1990 c 42 s 311, 1987 c 244 s 56, & 1985 c 380 s 22;

(23) RCW 82.44.180 (Transportation fund--Deposits and distributions) and 1999 c 402 s 5, 1999 c 94 s 31, 1998 c 321 s 41 (Referendum Bill No. 49), & 1995 c 269 s 2601;

(24) RCW 82.44.190 (Transportation infrastructure account--Deposits and distributions--Subaccounts) and 1996 c 262 s 2;

(25) RCW 82.44.195 (Transportation infrastructure account--Highway infrastructure account--Finding--Intent--Purpose--1996 c 262) and 1996 c 262 s 1; and

(26) RCW 82.44.900 (Severability--Construction--1961 c 15) and 1961 c 15 s 82.44.900.

NEW SECTION. **Sec. 64.** A new section is added to chapter 84.36 RCW to read as follows:

(1) Motor vehicles are exempt from property taxation.

(2) For the purposes of this section, "motor vehicle" means all motor vehicles, trailers, and semitrailers used, or of the type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads and facilities for human habitation; but shall not include (a) vehicles carrying exempt licenses, (b) dock and warehouse tractors and their cars or trailers, lumber carriers of the type known as spiders, and all other automotive equipment not designed primarily for use upon public streets or highways, (c) motor vehicles or their trailers used entirely upon private property, (d) mobile homes and travel trailers as defined in RCW 82.50.010, or (e) motor vehicles owned by nonresident military personnel of the armed forces of the United States stationed in the state of Washington provided personnel were also nonresident at the time of their entry into military service."

Debate ensued.

Senator Benton demanded a roll call and the demand was sustained.

DEMAND FOR THE PREVIOUS QUESTION

Senators Snyder, Prentice and Rasmussen demanded the previous question and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Benton, Roach, Rossi, Sheahan, Stevens, Johnson and Honeyford on page 63, after line 27, to Substitute Senate Bill No. 6856.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 21.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27.

Excused: Senator Sellar - 1.

MOTION

On motion of Senator Goings, the rules were suspended, Substitute Senate Bill No. 6856 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF ORDER

Senator Benton: "Madam President, I rise to a point of order. Substitute Senate Bill No. 6856 raises a new tax, both in Sections 31 and 32. Under Initiative 695--and Substitute Senate Bill No. 6856 does not contain a referendum clause--as required by the Initiative passed by the people. Therefore, I submit to you that Substitute Senate Bill No. 6856 is not properly before the Senate at this time and ask for your ruling."

Debate ensued.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "In ruling upon the point of order offered by Senator Benton, the President has previously ruled on this issue and that is, does the referendum require a ruling. That is to be made by the body itself. You will make that decision, not the President of the Senate."

Senator Benton: "I am sorry, did you rule that my point was not well taken?"

President Pro Tempore Wojahn: "Yes, I did."

Senator Benton: "Okay, thank you."

MOTION TO ADJOURN

Senator Benton: "Due to the he fact that we are in violation of Rule 15, I now move that the Senate adjourn until 12:00 noon tomorrow."

MOTION

Senator Goings moved that the Senate suspend Rule 15.

EDITOR'S NOTE: Rule 15 states: 'The senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day. This rule may be suspended by a majority.'

POINT OF ORDER

Senator Benton: "A point of order. A motion to adjourn--"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "The motion to adjourn is not debatable and the question before the Senate is shall we now adjourn."

REMARKS BY SENATOR SNYDER

Senator Snyder: "I believe the motion to adjourn cannot be made while we are under the Call of the Senate. We would have to dispense with the Call of the Senate before we could act on the motion to adjourn."

REMARKS BY SENATOR JOHNSON

Senator Johnson: "Has the President ruled on the objection by Senator Snyder?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "Not yet."

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "According to Rule 38, adjournment cannot be called for while we are still under the Call of the Senate.
We are still under the Call of the Senate."

REMARKS BY SENATOR SNYDER

Senator Snyder: "Madam President, I believe Senator Goings made a motion to suspend Rule 15, which I think would be proper to vote on now."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Goings to suspend Rule 15.

The motion by Senator Goings carried and Rule 15 was suspended.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6856.

POINT OF ORDER

Senator Benton: "Prior to final passage, I rise to a point of order. Half of the assessment in Section 32 of this bill is dedicated to a new traffic safety account. Forty-three percent of the other half is dedicated to a public safety education account and fifty-seven percent is retained by local governments to be spent for any general purpose. Madam President, Section 32 raises a tax under Initiative 601, because as noted in parts, the new additional assessment would not be dedicated to an earmarked fund, as required under the initiative, but be distributed for general governmental purposes. Therefore, I believe that this constitutes a tax and as such, Madam President, under the provisions of Initiative 601, I submit that final passage of Substitute Senate Bill No. 6856 would require a two-thirds vote of the Senate."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6856.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "Senator Benton, the President finds that part of the money from the assessment goes to a dedicated account. The other part of the assessment is dedicated for local purposes and is not subject to state revenue until Initiative 601.

"Therefore, a simple majority vote is required and the point of order is not well taken."

Further debate ensued.

DEMAND FOR THE PREVIOUS QUESTION

Senators Snyder, Goings and Betti Sheldon demanded the previous question and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6856.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6856 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 29. Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, West and Zarelli - 19. Excused: Senator Sellar - 1. SUBSTITUTE SENATE BILL NO. 6856, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

DISPENSE WITH THE CALL OF THE SENATE

On motion of Senator Snyder, the Senate dispensed with the Call of the Senate.

MOTION

On motion of Senator Snyder, all measures passed today were ordered to be immediately transmitted to the House of Representatives.

PERSONAL PRIVILEGE

Senator Haugen: "Madam President, I rise to a point of personal privilege. I would like to ask people to take a look at your budget book on page 37. In there, it tells one of the things that we did in the budget and I regret that I didn't tell you sooner. We purchased some refrigerated express rail cars to be know as the George Sellar Express Rail Cars. These will carry apples to the east. I thought you would like to know that. Thank you."

MOTION

At 10:22 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10: 30 a.m., Monday, March 6, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

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FIFTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 6, 2000

The Senate was called to order at 10:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Hale, Hargrove and Sellar. On motion of Senator Honeyford, Senators Hale and Sellar were excused. On motion of Senator Eide, Senator Hargrove was excused.

The Sergeant at Arms Color Guard consisting of Pages Hilary Cutler and Nathan DeNardo, presented the Colors. Reverend Jack Olive, pastor of the Mercer Island United Methodist Church, and a guest of Senator Jim Horn, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced the Honorable Chung, Hee Kyung, a member of the National Assembly of the Republic of Korea, and a guest of Senator Paull Shin, who was seated on the rostrum.

With permission of the Senate business was suspended to permit Chung, Hee Kyung to address the Senate.

MOTION

On motion of Senator Fraser, the following resolution was adopted:

SENATE RESOLUTION 2000-8740

By Senators Fraser, West, Kohl-Welles, Rasmussen and Spanel

WHEREAS, March has been designated "Women's History Month" and is, therefore, a time to commemorate and honor the many contributions that women from all walks of American society have made to enrich our national character and enhance our cultural prosperity; and

WHEREAS, For more than eighty years, Girl Scouts of the U.S.A. has empowered young women from all segments of American life by promoting the self-reliance and resourcefulness that creates indispensable women leaders for our nation's communities; and

WHEREAS, The World Association of Girl Guides and Girl Scouts has spread this empowering vision of unity throughout the world by sharing the common goals of confident independence and united collaboration with over 3.5 million young women representing more than 80 different nations; and

WHEREAS, Juliette Gordon Low established herself as a leader in the continuing struggle for women's equality by establishing the Girl Scouts in 1912 with the vision of an organization that would bring young women out of their "cloistered home environments and experience the open air;" and

WHEREAS, This contribution to American history has been a fundamental influence in the lives of a profound diversity of former Girl Scouts who have gone on to become great American leaders including United States Senator Patty Murray, Olympic gold medalist Jackie Joyner-Kersee, astronaut Dr. Sally Ride, women's rights activist Gloria Steinem, and others who continue to bestow their contributions in the areas of art, science, business, law, and culture; and

WHEREAS, Throughout its history, Girl Scouts has balanced the traditional values that it was founded upon with programs supporting the development of young women leaders as they seek solutions to challenging contemporary problems such as child abuse, youth suicide, and illiteracy; and

WHEREAS, Former Girl Scouts, both renowned and anonymous, have contributed to the strength and character of the United States and the world by unselfishly providing assistance in times of local crisis and national emergency; and

WHEREAS, more than 32,000 young women and 12,000 adults are involved in outstanding leadership activities through Washington's five regional councils of the Girl Scouts: the Totem Council, Mid-Columbia Council, Inland Empire Council, Pacific Peaks Council, and Columbia River Council; and

WHEREAS, The Girl Scout Law reads, "I will do my best to be honest and fair, friendly and helpful, considerate and caring, courageous and strong, and responsible for what I say and do, and to respect myself and others, respect authority, use resources wisely, make the world a better place, and be a sister to every Girl Scout;"

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize the diligent efforts and esteemed accomplishments of the five Washington councils of the Girl Scouts of the U.S.A., and honor the many positive programs that the Girl Scouts of the U.S.A. has provided for young Washington women; and

BE IT FURTHER RESOLVED, That the Washington State Senate recognize the services and benefits that are provided by the Girl Scouts of the U.S.A. and support the efforts of youth organizations that are working for the betterment of our communities; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Gary Locke, Governor of the state of Washington; the Governor's cabinet officers; all statewide elected officials; the Girl Scouts of the U.S.A. national headquarters; and, all five Girl Scouts of the U.S.A. regional councils in Washington.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Brownie Girl Scout Troops from Olympia, who were seated in the gallery.

MOTION

On motion of Senator Snyder, the following resolution was adopted:

SENATE RESOLUTION 2000-8741

By Senators Snyder, Jacobsen, Johnson

WHEREAS, Many of the greatest moments in human history are marked by perseverance in the face of daunting adversity, the display of boundless courage and unity in the quest for a common goal, the domination of sheer will and strength of character, and the triumph of the meek over the mighty; and

WHEREAS, The glory of sport has long embodied this spirit of achievement, and the outstanding athletic performance of ordinary individuals in extraordinary circumstances has long captivated the hearts and minds of the American people; and

WHEREAS, In 1936 all schools participated, regardless of size, in a single division Washington State Championship Basketball Tournament, and

WHEREAS, Among the teams invited to participate in the 1936 Washington State Championship Basketball Tournament was Willapa Valley High, a small school from Menlo, Washington, with a total enrollment of ninety-six students and only thirty-six boys; and

WHEREAS, In the first game of the tournament, Valley faced the unbeaten squad from the much larger school, Lewis and Clark, and handed them a 43-39 defeat; and

WHEREAS, On the second day of the tournament, Valley High upset the powerful team from Walla Walla by a score of 34-33, creating much excitement and causing observers to frantically ask the question "Where is Valley?"; and

WHEREAS, Following a 32-31 victory over Everett, the boys from Menlo had systematically defeated the three largest schools in the tournament, who had also been the pre-tournament favorites to win the championship; and

WHEREAS, In the final championship game, Valley battled Hoquiam on even terms until a last second basket tied the score at 26, forcing a gut-wrenching overtime period; and

WHEREAS, In the final three minutes of overtime, Valley scored six points to Hoquiam's two, thus winning the 1936 State Championship in what is considered by many to be the most thrilling tournament championship game of all time;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate remember this monumental event and recognize the members of the team—Bob Tisdale (1st team All-State), Russell Eyer, Bud Alexander (2nd team All-State), Ray Kraus, John Rosentangle, Carl Wiseman, Don Evavold, Al Belmont, Joe Drazil, Stanley Domin, coaches T. Armand Brim and Ed Tenoski, and manager Eddie Brigham—and honor their contribution to the annals of sports history in Washington State.

Senators Snyder, Jacobsen, Johnson, Tim Sheldon and McAuliffe spoke to Senate Resolution 2000-8741.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the 1936 Valley High School Basketball Team and their guests, who were seated in the gallery.

MOTION

On motion of Senator McAuliffe, the following resolution was adopted:

SENATE RESOLUTION 2000-8753

WHEREAS, It is important to recognize and honor citizens who have committed their lives to educating the children of our state; and

WHEREAS, Steve Campbell was a husband, father, teacher, community volunteer, Vietnam veteran, and hero to many; and

WHEREAS, Steve Campbell, a teacher at Cathcart Elementary School in Snohomish, died unexpectedly, leaving behind many grieving students, fellow teachers, family members and friends; and

WHEREAS, Steve Campbell served in the United States Army as a part of the 213th Assault Helicopter Company and received the Purple Heart while on duty in Vietnam; and

WHEREAS, Steve Campbell overcame adversity and became a teacher to help at-risk young people by making learning fun and meaningful and the classroom a place where they would want to be; and

WHEREAS, he gave his very best as a third and fourth grade teacher and he expected his students to give their very best in return; and

WHEREAS, his exemplary, positive, and creative style motivated many reluctant learners; and

WHEREAS, the first students he taught in Snohomish will graduate in June, 2000, and he will be remembered by many as their favorite teacher; and

WHEREAS, the love for his own family was demonstrated in each of the personal stories he would tell about them to his coworkers and students; and

WHEREAS, Steve Campbell was also dedicated to helping other families in his community by donating countless hours to collecting food and coordinating gifts for entire families and then personally delivering boxes of food and presents to those in need; and

WHEREAS, the community food and gift drive is now called "The Steve Campbell Food and Gift Drive," so that his work can continue; and

WHEREAS, Steve Campbell's endless energy and sense of humor was observed throughout his life.

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and honor Steve Campbell, a teacher, for his devotion to his family, his school, his students, and his community; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Steve Campbell's wife, Lyla Campbell, and their children Max, Kyle, and Nira, and to Cathcart Elementary School.

Senators McAuliffe and Long spoke to Senate Resolution 2000-8753.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Campbell family, the Superintendent of the Snohomish Schools and co-workers from Cathcart Elementary School, who were seated in the gallery.

MOTION

On motion of Senator Bauer, the following resolution was adopted:

SENATE RESOLUTION 2000-8728

By Senators Bauer and Rasmussen

WHEREAS, Fort Vancouver was established by the Hudson's Bay Company on March 19, 1825, becoming the first permanent nonnative settlement in what is today the state of Washington; and

WHEREAS, In the fields, forests, and rivers at Fort Vancouver, the Hudson's Bay Company began many of the Pacific Northwest's first industries: Agriculture, lumber, and fisheries; and

WHEREAS, Fort Vancouver was home to an incredibly diverse group of people from around the world including English, Chinook, Scottish, Klickitat, Iroquois, French-Canadian, Hawaiian, and Metis; and

WHEREAS, Fort Vancouver, despite being a British Fort, aided American missionaries and Oregon Trail settlers who arrived in the 1830's and 1840's; and

WHEREAS, Fort Vancouver was the social, economic, and political center of the Pacific Northwest in the 1820's, 1830's, and 1840's; and

WHEREAS, The site of Fort Vancouver, its waterfront, portions of its agricultural fields, and employees' village are preserved and shared with the public by the National Park Service for both present and future generations; and

WHEREAS, The year 2000 is the one hundred and seventy-fifth Anniversary of the establishment of Fort Vancouver; and

WHEREAS, The National Park Service has planned several events to commemorate the one hundred and seventy-fifth Anniversary of the establishment of Fort Vancouver, including a living history reenactment of the 1825 opening of the fort;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the one hundred and seventy-fifth Anniversary of the establishment of Fort Vancouver and its importance to our state's history; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Secretary of the Senate's office to the Fort Vancouver Historical Site.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Randy Crawford, the brother of Senator Marilyn Rasmussen, who was seated in the gallery.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 1, 2000

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6255 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) A person who, with intent to deprive the owner or owner's agent, wrongfully obtains anhydrous ammonia, is guilty of theft of anhydrous ammonia.

(2) Theft of anhydrous ammonia is a class C felony.

NEW SECTION. **Sec. 2.** A person is guilty of the crime of unlawful storage of anhydrous ammonia if the person possesses anhydrous ammonia in a container that (1) is not approved by the United States department of transportation to hold anhydrous ammonia, or (2) does not meet state and federal industrial health and safety standards for holding anhydrous ammonia. Violation of this section is a class C felony.

NEW SECTION. **Sec. 3.** Any damages arising out of the unlawful possession of, storage of, or tampering with anhydrous ammonia or anhydrous ammonia equipment shall be the sole responsibility of the unlawful possessor, storer, or tamperer. In no case shall liability for damages arising out of the unlawful possession of, storage of, or tampering with anhydrous ammonia or anhydrous ammonia equipment extend to the lawful owner, installer, maintainer, designer, manufacturer, or seller of the anhydrous ammonia or anhydrous ammonia equipment, unless

such damages arise out of the owner, installer, maintainer, designer, manufacturer, or seller's acts or omissions that constitute negligent misconduct to abide by the laws regarding anhydrous ammonia possession and storage.

Sec. 4. RCW 69.50.440 and 1997 c 71 s 3 are each amended to read as follows:

It is unlawful for any person to possess ephedrine ((~~or~~)), pseudoephedrine, or anhydrous ammonia with intent to manufacture methamphetamine. Any person who violates this section is guilty of a crime and may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both. Three thousand dollars of the fine may not be suspended. As collected, the first three thousand dollars of the fine must be deposited with the law enforcement agency having responsibility for cleanup of laboratories, sites, or substances used in the manufacture of the methamphetamine. The fine moneys deposited with that law enforcement agency must be used for such clean-up cost.

Sec. 5. RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999 c 45 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW 10.95.020)

XV Homicide by abuse (RCW 9A.32.055)

- Malicious explosion 1 (RCW 70.74.280(1))
- Murder 1 (RCW 9A.32.030)

XIV Murder 2 (RCW 9A.32.050)

XIII Malicious explosion 2 (RCW 70.74.280(2))

- Malicious placement of an explosive 1 (RCW 70.74.270(1))

XII Assault 1 (RCW 9A.36.011)

- Assault of a Child 1 (RCW 9A.36.120)
- Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
- Rape 1 (RCW 9A.44.040)
- Rape of a Child 1 (RCW 9A.44.073)

XI Manslaughter 1 (RCW 9A.32.060)

- Rape 2 (RCW 9A.44.050)
- Rape of a Child 2 (RCW 9A.44.076)

X Child Molestation 1 (RCW 9A.44.083)

- Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
- Kidnapping 1 (RCW 9A.40.020)
- Leading Organized Crime (RCW 9A.82.060(1)(a))
- Malicious explosion 3 (RCW 70.74.280(3))
- Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
- Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)

IX Assault of a Child 2 (RCW 9A.36.130)

- Controlled Substance Homicide (RCW 69.50.415)
- Explosive devices prohibited (RCW 70.74.180)
- Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW ((~~88.12.029~~)) 79A.60.050)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- Malicious placement of an explosive 2 (RCW 70.74.270(2))
- Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
- Robbery 1 (RCW 9A.56.200)
- Sexual Exploitation (RCW 9.68A.040)
- Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

VIII Arson 1 (RCW 9A.48.020)

- Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW ((~~88.12.029~~)) 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))

Possession of Ephedrine ((~~or~~)), Pseudoephedrine, or Anhydrous Ammonia with intent to manufacture methamphetamine (RCW 69.50.440)

Promoting Prostitution 1 (RCW 9A.88.070)

Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)

Theft of Anhydrous Ammonia (section 1 of this act)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)

Child Molestation 2 (RCW 9A.44.086)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW ((~~88.12.029~~)) 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Involving a minor in drug dealing (RCW 69.50.401(f))

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Anhydrous Ammonia (section 2 of this act)

V Abandonment of dependent person 1 (RCW 9A.42.060)

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Pretrial Condition (RCW 10.99.040(4) (b) and (c))

On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Sentence Condition (RCW 10.99.050(2))

On and after July 1, 2000: Protection Order Violation: Domestic Violence Civil Action (RCW 26.50.110 (4) and (5))

On and after July 1, 2000: Stalking (RCW 9A.46.110)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW ((~~88.12.032~~)) 79A.60.050)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury Accident (RCW 46.52.020(4))

Hit and Run with Vessel--Injury Accident (RCW ((~~88.12.155(3)~~)) 79A.60.200(3))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

Malicious Harassment (RCW 9A.36.080)

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicular Assault (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))

Malicious Injury to Railroad Property (RCW 81.60.070)

Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))

Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))

Patronizing a Juvenile Prostitute (RCW 9.68A.100)

Perjury 2 (RCW 9A.72.030)
Possession of Incendiary Device (RCW 9.40.120)
Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
Promoting Prostitution 2 (RCW 9A.88.080)
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Securities Act violation (RCW 21.20.400)
Tampering with a Witness (RCW 9A.72.120)
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)
Theft of Livestock 2 (RCW 9A.56.080)
Unlawful Imprisonment (RCW 9A.40.040)
Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
Willful Failure to Return from Work Release (RCW 72.65.070)

II Computer Trespass 1 (RCW 9A.52.110)
Counterfeiting (RCW 9.16.035(3))
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
Escape from Community Custody (RCW 72.09.310)
Health Care False Claims (RCW 48.80.030)
Malicious Mischief 1 (RCW 9A.48.070)
Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
Possession of phencyclidine (PCP) (RCW 69.50.401(d))
Possession of Stolen Property 1 (RCW 9A.56.150)
Theft 1 (RCW 9A.56.030)
Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
Trafficking in Insurance Claims (RCW 48.30A.015)
Unlawful Practice of Law (RCW 2.48.180)
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
False Verification for Welfare (RCW 74.08.055)
Forged Prescription (RCW 69.41.020)
Forged Prescription for a Controlled Substance (RCW 69.50.403)
Forgery (RCW 9A.60.020)
Malicious Mischief 2 (RCW 9A.48.080)
Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))
Possession of Stolen Property 2 (RCW 9A.56.160)
Reckless Burning 1 (RCW 9A.48.040)
Taking Motor Vehicle Without Permission (RCW 9A.56.070)
Theft 2 (RCW 9A.56.040)
Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
Vehicle Prowl 1 (RCW 9A.52.095)

NEW SECTION. **Sec. 6.** Sections 1 through 3 of this act constitute a new chapter in Title 69 RCW.

NEW SECTION. **Sec. 7.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2000, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Heavey, the Senate refuses to concur in the House amendment to Second Substitute Senate Bill No. 6255 and asks the House to recede therefrom.

MOTION

At 11:28 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 1:17 p.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Costa, the following resolution was adopted:

SENATE RESOLUTION 2000-8719

By Senators Costa, Spanel and Rasmussen

WHEREAS, In 1916, the first case of Polio was recorded, resulting in approximately 27,000 deaths; and

WHEREAS, Between the years of 1946 through 1952, the Polio epidemic afflicted 144,000 victims nationally; and

WHEREAS, There are an estimated 35,000 Polio Survivors in Washington State alone; and

WHEREAS, There are currently 1.6 million Polio survivors in the United States; and

WHEREAS, The centralized Burien Office for Polio Outreach of Washington was formed in 1995 by peer volunteers to locate and inform Polio survivors who may currently be experiencing Post Polio Syndrome; and

WHEREAS, Many individuals are diagnosed with Post Polio Syndrome year after year; and

WHEREAS, The debilitating effects of Post Polio Syndrome, from severe fatigue to total body exhaustion, are often not detected until up to thirty years after the original onset of Polio; and

WHEREAS, Post Polio Syndrome is the second most leading cause of neurological damage; and

WHEREAS, The medical field and the Polio survivors must be able to recognize the symptoms of Post Polio Syndrome so that the survivors will not be prematurely disabled ; and

WHEREAS, The distribution of accurate information and educational material is a necessity in order to create awareness for this disease and its effects;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the courage and strength of all Polio survivors and the efforts of Polio Outreach of Washington to inform them.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Washington State Polio Survivors, who were seated in the gallery.

MOTION

On motion of Senator Goings, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The Co-Speakers have signed:
SUBSTITUTE SENATE BILL NO. 5330,
SUBSTITUTE SENATE BILL NO. 5590,
SUBSTITUTE SENATE BILL NO. 5805,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6067,
SUBSTITUTE SENATE BILL NO. 6115,
SENATE BILL NO. 6121,
SENATE BILL NO. 6123,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6149,
SENATE BILL NO. 6160,
SENATE BILL NO. 6172,
SUBSTITUTE SENATE BILL NO. 6213,
SUBSTITUTE SENATE BILL NO. 6233,
SENATE BILL NO. 6251,
SUBSTITUTE SENATE BILL NO. 6260,
SENATE BILL NO. 6285,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6295,
SUBSTITUTE SENATE BILL NO. 6351,
SUBSTITUTE SENATE BILL NO. 6357,
SUBSTITUTE SENATE BILL NO. 6373,
SUBSTITUTE SENATE BILL NO. 6375,
SUBSTITUTE SENATE BILL NO. 6382,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6389,
SUBSTITUTE SENATE BILL NO. 6589,
SENATE BILL NO. 6602,
SUBSTITUTE SENATE BILL NO. 6644,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6683,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6732,
SUBSTITUTE SENATE BILL NO. 6740,
SENATE BILL NO. 6748,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6761,
SENATE BILL NO. 6770,
ENGROSSED SENATE JOINT MEMORIAL NO. 8015,
SENATE JOINT MEMORIAL NO. 8021,
SENATE JOINT MEMORIAL NO. 8022,
SENATE JOINT MEMORIAL NO. 8027,
SENATE JOINT RESOLUTION NO 8214, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

March 5, 2000

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2338 and passed the bill as amended by the Senate.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

March 5, 2000

MR. PRESIDENT:

The Co-Speakers have signed SUBSTITUTE HOUSE BILL NO. 2721, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

March 5, 2000

MR. PRESIDENT:

The Co-Speakers have signed:
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1572,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2109,
SUBSTITUTE HOUSE BILL NO. 2320,
SUBSTITUTE HOUSE BILL NO. 2321,
HOUSE BILL NO. 2333,
HOUSE BILL NO. 2339,
ENGROSSED HOUSE BILL NO. 2340,
HOUSE BILL NO. 2375,
SUBSTITUTE HOUSE BILL NO. 2398,
SUBSTITUTE HOUSE BILL NO. 2399,
HOUSE BILL NO. 2403,
HOUSE BILL NO. 2407,
HOUSE BILL NO. 2459,
HOUSE BILL NO. 2515,
HOUSE BILL NO. 2536,
ENGROSSED HOUSE BILL NO. 2565,
SUBSTITUTE HOUSE BILL NO. 2587,
HOUSE BILL NO. 2612,
SUBSTITUTE HOUSE BILL NO. 2633,
HOUSE BILL NO. 2650,
HOUSE BILL NO. 2657,
ENGROSSED HOUSE BILL NO. 2713,
HOUSE BILL NO. 2775,
SUBSTITUTE HOUSE BILL NO. 2792,
HOUSE BILL NO. 2851,
HOUSE BILL NO. 2868,
ENGROSSED HOUSE BILL NO. 2881,
SUBSTITUTE HOUSE BILL NO. 2886,
ENGROSSED HOUSE BILL NO. 2952,
HOUSE BILL NO. 3005,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3045, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 2721.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1572,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2109,
SUBSTITUTE HOUSE BILL NO. 2320,
SUBSTITUTE HOUSE BILL NO. 2321,
HOUSE BILL NO. 2333,
HOUSE BILL NO. 2339,
ENGROSSED HOUSE BILL NO. 2340,
HOUSE BILL NO. 2375,
SUBSTITUTE HOUSE BILL NO. 2398,
SUBSTITUTE HOUSE BILL NO. 2399,
HOUSE BILL NO. 2403,
HOUSE BILL NO. 2407,
HOUSE BILL NO. 2459,
HOUSE BILL NO. 2515,
HOUSE BILL NO. 2536,
ENGROSSED HOUSE BILL NO. 2565,
SUBSTITUTE HOUSE BILL NO. 2587,
HOUSE BILL NO. 2612,
SUBSTITUTE HOUSE BILL NO. 2633,
HOUSE BILL NO. 2650,
HOUSE BILL NO. 2657,
ENGROSSED HOUSE BILL NO. 2713,
HOUSE BILL NO. 2775,
SUBSTITUTE HOUSE BILL NO. 2792,
HOUSE BILL NO. 2851,
HOUSE BILL NO. 2868,
ENGROSSED HOUSE BILL NO. 2881,
SUBSTITUTE HOUSE BILL NO. 2886,
ENGROSSED HOUSE BILL NO. 2952,
HOUSE BILL NO. 3005,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3045.

MESSAGE FROM THE HOUSE.

February 29, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6336 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.120 and 1999 c 324 s 2, 1999 c 197 s 4, 1999 c 196 s 5, and 1999 c 147 s 3 are each reenacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), (6), and (8) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing

minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (((~~(5), (7), or~~)) (6), (8), or (9), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except: (a) In the case of an offender in need of emergency medical treatment; (b) for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree; or (c) for an extraordinary medical placement when authorized under RCW 9.94A.150(4).

(5)(a) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include a term of community supervision or community custody as specified in (b) of this subsection, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Undergo available outpatient treatment for up to the period specified in (b) of this subsection, or inpatient treatment not to exceed the standard range of confinement for that offense;

(iii) Pursue a prescribed, secular course of study or vocational training;

(iv) Remain within prescribed geographical boundaries and notify the community corrections officer prior to any change in the offender's address or employment;

(v) Report as directed to a community corrections officer; or

(vi) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(b) The terms and statuses applicable to sentences under (a) of this subsection are:

(i) For sentences imposed on or after July 25, 1999, for crimes committed before July 1, 2000, up to one year of community supervision. If treatment is ordered, the period of community supervision may include up to the period of treatment, but shall not exceed two years; and

(ii) For crimes committed on or after July 1, 2000, up to one year of community custody unless treatment is ordered, in which case the period of community custody may include up to the period of treatment, but shall not exceed two years. Any term of community custody imposed under this subsection (5) is subject to conditions and sanctions as authorized in this subsection (5) and in subsection (11)(b) and (c) of this section.

(c) The department shall discharge from community supervision any offender sentenced under this subsection (5) before July 25, 1999, who has served at least one year of community supervision and has completed any treatment ordered by the court.

(6)(a) An offender is eligible for the special drug offender sentencing alternative if:

(i) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.310 (3) or (4);

(ii) The offender has no current or prior convictions for a sex offense or violent offense in this state, another state, or the United States;

(iii) For a violation of the uniform controlled substances act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance; and

(iv) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order.

(b) If the standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections.

The court shall also impose:

(i) The remainder of the midpoint of the standard range as a term of community custody which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services;

(ii) Crime-related prohibitions including a condition not to use illegal controlled substances; and

(iii) A requirement to submit to urinalysis or other testing to monitor that status.

The court may prohibit the offender from using alcohol or controlled substances and may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred

program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court shall impose three or more of the following conditions:

(A) Devote time to a specific employment or training;

(B) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(C) Report as directed to a community corrections officer;

(D) Pay all court-ordered legal financial obligations;

(E) Perform community service work;

(F) Stay out of areas designated by the sentencing judge;

(G) Such other conditions as the court may require such as affirmative conditions.

(c) If the offender violates any of the sentence conditions in (b) of this subsection, a violation hearing shall be held by the department unless waived by the offender. If the department finds that conditions have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence.

(d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.

(e) An offender who fails to complete the special drug offender sentencing alternative program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing judge and shall be subject to all rules relating to earned early release time. An offender who violates any conditions of supervision as defined by the department shall be sanctioned. Sanctions may include, but are not limited to, reclassifying the offender to serve the unexpired term of his or her sentence as ordered by the sentencing judge. If an offender is reclassified to serve the unexpired term of his or her sentence, the offender shall be subject to all rules relating to earned early release time.

(7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community service work; until July 1, 2000, a term of community supervision not to exceed one year and on and after July 1, 2000, a term of community custody not to exceed one year, subject to conditions and sanctions as authorized in subsection (11)(b) and (c) of this section; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(A) Frequency and type of contact between offender and therapist;

(B) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;

(D) Anticipated length of treatment; and

(E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sex offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community custody for the length of the suspended sentence or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department of corrections under subsection (15) of this section;

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(I) Devote time to a specific employment or occupation;

(II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(III) Report as directed to the court and a community corrections officer;

(IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or

(V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime; and

(C) Sex offenders sentenced under this special sex offender sentencing alternative are not eligible to accrue any earned release time while serving a suspended sentence.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community custody, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community custody.

(v) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in (a)(vi) of this subsection.

(vi) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(vii) Except as provided in (a)(viii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(viii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (8) and the rules adopted by the department of health.

(ix) For purposes of this subsection (8), "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(x) If the defendant was less than eighteen years of age when the charge was filed, the state shall pay for the cost of initial evaluation and treatment.

(b) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(iii) Report as directed to the court and a community corrections officer;

(iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in this subsection (8)(b) shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (8)(b) does not apply to any crime committed after July 1, 1990.

(c) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(d) Within the funds available for this purpose, the department shall develop and monitor transition and relapse prevention strategies, including risk assessment and release plans, to reduce risk to the community after sex offenders' terms of confinement in the custody of the department.

(9)(a)(i) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 1988, but before July 25, 1999, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(ii) Except for persons sentenced under (b) of this subsection or subsection (10)(a) of this section, when a court sentences a person to a term of total confinement to the custody of the department of corrections for a violent offense, any crime against a person under RCW 9.94A.440(2), or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 25, 1999, but before July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences the offender under this subsection (9)(a)(ii) to the statutory maximum period of confinement, then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, or a serious violent offense, vehicular homicide, or vehicular assault, committed on or after July 1, 1990, but before July 1, 2000, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

(i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(ii) The offender shall work at department of corrections-approved education, employment, and/or community service;

(iii) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;

(iv) The offender shall pay supervision fees as determined by the department of corrections;

(v) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement; and

(vi) The offender shall submit to affirmative acts necessary to monitor compliance with the orders of the court as required by the department.

(c) As a part of any sentence imposed under (a) or (b) of this subsection, the court may also order any of the following special conditions:

(i) The offender shall remain within, or outside of, a specified geographical boundary;

(ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(iii) The offender shall participate in crime-related treatment or counseling services;

(iv) The offender shall not consume alcohol;

(v) The offender shall comply with any crime-related prohibitions; or

(vi) For an offender convicted of a felony sex offense against a minor victim after June 6, 1996, the offender shall comply with any terms and conditions of community placement imposed by the department of corrections relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(10)(a) When a court sentences a person to the custody of the department of corrections for an offense categorized as a sex offense committed on or after June 6, 1996, but before July 1, 2000, the court shall, in addition to other terms of the sentence, sentence the offender to community custody for three years or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the terms of community custody shall be the same as those provided for in subsection (9)(b) of this section and may include those provided for in subsection (9)(c) of this section. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (15) of this section.

(c) At any time prior to the completion of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040.

(11)(a) When a court sentences a person to the custody of the department of corrections for a sex offense, a violent offense, any crime against a person under RCW 9.94A.440(2), or a felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to community custody for the community custody range or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in subsection (9)(b)(i) through (vi) of this section. The conditions may also include those provided for in subsection (9)(c)(i) through (vi) of this section. The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department shall enforce such conditions pursuant to (f) of this subsection. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (15) of this section. The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of the offender's community custody based upon the risk to community safety. The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court imposed conditions. The department shall notify the offender in writing of any such conditions or modifications. In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(c) If an offender violates conditions imposed by the court or the department pursuant to this subsection during community custody, the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in RCW 9.94A.205 and 9.94A.207.

(d) Except for terms of community custody under subsection (8) of this section, the department shall discharge the offender from community custody on a date determined by the department, which the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.

(e) At any time prior to the completion or termination of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of

court as provided for in RCW 7.21.040. If the court extends a condition beyond the expiration of the term of community custody, the department is not responsible for supervision of the offender's compliance with the condition.

(f) Within the funds available for community custody, the department shall determine conditions and duration of community custody on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection (11)(f).

(g) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to any of the following: (i) The crime of conviction; (ii) the offender's risk of reoffending; or (iii) the safety of the community.

(12) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(13)(a) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit.

(b) For an offense committed prior to July 1, 2000, the offender's compliance with payment of legal financial obligations shall be supervised by the department for ten years following the entry of the judgment and sentence or ten years following the offender's release from total confinement, whichever period ends later. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered unless the superior court extends the criminal judgment an additional ten years. If the legal financial obligations including crime victims' assessments are not paid during the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years as provided in RCW 9.94A.140, 9.94A.142, and 9.94A.145. If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period.

(c) For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The department of corrections shall supervise the offender's compliance with payment of the legal financial obligations for ten years following the entry of the judgment and sentence or ten years following the offender's release from total confinement, whichever period ends later. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction.

(d) Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(14) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision, community placement, or community custody which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(15) All offenders sentenced to terms involving community supervision, community service, community placement, community custody, or legal financial obligation shall be under the supervision of the department of corrections and shall follow explicitly the instructions and conditions of the department of corrections. The department may require an offender to perform affirmative acts it deems appropriate to monitor compliance with the conditions of the sentence imposed.

(a) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(b) For offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (a) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals. For offenders sentenced to terms of community custody for crimes committed on or after July 1, 2000, the department may additionally require the offender to participate in rehabilitative programs or otherwise perform affirmative conduct, and to obey all laws.

The conditions authorized under this subsection (15)(b) may be imposed by the department prior to or during an offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to subsection (10) of this section occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.207 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.205. At any time prior to the completion

of an offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to subsection (10) or (11) of this section be continued beyond the expiration of the offender's term of community custody as authorized in subsection (10)(c) or (11)(e) of this section.

The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(16) All offenders sentenced to terms involving community supervision, community service, community custody, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(17) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(18) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

(19) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(20) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(21) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

(22) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(23) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

(24) In sentencing an offender convicted of a crime of domestic violence, as defined in RCW 10.99.020, if the offender has a minor child, or if the victim of the offense for which the offender was convicted has a minor child, the court may, as part of any term of community supervision, order the offender to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

(25)(a) Sex offender examinations and treatment ordered as a special condition of community placement or community custody under this section shall be conducted only by sex offender treatment providers certified by the department of health under chapter 18.155 RCW unless the court finds that: (i) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (ii) no certified providers are available for treatment within a reasonable geographic distance of the offender's home, as determined in rules adopted by the secretary; (iii) the evaluation and treatment plan comply with the rules adopted by the department of health; or (iv) the treatment provider is employed by the department. A treatment provider selected by an offender who is not certified by the department of health shall consult with a certified provider during the offender's period of treatment to ensure compliance with the rules adopted by the department of health. The frequency and content of the consultation shall be based on the recommendation of the certified provider.

(b) A sex offender's failure to participate in treatment required as a condition of community placement or community custody is a violation that will not be excused on the basis that no treatment provider was located within a reasonable geographic distance of the offender's home.

Sec. 2. RCW 9.94A.142 and 1997 c 121 s 4 and 1997 c 52 s 2 are each reenacted and amended to read as follows:

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within one hundred eighty days except as provided in subsection (4) of this section. The court may continue the hearing beyond the one hundred eighty days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if

there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Except as provided in subsection (3) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, for an offense committed prior to July 1, 2000, the offender shall remain under the court's jurisdiction for a term of ten years following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period ((~~is longer~~)) ends later. Prior to the expiration of the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years for payment of restitution. For an offense committed on or after July 1, 2000, the offender shall remain under the court's jurisdiction until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The portion of the sentence concerning restitution may be modified as to amount, terms, and conditions during ((~~either the initial ten-year period or subsequent ten-year period if the criminal judgment is extended~~)) any period of time the offender remains under the court's jurisdiction, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department of corrections for ten years following the entry of the judgment and sentence or ten years following the offender's release from total confinement. ((~~If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period~~)) The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction.

(2) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (3) of this section unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if child support is ordered pursuant to a civil superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The defendant shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the defendant has satisfied support obligations under the superior court or administrative order but not longer than a maximum term of twenty-five years following the offender's release from total confinement or twenty-five years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(4) Regardless of the provisions of subsections (1), (2), and (3) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the judgment and sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(5) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(6) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or defendant including support enforcement remedies for support ordered under subsection (3) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

(7) This section shall apply to offenses committed after July 1, 1985.

Sec. 3. RCW 9.94A.145 and 1999 c 196 s 6 are each amended to read as follows:

(1) Whenever a person is convicted of a felony, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount. Upon receipt of an offender's monthly payment, after restitution is satisfied, the county clerk shall distribute the payment proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court.

(2) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration at a rate of fifty dollars per day of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department of corrections.

(3) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be immediately issued. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(4) All legal financial obligations that are ordered as a result of a conviction for a felony, may also be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment. If restitution is ordered pursuant to RCW 9.94A.140(3) or 9.94A.142(3) to a victim of rape of a child and the victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under RCW 9.94A.140(3) and 9.94A.142(3). All other legal financial obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period ((~~is longer~~)) ends later. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments. ((~~If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period~~)) All other legal financial obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. The department of corrections shall supervise the offender's compliance with payment of the legal financial obligations for ten years following the entry of the judgment and sentence, or ten years following the offender's release from total confinement, whichever period ends later. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation.

(5) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to truthfully and honestly respond to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring any and all documents as requested by the department.

(6) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(7) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. Also, during the period of supervision, the offender may be required at the request of the department to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to truthfully and honestly respond to all questions concerning earning capabilities and the location and nature of all property or financial assets. Also, the offender is required to bring any and all documents as requested by the department in order to prepare the collection schedule.

(8) After the judgment and sentence or payment order is entered, the department shall for any period of supervision be authorized to collect the legal financial obligation from the offender. Any amount collected by the department shall be remitted daily to the county clerk for

the purposes of disbursements. The department is authorized to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(9) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.2001.

(10) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties as provided in RCW 9.94A.200 for noncompliance.

(11) The county clerk shall provide the department with individualized monthly billings for each offender with an unsatisfied legal financial obligation and shall provide the department with notice of payments by such offenders no less frequently than weekly.

(12) The department may arrange for the collection of unpaid legal financial obligations through the county clerk, or through another entity if the clerk does not assume responsibility for collection. The costs for collection services shall be paid by the offender.

Sec. 4. RCW 9.94A.170 and 1999 c 196 s 7 and 1999 c 143 s 14 are each reenacted and amended to read as follows:

(1) A term of confinement ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented himself or herself from confinement without the prior approval of the entity in whose custody the offender has been placed. A term of partial confinement shall be tolled during any period of time spent in total confinement pursuant to a new conviction or pursuant to sanctions for violation of sentence conditions on a separate felony conviction.

(2) ((~~A~~)) Any term of community custody ((~~ordered in a sentence pursuant to this chapter~~)), community placement, or community supervision shall be tolled by any period of time during which the offender has absented himself or herself from supervision without prior approval of the entity under whose ((~~community custody~~)) supervision the offender has been placed.

(3) Any period of community custody, community placement, or community supervision shall be tolled during any period of time the offender is in confinement for any reason. However, if an offender is detained pursuant to RCW 9.94A.207 or 9.94A.195 and is later found not to have violated a condition or requirement of community custody, community placement, or community supervision, time spent in confinement due to such detention shall not toll the period of community custody, community placement, or community supervision.

(4) For terms of confinement or community custody ((~~sentences~~)), community placement, or community supervision, the date for the tolling of the sentence shall be established by the entity responsible for the confinement or ((~~community custody~~)) supervision.

Sec. 5. RCW 10.82.090 and 1995 c 291 s 7 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, financial obligations imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate applicable to civil judgments. All nonrestitution interest retained by the court shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

(2) With respect to financial obligations imposed for offenses committed on or after July 1, 2000, interest shall not accrue during any period of time the offender is in total confinement in a state correctional institution as defined in RCW 9.94.049, an institution operated or utilized by the department of corrections, an out-of-state correctional institution, or a federal correctional institution.

NEW SECTION. **Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 7.** Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Costa moved that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 6336 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Costa that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 6336 and asks the House to recede therefrom.

The motion by Senator Costa carried and the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 6336 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE.

February 29, 2000

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6555 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.14A.050 and 1998 c 245 s 149 are each amended to read as follows:

The secretary shall:

(1)(a) Consult with relevant qualified professionals to develop a set of minimum guidelines to be used for identifying all children who are in a state-assisted support system, whether at-home or out-of-home, who are likely to need long-term care or assistance, because they face physical, emotional, medical, mental, or other long-term challenges;

(b) The guidelines must, at a minimum, consider the following criteria for identifying children in need of long-term care or assistance:

(i) Placement within the foster care system for two years or more;

(ii) Multiple foster care placements;

(iii) Repeated unsuccessful efforts to be placed with a permanent adoptive family;

(iv) Chronic behavioral or educational problems;

(v) Repetitive criminal acts or offenses;

(vi) Failure to comply with court-ordered disciplinary actions and other imposed guidelines of behavior, including drug and alcohol rehabilitation; and

(vii) Chronic physical, emotional, medical, mental, or other similar conditions necessitating long-term care or assistance;

(2) Develop programs that are necessary for the long-term care of children and youth that are identified for the purposes of this section. Programs must: (a) Effectively address the educational, physical, emotional, mental, and medical needs of children and youth; and (b) incorporate an array of family support options, to individual needs and choices of the child and family. The programs must be ready for implementation by January 1, 1995;

(3) Conduct an evaluation of all children currently within the foster care agency caseload to identify those children who meet the criteria set forth in this section. The evaluation shall be completed by January 1, 1994. All children entering the foster care system after January 1, 1994, must be evaluated for identification of long-term needs within ((~~thirty~~)) sixty days of placement;

(4) By region, report to the legislature on the following using aggregate data every six months beginning December 31, 2000:

(a) The number of children evaluated during the first sixty days of placement as required in subsection (3) of this section;

(b) The tool or tools used to evaluate children, including the content of the tool and the method by which the tool was validated;

(c) The findings from the evaluation regarding the children's needs;

(d) How the department used the results of the evaluation to provide services to the foster child to meet his or her needs;

(e) Whether and how the evaluation results assisted the department in providing appropriate services to the child, matching the child with an appropriate care provider early on in the child's placement and achieving the child's permanency plan in a timely fashion; and

(f) The provisions of this subsection are not retroactive. The data reporting applies to placements made on and after the effective date of this act.

(5) Each region of the department shall make the appropriate number of referrals to the foster care assessment program to ensure that the services offered by the program are used to the extent funded pursuant to the department's contract with the program. The department shall report to the legislature by November 30, 2000, on the number of referrals, by region, to the foster care assessment program. If the regions are not referring an adequate number of cases to the program, the department shall include in its report an explanation of what action it is or has taken to ensure that the referrals are adequate.

(6) The department shall report to the legislature by December 15, 2000, on how it will use the foster care assessment program model to assess children as they enter out-of-home care.

(7) The department is to accomplish the tasks listed in subsections (4) through (6) of this section within existing resources.

(8) Study and develop a comprehensive plan for the evaluation and identification of all children and youth in need of long-term care or assistance, including, but not limited to, the mentally ill, developmentally disabled, medically fragile, seriously emotionally or behaviorally disabled, and physically impaired;

(((~~(5)~~))) (9) Study and develop a plan for the children and youth in need of long-term care or assistance to ensure the coordination of services between the department's divisions and between other state agencies who are involved with the child or youth;

(((~~(6)~~))) (10) Study and develop guidelines for transitional services, between long-term care programs, based on the person's age or mental, physical, emotional, or medical condition; and

((~~(7)~~)) (11) Study and develop a statutory proposal for the emancipation of minors."

Correct the title.,and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Costa moved that the Senate refuse to concur in the House amendment to Engrossed Senate Bill No. 6555 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Costa that the Senate refuse to concur in the House amendment to Engrossed Senate Bill No. 6555 and asks the House to recede therefrom.

The motion by Senator Costa carried and the Senate refuses to concur in the House amendment to Engrossed Senate Bill No. 6555 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE.

March 2, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6781 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 90.64 RCW to read as follows:

(1) A dairy nutrient management task force is created that shall be comprised of no more than fifteen members, who are appointed as follows:

(a) Two members of the house of representatives, one from each major caucus, appointed by the co-speakers of the house of representatives;

(b) Two members of the senate, one from each major caucus, appointed by the president of the senate;

(c) A representative of the department of ecology, appointed by the director of ecology;

(d) A representative of the state conservation commission, appointed by its executive secretary;

(e) A representative of local conservation districts, appointed by the president of a state-wide association of conservation districts;

(f) A representative of local health departments, appointed by the Washington state association of local public health officials;

(g) A representative of commercial shellfish growers, appointed by a state-wide organization representing oyster growers;

(h) Three active dairy farmers, appointed by a state-wide organization representing dairy farmers in the state, who shall be from different regions and different sizes of dairy operations;

(i) A representative of an environmental interest organization with familiarity and expertise in water quality issues, appointed by a state-wide organization representing environmental interests;

(j) A representative of the United States environmental protection agency, appointed by the regional director of the agency if the agency chooses to be represented on the task force; and

(k) A representative of the United States natural resources conservation service, appointed by the state conservationist of that agency for this state, if the agency chooses to be represented on the task force.

(2) The task force shall convene as soon as possible upon appointment of its members. The task force shall elect a chair and adopt rules for conducting the business of the task force. Staff support for the task force shall be provided by the Washington state conservation commission.

(3) This section expires June 30, 2004.

NEW SECTION. **Sec. 2.** A new section is added to chapter 90.64 RCW to read as follows:

(1) By December 31, 2000, the task force shall recommend to the department and to the legislature:

(a) Clarification of key terms and phrases such as, but not limited to, "potential to pollute," that are used in the administration of this chapter and other statutes on water quality;

(b) How frequently dairy nutrient management plans should be updated, considering the evolution of technical standards developed by the natural resources conservation service;

(c) Considering the report under section 3 of this act, the disposition of penalties collected from dairy producers under chapter 90.48 RCW;

(d) Considering the report under section 4 of this act, recommended sources of funding to meet the needs identified in the report;

(e) The extent to which engineering expertise is required to implement the provisions of this chapter;

(f) How to address responsibility for contamination originating from neighboring farms; and

(g) Clarification of the duties of the department as they pertain to initial inspections of dairy farms.

(2) The task force shall make recommendations to the department and to the legislature on any other issues, and at such times, as the task force deems important to the successful implementation of this chapter.

(3) This section expires June 30, 2004.

NEW SECTION. **Sec. 3.** (1) By September 1, 2000, the department of ecology shall report to the dairy nutrient management task force on the penalties assessed on dairy producers for violations of chapters 90.48 and 90.64 RCW since January 1, 1998. The report shall indicate the amount of money from these penalties that was deposited into the coastal protection fund created under RCW 90.48.390 and the amount deposited into the dairy waste management account created under RCW 90.64.150. The report shall also indicate the purposes for which moneys reported under this section were expended.

(2) This section expires December 31, 2000.

NEW SECTION. **Sec. 4.** (1) By September 1, 2000, the office of financial management shall make recommendations to the dairy nutrient management task force on how to provide adequate funding for the dairy nutrient management program. The recommendations shall include an identification of need, if any, for additional funding for each of the following purposes:

(a) To perform functions required by conservation districts and the state conservation commission;

(b) To provide technical assistance for development of dairy nutrient management plans; and

(c) For cost-share moneys for implementation of the plans based on fifty percent of the eligible costs to be derived from public sources. The recommendations shall be for the amount of funding for these purposes that is required each fiscal year through June 30, 2004, in order to meet the deadlines established in chapter 90.64 RCW.

(2) The office of financial management shall submit its written recommendations to the co-chief clerks of the house of representatives and the secretary of the senate.

(3) This section expires December 31, 2000."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Rasmussen moved that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 6781 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 6781 and asks the House to recede therefrom.

The motion by Senator Rasmussen carried and the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 6781 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE.

February 29, 2000

MR. PRESIDENT:

The House has adopted ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8425 with the following amendment(s):

Beginning on page 1, line 1, strike the remainder of the resolution and insert the following:

"WHEREAS, Chapter 370, Laws of 1985, created the Washington Higher Education Coordinating Board to plan, coordinate, and provide policy analysis for higher education and to represent the broad public interest above the interests of individual colleges and universities; and

WHEREAS, Section 4, chapter 370, Laws of 1985, requires the board to prepare and update a master plan for higher education and requires the Legislature, by concurrent resolution, to "approve or recommend changes" to the master plan and its subsequent updates; and

WHEREAS, The provisions of the master plan that are approved by the Legislature become state higher education policy unless legislation is subsequently enacted to revise those policies; and

WHEREAS, The Washington Higher Education Coordinating Board submitted the initial master plan to the Legislature in December 1987, and submitted updates to the plan in December 1992, January 1996, and January 2000; and

WHEREAS, During the process used to develop the 2000 master plan, the board consulted with students and families, educators, business, labor, and civic organizations representing a cross-section of Washington citizens; and

WHEREAS, The board learned that the need and expectation for higher education among Washington citizens will continue to grow through the next decade, because of population increases as well as the demands of the state's increasingly technology-based economy; and

WHEREAS, The board reported that Washington's public and private colleges and universities and career schools would need to provide opportunities for additional students by the year 2010; and

WHEREAS, The board has spelled out its commitment to continuing to expand enrollment opportunities for Washington students, to keep public higher education affordable for students and families, and to provide financial assistance to those who cannot otherwise afford to go to college; and

WHEREAS, The board identified five specific goals for the state to address higher education needs in the next ten years:

(1) Making student learning the yardstick by which institutional accountability, effectiveness, and efficiency is measured;

(2) Linking students' participation in higher education to their achievement in the K-12 grades;

(3) Providing the information citizens need to make the best use of the learning pathways available to them;

(4) Enhancing higher education opportunity through greater use of e-learning technologies and by increasingly efficient use of public facilities; and

(5) Helping colleges and universities meet student needs and compete in an increasingly competitive and complex education marketplace; and

WHEREAS, The board challenged itself, students, and families, the public and private institutions, the private sector, and the state to each accept its individual responsibilities and to collaborate in the development of solutions; and

WHEREAS, The board described an implementation plan to guide the state's response to the needs of higher education and to estimate the costs of the strategies;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That the Washington Higher Education Coordinating Board be commended for its dedication and commitment to the State of Washington in producing the 2000 update of the master plan for higher education titled "The 21st Century Learner"; and

BE IT FURTHER RESOLVED, That the Legislature thank the board for describing many of the challenges facing the state in its attempts to provide the postsecondary education and training our citizens need to fulfill their personal goals and participate fully in the world of the twenty-first century; and

BE IT FURTHER RESOLVED, That the Legislature reaffirm its commitment to create postsecondary opportunities in response to actual demand from citizens for access to high-quality education and training programs; and

BE IT FURTHER RESOLVED, That the board reexamine its assumptions with regard to projected upper division and graduate enrollments, and that the plan reexamine the role of the community and technical colleges in meeting the postsecondary needs of a significant portion of Washington's population; and

BE IT FURTHER RESOLVED, That the board reexamine its assumptions with regard to the capital needs of the community and technical colleges and the four-year institutions of higher education, including their branch campuses; and

BE IT FURTHER RESOLVED, That a joint select committee on the future facility needs of higher education be established to review the proposed higher education enrollment levels in the state master plan, review the facility needs for future students, and review the funding options for additional higher education facilities in the state. The committee shall consist of eight members, four members each selected by the President of the Senate and the Co-Speakers of the House of Representatives and that the committee include members from the House Capital Budget Committee, House Appropriations Committee, House Higher Education Committee, Senate Ways and Means Committee, and Senate Higher Education Committee. The joint select committee shall report its findings and recommendations to the Legislature at the regular session held in 2001; and

BE IT FURTHER RESOLVED, That the Legislature approve the following recommendations of the 2000 update of the master plan:

(1) The goal that, by the year 2010, Washington's system of postsecondary education needs to provide opportunities for additional students to enroll in high-quality education and training programs;

(2) That solutions to the challenge may be found in strategies that (a) make student learning the yardstick by which institutional accountability, effectiveness, and efficiency is measured; and (b) link students' participation in higher education to their achievement in the K-12 grades;

(3) Provide the information citizens need to make the best use of the learning pathways available to them, and support outreach efforts designed to ensure that the higher education system reflects the diversity of the state's population;

(4) Expand the use of e-learning technologies and use public facilities to the fullest extent possible; and

(5) Help colleges and universities meet student needs and compete in an increasingly competitive and complex education marketplace; and

BE IT FURTHER RESOLVED, That the board examine alternatives to address the operating and capital budget needs that are identified in the 2000 update of the master plan; and

BE IT FURTHER RESOLVED, That the board proceed with the implementation of the 2000 update of the master plan as described in "The 21st Century Learner" and report to the 2001 Legislature on progress toward implementing its strategies and on the results of its review of projected enrollments and capital needs assumptions.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate refuse to concur in the House amendment to Engrossed Substitute Senate Concurrent Resolution No. 8425 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate refuse to concur in the House amendment to Engrossed Substitute Senate Concurrent Resolution No. 8425 and asks the House to recede therefrom.

The motion by Senator Kohl-Welles carried and the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Concurrent Resolution No. 8425 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE.

March 3, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6194 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.93.030 and 1998 c 257 s 3 are each amended to read as follows:

As used in this chapter unless the context indicates otherwise:

(1) "Conveyance" means a boat, airplane, or vehicle;

(2) "Department" means the department of ecology;

(((~~2~~))) (3) "Director" means the director of the department of ecology;

(((~~3~~))) (4) "Disposable package or container" means all packages or containers defined as such by rules and regulations adopted by the department of ecology;

(((~~4~~))) (5) "Junk vehicle" has the same meaning as defined in RCW 46.55.010;

(6) "Litter" means all waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited and solid waste that is illegally dumped, but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing;

(((~~5~~))) (7) "Litter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside the vehicle or watercraft of any person. It is not necessarily limited to the state approved litter bag but must be similar in size and capacity;

(((~~6~~))) (8) "Litter receptacle" means those containers adopted by the department of ecology and which may be standardized as to size, shape, capacity, and color and which shall bear the state anti-litter symbol, as well as any other receptacles suitable for the depositing of litter;

(((~~7~~))) (9) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or other entity whatsoever;

(((~~8~~))) (10) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests;

(11) "Recycling" means transforming or remanufacturing waste materials into a finished product for use other than landfill disposal or incineration;

(((~~9~~))) (12) "Recycling center" means a central collection point for recyclable materials;

(((~~10~~))) (13) "To litter" means a single or cumulative act of disposing of litter;

(14) "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks;

(((~~11~~))) (15) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials;

(((~~12~~))) (16) "Watercraft" means any boat, ship, vessel, barge, or other floating craft((~~;~~

~~(13) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests~~)).

Sec. 2. RCW 70.93.060 and 1997 c 159 s 1 are each amended to read as follows:

(1) It is a violation of this section to abandon a junk vehicle upon any property located in an unincorporated area of a county. In addition, no person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state or upon private property in this state not owned by him or her or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

(a) When the property is designated by the state or its agencies or political subdivisions for the disposal of garbage and refuse, and the person is authorized to use such property for that purpose;

(b) Into a litter receptacle in a manner that will prevent litter from being carried away or deposited by the elements upon any part of said private or public property or waters.

(2)(a) Except as provided in subsection (4) of this section, it is a class 3 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.

(b) It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount greater than one cubic foot in an incorporated area of a county. Unless suspended or modified by a court, the person shall also pay a litter cleanup fee of twenty-five dollars per cubic foot of litter. The court may, in addition to or in lieu of part or all of the cleanup fee, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property.

(c) It is a misdemeanor for a person to litter in an amount greater than one cubic foot but less than one cubic yard in an unincorporated area of a county. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or fifty dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the law enforcement agency investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.

(d) It is a gross misdemeanor for a person to litter in an amount of one cubic yard or more in an unincorporated area of a county. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or one hundred dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the law enforcement agency investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.

(e) If a junk vehicle is abandoned in violation of this section, RCW 46.55.230 governs the vehicle's removal, disposal, and sale, and the penalties that may be imposed against the person who abandoned the vehicle.

(3) If the violation occurs in a state park, the court shall, in addition to any other penalties assessed, order the person to perform twenty-four hours of community service in the state park where the violation occurred if the state park has stated an intent to participate as provided in RCW ((~~43.51.048(2)~~)) 79A.05.050.

(4) It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to discard, in violation of this section, a cigarette, cigar, or other tobacco product that is capable of starting a fire.

Sec. 3. RCW 70.95.240 and 1998 c 36 s 19 are each amended to read as follows:

(1) After the adoption of regulations or ordinances by any county, city, or jurisdictional board of health providing for the issuance of permits as provided in RCW 70.95.160, it shall be unlawful for any person to dump or deposit or permit the dumping or depositing of any solid waste onto or under the surface of the ground or into the waters of this state except at a solid waste disposal site for which there is a valid permit. This section does not:

(a) Prohibit a person from dumping or depositing solid waste resulting from his or her own activities onto or under the surface of ground owned or leased by him or her when such action does not violate statutes or ordinances, or create a nuisance;

(b) Apply to a person using a waste-derived soil amendment that has been approved by the department under RCW 70.95.205; or

(c) Apply to the application of commercial fertilizer that has been registered with the department of agriculture as provided in RCW 15.54.325, and that is applied in accordance with the standards established in RCW 15.54.800(3).

(2)(a) It is a class 3 civil infraction as defined in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.

(b) It is a class 1 civil infraction as defined in RCW 7.80.120 for a person to litter in an amount greater than one cubic foot in an unincorporated area of a county. Unless suspended or modified by a court, the person shall also pay a litter cleanup fee of twenty-five dollars per cubic foot of litter. The court may, in addition to or in lieu of part or all of the cleanup fee, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property.

(c) It is a misdemeanor for a person to litter in an amount greater than one cubic foot but less than one cubic yard in an unincorporated area of a county. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or fifty dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the jurisdictional health department investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.

(d) It is a gross misdemeanor for a person to litter in an amount of one cubic yard or more in an unincorporated area of a county. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or one hundred dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the jurisdictional health department investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.

(e) If a junk vehicle is abandoned in violation of this chapter, RCW 46.55.230 governs the vehicle's removal, disposal, and sale, and the penalties that may be imposed against the person who abandoned the vehicle.

Sec. 4. RCW 46.55.230 and 1991 c 292 s 2 are each amended to read as follows:

(1) Notwithstanding any other provision of law, any law enforcement officer having jurisdiction, or any employee or officer of a jurisdictional health department acting pursuant to RCW 70.95.240, or any person authorized by the director shall inspect and may authorize the disposal of an abandoned junk vehicle. The person making the inspection shall record the make and vehicle identification number or license number of the vehicle if available, and shall also verify that the approximate value of the junk vehicle is equivalent only to the approximate value of the scrap in it.

(2) The law enforcement officer or department representative shall provide information on the vehicle's registered and legal owner to the landowner.

(3) Upon receiving information on the vehicle's registered and legal owner, the landowner shall mail a notice to the registered and legal owners shown on the records of the department. The notification shall describe the redemption procedure and the right to arrange for the removal of the vehicle.

(4) If the vehicle remains unclaimed more than fifteen days after the landowner has mailed notification to the registered and legal owner, the landowner may dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(5) If no information on the vehicle's registered and legal owner is found in the records of the department, the landowner may immediately dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(6)(a) It is a class 1 civil infraction as defined in RCW 7.80.120 for a person to abandon a junk vehicle on property located in an incorporated area. If a junk vehicle is abandoned in an incorporated area, the landowner of the property upon which the junk vehicle is located is entitled to recover from the vehicle's registered owner any costs incurred in the removal of the junk vehicle.

(b) It is a misdemeanor for a person to abandon a junk vehicle on property located in an unincorporated area. If a junk vehicle is abandoned in an unincorporated area, the vehicle's registered owner shall also pay a cleanup restitution payment equal to twice the costs incurred in the removal of the junk vehicle. The court shall distribute one-half of the restitution payment to the landowner of the property upon which the junk vehicle is located, and one-half of the restitution payment to the law enforcement agency or jurisdictional health department investigating the incident.

(7) For the purposes of this section, the term "landowner" includes a legal owner of private property, a person with possession or control of private property, or a public official having jurisdiction over public property.

(8) A person complying in good faith with the requirements of this section is immune from any liability arising out of an action taken or omission made in the compliance.

NEW SECTION. **Sec. 5.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Jacobsen moved that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 6194 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 6194 and asks the House to recede therefrom.

The motion by Senator Jacobsen carried and the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 6194 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE.

February 29, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5518 with the following amendment(s):

On page 3, line 3, after "improving" strike "youth or" and insert "((~~youth or~~))"

On page 3, beginning on line 29, strike all of section 3

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendments to Substitute Senate Bill No. 5518.

POINT OF INQUIRY

Senator McDonald: "Senator Jacobsen, this is catching me a little bit by surprise, but I wonder if you could explain a little bit more about the amendment that we will take off on this."

Senator Jacobsen: "Well, the amendment which came out of committee requires that cities that zone, existing now--athletic facilities for alternate use replace those fields with twice the amount of space for new athletic fields and it involved issuance in one city where the city had turned a field into a housing area. The cities were opposed to that and felt that that was a zoning issue rather than--and this bill essentially deals with trying to develop additional funds for community outdoor athletic facilities."

Further debate ensued.

MOTION

On motion of Senator Goings, further consideration of Substitute Senate Bill No. 5518 was deferred.

MESSAGE FROM THE HOUSE.

March 1, 2000

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6190 with the following amendment(s):

On page 2, after line 14, insert the following:

"NEW SECTION. **Sec. 2.** (1) The legislature finds that there is a need to study the use of eminent domain and its application under contemporary jurisprudence. It is the intent of the legislature to create a joint study group to study ways to expedite resolution of public use disputes in eminent domain proceedings.

(2) The study group shall consist of two legislators from each caucus of the senate and house of representatives, as appointed by leaders of the each caucus respectively.

(3) The study group shall review the need, use, application, and effects of eminent domain, current case law on eminent domain, the impact on the courts of the exercise of eminent domain, and ways to expedite resolution of public use disputes in eminent domain proceedings.

(4) The study group shall review other issues related to eminent domain as desired by the study group.

(5) House office of program research and senate committee services shall provide staff and administrative support for the study group.

(6) This section shall expire December 31, 2000.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Heavey, the Senate concurred the House amendment to Senate Bill No. 6190.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6190, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6190, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46. Excused: Senators Hale, Hargrove and Sellar - 3.

SENATE BILL NO. 6190, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of the Message from the House regarding Substitute Senate Bill No. 5518 and the pending motion by Senator Jacobsen to concur in the House amendments.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Jacobsen to concur in the House amendments to Substitute Senate Bill No. 5518.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5518.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5518, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5518, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45. Absent: Senator Hochstatter - 1.

Excused: Senators Hale, Hargrove and Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5518, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE.

February 29, 2000

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6220 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 46.96 RCW to read as follows:

(1) Notwithstanding the terms of a franchise agreement, a manufacturer, distributor, factory branch, or factory representative, or an agent, officer, parent company, wholly or partially owned subsidiary, affiliated entity, or other person controlled by or under common control with a manufacturer, distributor, factory branch, or factory representative, shall not:

(a) Discriminate between new motor vehicle dealers by selling or offering to sell a like vehicle to one dealer at a lower actual price than the actual price offered to another dealer for the same model similarly equipped;

(b) Discriminate between new motor vehicle dealers by selling or offering to sell parts or accessories to one dealer at a lower actual price than the actual price offered to another dealer;

(c) Discriminate between new motor vehicle dealers by using a promotion plan, marketing plan, or other similar device that results in a lower actual price on vehicles, parts, or accessories being charged to one dealer over another dealer;

(d) Discriminate between new motor vehicle dealers by adopting a method, or changing an existing method, for the allocation, scheduling, or delivery of new motor vehicles, parts, or accessories to its dealers that is not fair, reasonable, and equitable. Upon the request of a dealer, a manufacturer, distributor, factory branch, or factory representative shall disclose in writing to the dealer the method by which new motor vehicles, parts, and accessories are allocated, scheduled, or delivered to its dealers handling the same line or make of vehicles;

(e) Give preferential treatment to some new motor vehicle dealers over others by refusing or failing to deliver, in reasonable quantities and within a reasonable time after receipt of an order, to a dealer holding a franchise for a line or make of motor vehicles sold or distributed by the manufacturer, distributor, factory branch, or factory representative, a new vehicle, parts, or accessories, if the vehicle, parts, or accessories are being delivered to other dealers, or require a dealer to purchase unreasonable advertising displays or other materials, or unreasonably require a dealer to remodel or renovate existing facilities as a prerequisite to receiving a model or series of vehicles;

(f) Compete with a new motor vehicle dealer by acting in the capacity of a new motor vehicle dealer, or by owning, operating, or controlling, whether directly or indirectly, a motor vehicle dealership in this state. It is not, however, a violation of this subsection for:

(i) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership for a temporary period, not to exceed two years, during the transition from one owner of the dealership to another where the dealership was previously owned by a franchised dealer and is currently for sale to any qualified independent person at a fair and reasonable price. The temporary operation may be extended for one twelve-month period on petition of the temporary operator to the department. The matter will be handled as an adjudicative proceeding under chapter 34.05 RCW. A dealer who is a franchisee of the petitioning manufacturer or distributor may intervene and participate in a proceeding under this subsection (1)(f)(i). The temporary operator has the burden of proof to show justification for the extension and a good faith effort to sell the dealership to an independent person at a fair and reasonable price;

(ii) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership in conjunction with an independent person in a bona fide business relationship for the purpose of broadening the diversity of its dealer body and enhancing opportunities for qualified persons who are part of a group who have historically been underrepresented in its dealer body, or other qualified persons who lack the resources to purchase a dealership outright, and where the independent person: (A) Has made a significant, bona fide capital investment in the dealership that is subject to loss; (B) has an ownership interest in the dealership; and (C) operates the dealership under a bona fide written agreement with the manufacturer, distributor, factory branch, or factory representative under which he or she will acquire all of the ownership interest in the dealership within a reasonable period of time and under reasonable terms and conditions. The manufacturer, distributor, factory branch, or factory representative has the burden of proof of establishing that the acquisition of the dealership by the independent person was made within a reasonable period of time and under reasonable terms and conditions;

(iii) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership in conjunction with an independent person in a bona fide business relationship where the independent person: (A) Has made a significant, bona fide capital investment in the dealership that is subject to loss; (B) has an ownership interest in the dealership; and (C) operates the dealership under a bona fide written agreement with the manufacturer, distributor, factory branch, or factory representative under which he or she will acquire all of the ownership interest in the dealership within a reasonable period of time and under reasonable terms and conditions. The manufacturer, distributor, factory

branch, or factory representative has the burden of proof of establishing that the acquisition of the dealership by the independent person was made within a reasonable period of time and under reasonable terms and conditions. The number of dealerships operated under this subsection (1)(f)(iii) may not exceed four percent rounded up to the nearest whole number of a manufacturer's total of new motor vehicle dealer franchises in this state;

(iv) A truck manufacturer to own, operate, or control a new motor vehicle dealership that sells only trucks of that manufacturer's line make with a gross vehicle weight rating of 12,500 pounds or more, and the truck manufacturer has been continuously engaged in the retail sale of the trucks at least since January 1, 1993; or

(v) A manufacturer to own, operate, or control a new motor vehicle dealership trading exclusively in a single line make of the manufacturer if (A) the manufacturer does not own, directly or indirectly, in the aggregate, in excess of forty-five percent of the total ownership interest in the dealership, (B) at the time the manufacturer first acquires ownership or assumes operation or control of any such dealership, the distance between any dealership thus owned, operated, or controlled and the nearest new motor vehicle dealership trading in the same line make of vehicle and in which the manufacturer has no ownership or control is not less than fifteen miles and complies with the applicable provisions in the relevant market area sections of this chapter, (C) all of the manufacturer's franchise agreements confer rights on the dealer of that line make to develop and operate within a defined geographic territory or area, as many dealership facilities as the dealer and the manufacturer agree are appropriate, and (D) as of January 1, 2000, the manufacturer had no more than four new motor vehicle dealers of that manufacturer's line make in this state, and at least half of those dealers owned and operated two or more dealership facilities in the geographic territory or area covered by their franchise agreements with the manufacturer;

(g) Compete with a new motor vehicle dealer by owning, operating, or controlling, whether directly or indirectly, a service facility in this state for the repair or maintenance of motor vehicles under the manufacturer's new car warranty and extended warranty. Nothing in this subsection (1)(g), however, prohibits a manufacturer, distributor, factory branch, or factory representative from owning or operating a service facility for the purpose of providing or performing maintenance, repair, or service work on motor vehicles that are owned by the manufacturer, distributor, factory branch, or factory representative;

(h) Use confidential or proprietary information obtained from a new motor vehicle dealer to unfairly compete with the dealer. For purposes of this subsection (1)(h), "confidential or proprietary information" means trade secrets as defined in RCW 19.108.010, business plans, marketing plans or strategies, customer lists, contracts, sales data, revenues, or other financial information.

(2) Subsection (1)(a), (b), and (c) of this section do not apply to sales to a motor vehicle dealer: (a) For resale to a federal, state, or local government agency; (b) where the vehicles will be sold or donated for use in a program of driver's education; (c) where the sale is made under a manufacturer's bona fide promotional program offering sales incentives or rebates; (d) where the sale of parts or accessories is under a manufacturer's bona fide quantity discount program; or (e) where the sale is made under a manufacturer's bona fide fleet vehicle discount program. For purposes of this subsection, "fleet" means a group of fifteen or more new motor vehicles purchased or leased by a dealer at one time under a single purchase or lease agreement for use as part of a fleet, and where the dealer has been assigned a fleet identifier code by the department of licensing.

(3) The following definitions apply to this section:

(a) "Actual price" means the price to be paid by the dealer less any incentive paid by the manufacturer, distributor, factory branch, or factory representative, whether paid to the dealer or the ultimate purchaser of the vehicle.

(b) "Control" or "controlling" means (i) the possession of, title to, or control of ten percent or more of the voting equity interest in a person, whether directly or indirectly through a fiduciary, agent, or other intermediary, or (ii) the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting securities, through director control, by contract, or otherwise, except as expressly provided under the franchise agreement.

(c) "Motor vehicles" does not include trucks that are 14,001 pounds gross vehicle weight and above or recreational vehicles as defined in RCW 43.22.335.

(d) "Operate" means to manage a dealership, whether directly or indirectly.

(e) "Own" or "ownership" means to hold the beneficial ownership of one percent or more of any class of equity interest in a dealership, whether the interest is that of a shareholder, partner, limited liability company member, or otherwise. To hold an ownership interest means to have possession of, title to, or control of the ownership interest, whether directly or indirectly through a fiduciary, agent, or other intermediary.

(4) A violation of this section is deemed to affect the public interest and constitutes an unlawful and unfair practice under chapter 19.86 RCW. A person aggrieved by an alleged violation of this section may petition the department to have the matter handled as an adjudicative proceeding under chapter 34.05 RCW."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

Senator Prentice moved that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 6220.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Prentice that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 6220.

The motion by Senator Prentice carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6220.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6220, as amended by the House.

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ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6220, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45. Absent: Senator Hochstatter - 1. Excused: Senators Hale, Hargrove and Sellar - 3. ENGROSSED SUBSTITUTE SENATE BILL NO. 6220, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator McCaslin, Senator Hochstatter was excused.

MESSAGE FROM THE HOUSE.

March 1, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6210 with the following amendment(s):

On page 36, after line 5, strike sections 27 and 28 and insert the following:

"**Sec. 27.** RCW 43.21I.010 and 1992 c 73 s 4 are each amended to read as follows:

(1) There is hereby created ((~~an agency of state government to be known as the office of marine safety. The office~~)) within the department of ecology an oil spill prevention program. For the program, the department shall be vested with all powers and duties transferred to it from the office of marine safety and such other powers and duties as may be authorized by law. The main administrative office ((~~of~~)) for the ((~~office~~)) program shall be located in the city of Olympia. The ((~~administrator~~)) director may establish administrative facilities in other locations, if deemed necessary for the efficient operation of the ((~~office~~)) program, and if consistent with the principles set forth in subsection (2) of this section.

(2) The ((~~office of marine safety~~)) oil spill prevention program shall be organized consistent with the goals of providing state government with a focus in marine transportation and serving the people of this state. The legislature recognizes that the ((~~administrator~~)) director needs sufficient organizational flexibility to carry out the ((~~office's~~)) program's various duties. To the extent practical, the ((~~administrator~~)) director shall consider the following organizational principles:

(a) Clear lines of authority which avoid functional duplication within and between subelements of the ((~~office~~)) program;

(b) A clear and simplified organizational design promoting accessibility, responsiveness, and accountability to the legislature, the consumer, and the general public; and

(c) Maximum span of control without jeopardizing adequate supervision.

(3) The ((~~office~~)) department, through the program, shall provide leadership and coordination in identifying and resolving threats to the safety of marine transportation and the impact of marine transportation on the environment:

(a) Working with other state agencies and local governments to strengthen the state and local governmental partnership in providing public protection;

(b) Providing expert advice to the executive and legislative branches of state government;

(c) Providing active and fair enforcement of rules;

(d) Working with other federal, state, and local agencies and facilitating their involvement in planning and implementing marine safety measures;

(e) Providing information to the public; and

(f) Carrying out such other related actions as may be appropriate to this purpose.

(4) In accordance with the administrative procedure act, chapter 34.05 RCW, the ((~~office~~)) department shall ensure an opportunity for consultation, review, and comment before the adoption of standards, guidelines, and rules.

(5) Consistent with the principles set forth in subsection (2) of this section, the ((~~administrator~~)) director may create such administrative divisions, offices, bureaus, and programs within the ((~~office~~)) program as the ((~~administrator~~)) director deems necessary. The ((~~administrator~~)) director shall have complete charge of and supervisory powers over the ((~~office~~)) program, except where the ((~~administrator's~~)) director's authority is specifically limited by law.

(6) The ((~~administrator~~)) director shall appoint such personnel as are necessary to carry out the duties of the ((~~office~~)) program. In addition to exemptions set forth in RCW 41.06.070(((~~(28), the administrator, the administrator's confidential secretary, and~~)), up to four professional staff members shall be exempt from the provisions of chapter 41.06 RCW. All other employees of the ((~~office~~)) program shall be subject to the provisions of chapter 41.06 RCW.

(7) The definitions in this section apply throughout this chapter.

(a) "Department" means the department of ecology.

(b) "Director" means the director of the department.

Sec. 28. RCW 43.21I.030 and 1992 c 73 s 11 are each amended to read as follows:

In addition to any other powers granted the ((~~administrator~~)) director, the ((~~administrator~~)) director may:

(1) Adopt, in accordance with chapter 34.05 RCW, rules necessary to carry out the provisions of this chapter and chapter 88.46 RCW;

(2) Appoint such advisory committees as may be necessary to carry out the provisions of this chapter and chapter 88.46 RCW. Members of such advisory committees are authorized to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060. The ((~~administrator~~)) director shall review each advisory committee within the jurisdiction of the ((~~office~~)) program and each statutory advisory committee on a biennial basis to determine if such advisory committee is needed. The criteria specified in RCW 43.131.070 shall be used to determine whether or not each advisory committee shall be continued;

(3) Undertake studies, research, and analysis necessary to carry out the provisions of this chapter and chapter 88.46 RCW;

(4) Delegate powers, duties, and functions of the ((~~office~~)) program to employees of the ((~~office~~)) department as the ((~~administrator~~)) director deems necessary to carry out the provisions of this chapter and chapter 88.46 RCW;

(5) Enter into contracts on behalf of the ((~~office~~)) department to carry out the purposes of this chapter and chapter 88.46 RCW;

(6) Act for the state in the initiation of, or the participation in, any intergovernmental program for the purposes of this chapter and chapter 88.46 RCW; or

(7) Accept gifts, grants, or other funds.

Sec. 29. RCW 43.21I.040 and 1991 c 200 s 407 are each amended to read as follows:

(1) The ((~~administrator~~)) director shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before the ((~~administrator~~)) director together with all books, memoranda, papers, and other documents, articles or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation.

(2) Subpoenas issued in adjudicative proceedings shall be governed by chapter 34.05 RCW.

(3) Subpoenas issued in the conduct of investigations required or authorized by other statutory provisions or necessary in the enforcement of other statutory provisions shall be governed by chapter 34.05 RCW.

Sec. 30. RCW 88.40.011 and 1992 c 73 s 12 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) ((~~"Administrator" means the administrator of the office of marine safety created in RCW 43.21I.010.~~

~~(2)~~)) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(((~~(3)~~))) (2) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(((~~(4)~~))) (3) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(((~~(5)~~))) (4) "Department" means the department of ecology.

(((~~(6)~~))) (5) "Director" means the director of the department of ecology.

(((~~7~~))) (6)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) retail motor vehicle motor fuel outlet; (iii) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; (iv) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or (v) marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(((~~8~~))) (7) "Hazardous substances" means any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499. The following are not hazardous substances for purposes of this chapter:

(a) Wastes listed as F001 through F028 in Table 302.4; and

(b) Wastes listed as K001 through K136 in Table 302.4.

(((~~9~~))) (8) "Inland barge" means any barge operating on the waters of the state and certified by the coast guard as an inland barge.

(((~~10~~))) (9) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(((~~(11) "Office" means the office of marine safety established by RCW 43.21I.010.~~

~~(12)~~))) (10) "Oil" or "oils" means any naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(((~~13~~))) (11) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(((~~14~~))) (12) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(((~~15~~))) (13)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(((~~16~~))) (14) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(((~~17~~))) (15) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(((~~18~~))) (16) "Spill" means an unauthorized discharge of oil into the waters of the state.

(((~~19~~))) (17) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(((~~20~~))) (18) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

Sec. 31. RCW 88.40.020 and 1992 c 73 s 13 are each amended to read as follows:

(1) Any inland barge that transports hazardous substances in bulk as cargo, using any port or place in the state of Washington or the navigable waters of the state shall establish evidence of financial responsibility in the amount of the greater of one million dollars, or one hundred fifty dollars per gross ton of such vessel.

(2)(a) Except as provided in (c) of this subsection, a tank vessel that carries oil as cargo in bulk shall demonstrate financial responsibility to pay at least five hundred million dollars.

(b) The ((~~administrator~~)) director by rule may establish a lesser standard of financial responsibility for barges of three hundred gross tons or less. The standard shall set the level of financial responsibility based on the quantity of cargo the barge is capable of carrying. The ((~~administrator~~)) director shall not set the standard for barges of three hundred gross tons or less below that required under federal law.

(c) The owner or operator of a tank vessel who is a member of an international protection and indemnity mutual organization and is covered for oil pollution risks up to the amounts required under this section is not required to demonstrate financial responsibility under this chapter. The ((~~administrator~~)) director may require the owner or operator of a tank vessel to prove membership in such an organization.

(3) A cargo vessel or passenger vessel that carries oil as fuel shall demonstrate financial responsibility to pay the greater of at least six hundred dollars per gross ton or five hundred thousand dollars.

(4) The documentation of financial responsibility shall demonstrate the ability of the document holder to meet state and federal financial liability requirements for the actual costs for removal of oil spills, for natural resource damages, and necessary expenses.

(5) The ((~~office~~)) department may by rule set a lesser amount of financial responsibility for a tank vessel that meets standards for construction, propulsion, equipment, and personnel established by the ((~~office~~)) department. The ((~~office~~)) department shall require as a minimum level of financial responsibility under this subsection the same level of financial responsibility required under federal law.

(6) This section shall not apply to a covered vessel owned or operated by the federal government or by a state or local government.

Sec. 32. RCW 88.40.030 and 1991 c 200 s 705 are each amended to read as follows:

Financial responsibility required by this chapter may be established by any one of, or a combination of, the following methods acceptable to the ((~~office of marine safety or the~~)) department of ecology: (1) Evidence of insurance; (2) surety bonds; (3) qualification as a self-insurer; or (4) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States. Documentation of such financial responsibility shall be kept on any covered vessel and filed with the ((~~office~~)) department at least twenty-four hours before entry of the vessel into the navigable waters of the state. A covered vessel is not required to file documentation of financial responsibility twenty-four hours before entry of the vessel into the navigable waters of the state, if the vessel has filed documentation of financial responsibility with the federal government, and the level of financial responsibility required by the federal government is the same as or exceeds state requirements. The owner or operator of the vessel may file with the ((~~office~~)) department a certificate evidencing compliance with the requirements of another state's or federal financial responsibility requirements if the state or federal government requires a level of financial responsibility the same as or greater than that required under this chapter.

Sec. 33. RCW 88.40.040 and 1992 c 73 s 14 are each amended to read as follows:

(1) The ((~~office~~)) department shall deny entry to the waters of the state to any vessel that does not meet the financial responsibility requirements of this chapter. Any vessel owner or operator that does not meet the financial responsibility requirements of this chapter and any rules prescribed thereunder or the federal oil pollution act of 1990 shall be reported by the ((~~office~~)) department to the United States coast guard.

(2) The ((~~office~~)) department shall enforce section 1016 of the federal oil pollution act of 1990 as authorized by section 1019 of the federal act.

Sec. 34. RCW 90.56.310 and 1992 c 73 s 35 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, it shall be unlawful:

(a) For the owner or operator to operate an onshore or offshore facility without an approved contingency plan as required under RCW 90.56.210, a spill prevention plan required by RCW 90.56.200, or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990; or

(b) For the owner or operator of an onshore or offshore facility to transfer cargo or passengers to or from a covered vessel that does not have an approved contingency plan or an approved prevention plan required under chapter 88.46 RCW or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990.

(2) The department may assess a civil penalty under RCW 43.21B.300 of up to one hundred thousand dollars against any person who is in violation of this section. Each day that a facility or person is in violation of this section shall be considered a separate violation.

(3) It shall not be unlawful for a facility or other person to operate or accept cargo or passengers from a covered vessel if:

(a) A contingency plan, a prevention plan, or financial responsibility is not required for the facility; or

(b) A contingency and prevention plan has been submitted to the department as required by this chapter and rules adopted by the department and the department is reviewing the plan and has not denied approval.

(4) Any person may rely on a copy of the statement issued by the department pursuant to RCW 90.56.210(7) as evidence that the facility has an approved contingency plan and the statement issued pursuant to RCW 90.56.200(4) as evidence that the facility has an approved spill prevention plan. Any person may rely on a copy of the statement issued by the office of marine safety, or its successor agency, the department, pursuant to RCW 88.46.060 as evidence that the vessel has an approved contingency plan and the statement issued pursuant to RCW 88.46.040 as evidence that the vessel has an approved prevention plan.

Sec. 35. RCW 43.21I.005 and 1997 c 449 s 1 are each amended to read as follows:

(1) The legislature declares that Washington's waters have irreplaceable value for the citizens of the state. These waters are vital habitat for numerous and diverse marine life and wildlife and the source of recreation, aesthetic pleasure, and pride for Washington's citizens. These waters are also vital for much of Washington's economic vitality.

The legislature finds that the transportation of oil on these waters creates a great potential hazard to these important natural resources. The legislature also finds that there is no state agency responsible for maritime safety to ensure this state's interest in preserving these resources.

((~~The legislature therefore finds that in order to protect these waters it is necessary to establish an office of marine safety which will have the responsibility to promote the safety of marine transportation in Washington.~~))

(2) The legislature finds that adequate funding is necessary for the state to continue its priority focus on the prevention of oil spills, as well as maintain a strong oil spill response, planning, and environmental restoration capability. The legislature further finds that ((~~[the]~~)) the long-term environmental health of the state's waters depends upon the strength and vitality of its oil spill prevention and response program that fosters planning, coordination, and incident command. To that end, the merger of the office of marine safety with the department of ecology shall: Ensure coordination via streamlining the marine safety functions of two agencies into one; provide a focused prevention and response program under a single administration; generate efficient incident command response capability and continue to meet the challenges threatening marine safety and the environment; and increase accountability to the public, the executive branch, and the legislature.

(3) It is the intent of the legislature that the state's oil spill prevention, response, planning, and environmental restoration activities be sufficiently funded to maintain a strong prevention and response program. It is further the intent of the legislature that the merger of the office of marine safety with the department of ecology be accomplished in an organizational manner that maintains a priority focus and position for the oil spill prevention and response program. The merger shall allow for ready identification of the program by the public and ensure no diminution in the state's commitment to marine safety and environmental protection as follows:

(a) The director of the department of ecology shall consolidate all of the agency's oil spill prevention, planning, and response programs and personnel into a division or equivalent unit of organization within the department. The division shall be managed by a single administrator who is an assistant director or person of equivalent status in the department's organization. The administrator shall report directly to the director.

(b) The consolidated oil spill program unit within the department shall maintain prevention of oil spills as a specific program.

(c) The department shall identify and participate in resolving threats to safety of marine transportation and the impact of marine transportation on the environment.

NEW SECTION. **Sec. 36.** The following acts or parts of acts are each decodified:

(1) RCW 43.21I.005 (Findings--Consolidation of oil spill programs--Administrator of consolidated oil spill program);

(2) RCW 88.46.150 (Tow boat standards--Study);

(3) RCW 88.46.924 (Continuation of rules, pending business, and obligations);

(4) RCW 88.46.925 (Prior acts valid); and

(5) RCW 88.46.927 (Collective bargaining agreements not altered).

NEW SECTION. **Sec. 37.** The following acts or parts of acts are each repealed:

(1) RCW 88.46.140 (Unified and consistent planning) and 1991 c 200 s 428;

(2) RCW 90.56.903 (Report on implementation) and 1991 c 200 s 1109; and

(3) RCW 88.46.922 (Transfer of property and appropriations) and 1991 c 200 s 431."

On page 1, line 6 of the title, after "90.56.560," strike the remainder of the title and insert "82.23B.020, 43.21I.010, 43.21I.030, 43.21I.040, 88.40.011, 88.40.020, 88.40.030, 88.40.040, 90.56.310, and 43.21I.005; creating a new section; decodifying RCW 43.21I.005, 88.46.150, 88.46.924, 88.46.925, and 88.46.927; and repealing RCW 88.46.140, 90.56.903, and 88.46.922.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Fraser moved that the Senate concur in the House amendments to Substitute Senate Bill No. 6210.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Fraser that the Senate concur in the House amendments to Substitute Senate Bill No. 6210.

The motion by Senator Fraser carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 6210.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6210, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6210, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45. Excused: Senators Hale, Hargrove, Hochstatter and Sellar - 4. SUBSTITUTE SENATE BILL NO. 6210, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE.

March 2, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6450 with the following amendment(s):

On page 2, after line 8, insert the following:

"NEW SECTION. **Sec. 3.** RCW 75.08.235 (Informational materials--Fee-Disposition of money collected) and 1992 c 13 s 12 are each repealed."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment to Substitute Senate Bill No. 6450.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment to Substitute Senate Bill No. 6450.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 6450.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6450, as amended by the House.

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ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6450, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 40.. Excused: Senators Hale, Hargrove and Sellar - 3.

SUBSTITUTE SENATE BILL NO. 6450, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE.

March 3, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6459 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 9.35 RCW to read as follows:

(1) It is unlawful for any person to knowingly use a means of identification of another person to solicit undesired mail with the intent to annoy, harass, intimidate, torment, or embarrass that person.

(2) For purposes of this section, "means of identification" has the meaning provided in RCW 9.35.020.

(3) Violation of this section is a misdemeanor.

(4) Additionally, a person who violates this section is liable for civil damages of five hundred dollars or actual damages, including costs to repair the person's credit record, whichever is greater, and reasonable attorneys' fees as determined by the court."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Heavey, the Senate concurred the House amendment to Substitute Senate Bill No. 6459.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6459, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6459, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46. Excused: Senators Hale, Hargrove and Sellar - 3.

SUBSTITUTE SENATE BILL NO. 6459, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE.

February 29, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6467 with the following amendment(s):

On page 11, after line 26, insert the following:

"NEW SECTION. **Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Haugen, the Senate concurred in the House amendment to Substitute Senate Bill No. 6467.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6467, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6467, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45. Absent: Senator Zarelli - 1.

Excused: Senators Hale, Hargrove and Sellar - 3.

SUBSTITUTE SENATE BILL NO. 6467, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE.

March 1, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6502 with the following amendment(s):

On page 15, line 2, after "domain" insert "unless otherwise protected by copyright law"

On page 15, line 5, after "domain" insert "and shall be shared subject to copyright restrictions"., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Thibaudeau, the Senate concurred in the House amendments to Substitute Senate Bill No. 6502.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6502, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6502, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46. Excused: Senators Hale, Hargrove and Sellar - 3

. SUBSTITUTE SENATE BILL NO. 6502, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE.

March 2, 2000

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5212 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature intends to improve student safety by helping school districts revise and update their crisis and emergency plans and by providing additional training to staff in the implementation of those plans. The legislature finds that all-hazard crisis planning will prevent catastrophic events from escalating into school-wide chaos, will minimize damage, and will help students, staff, and parents recover from the crisis.

(2) In addition to planning for a crisis, schools should plan to incorporate character education into each school's curriculum and crisis management plans to prevent a crisis resulting from violent acts by students. The legislature finds that academic success and school safety rest on a foundation of character. The legislature further finds that parents are the first and primary moral educators of children, and that schools have a

role in reinforcing the character traits and values deemed important by parents and the local community. The legislature further finds that when character education is integrated into a school's curriculum there is a decline of incidences involving violence, bullying, and harassment. The legislature intends to encourage school districts to integrate character education into each school's curriculum and crisis management plans. The legislature further intends that local communities, in partnership with schools or school districts, will have the responsibility for determining which character traits and values are included in each district or school's character education program.

Sec. 2. RCW 28A.305.130 and 1997 c 13 s 5 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve or disapprove the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

(2) Conduct every five years a review of the program approval standards, including the minimum standards for teachers, administrators, and educational staff associates, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and educational staff associates.

(3) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) ((~~above~~)) of this section, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(4)(a) The state board of education shall adopt rules to allow a teacher certification candidate to fulfill, in part, teacher preparation program requirements through work experience as a classified teacher's aide in a public school or private school meeting the requirements of RCW 28A.195.010. The rules shall include, but are not limited to, limitations based upon the recency of the teacher preparation candidate's teacher aide work experience, and limitations based on the amount of work experience that may apply toward teacher preparation program requirements under this chapter.

(b) The state board of education shall require that at the time of the individual's enrollment in a teacher preparation program, the supervising teacher and the building principal shall jointly provide to the teacher preparation program of the higher education institution at which the teacher candidate is enrolled, a written assessment of the performance of the teacher candidate. The assessment shall contain such information as determined by the state board of education and shall include: Evidence that at least fifty percent of the candidate's work as a classified teacher's aide was involved in instructional activities with children under the supervision of a certificated teacher and that the candidate worked a minimum of six hundred thirty hours for one school year; the type of work performed by the candidate; and a recommendation of whether the candidate's work experience as a classified teacher's aide should be substituted for teacher preparation program requirements. In compliance with such rules as may be established by the state board of education under this section, the teacher preparation programs of the higher education institution where the candidate is enrolled shall make the final determination as to what teacher preparation program requirements may be fulfilled by teacher aide work experience.

(5) Supervise the issuance of such certificates as provided for in subsection (1) ((~~above~~)) of this section and specify the types and kinds of certificates necessary for the several departments of the common schools by rule ((~~or regulation~~)) in accordance with RCW 28A.410.010.

(6) Accredit, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve: PROVIDED, That no private school may be approved that operates a kindergarten program only: PROVIDED FURTHER, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such preaccreditation examination and evaluation processes as may now or hereafter be established by the board.

(7) Make rules ((~~and regulations~~)) governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

(8) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

(9) Continuously reevaluate courses and adopt and enforce ((~~regulations~~)) rules within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

(10) Carry out board powers and duties relating to the organization and reorganization of school districts under chapters 28A.315, 28A.323, and 28A.343 RCW ((~~28A.315.010 through 28A.315.680 and 28A.315.900~~)).

(11) By rule ((~~or regulation promulgated~~)) adopted upon the advice of the chief of the Washington state patrol, through the director of fire protection, and in consultation with the superintendent of public instruction and the state military department, provide for the development by school districts and schools of comprehensive all-hazard crisis and emergency plans. The rules must require the plans to:

(a) Include how to prepare for, manage, and evaluate site-based responses to school crises, including but not limited to natural disasters and violent acts or serious injuries or death of students or staff;

(b) Provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden crisis or emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands((~~, and~~)) without confusion or panic; ((~~such rules and regulations shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school~~))

(c) Be updated by school districts and schools at least once every five years or more frequently if circumstances change;

(d) Be developed by school districts in consultation with local law enforcement, fire, emergency medical services, and emergency management agencies;

(e) Include who to contact in an emergency;

(f) Include procedures for leaving a building safely;

(g) Include procedures for responding to an emergency;

(h) Include procedures for training students and certificated and classified staff;

(i) Include procedures for practicing the plan;

(j) Include procedures for notifying certificated and classified staff about the plan; and

(k) Include procedures for notifying parents and community members about the plan.

(12) Hear and decide appeals as otherwise provided by law.

The state board of education is given the authority to promulgate information and rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.305 RCW to read as follows:

The comprehensive all-hazard crisis and emergency plan development assistance program is created. The superintendent of public instruction shall administer the program to provide funds, to the extent funds are appropriated, to school districts to update the crisis and emergency response plan for every school in their district and to train staff in the implementation of the plans. The superintendent of public instruction shall provide funds to school districts based upon the district developing an effective plan for updating and implementing its comprehensive all-hazard crisis and emergency response plan. The funds shall be used for developing the plan, staff training on implementing the plan, materials, and practicing the plan. In distributing funds to school districts, priority shall be given to school districts that have not received funds for crisis planning.

Sec. 4. RCW 28A.150.211 and 1994 c 245 s 10 are each amended to read as follows:

(1) The legislature also recognizes that certain basic values and character traits are essential to individual liberty, fulfillment, and happiness. However, these values and traits are not intended to be assessed or be standards for graduation. The legislature intends that local communities have the responsibility for determining how these values and character traits are learned as determined by consensus at the local level. These values and traits include the importance of:

(((~~(1)~~))) (a) Honesty, integrity, and trust;

(((~~(2)~~))) (b) Respect for self and others;

(((~~(3)~~))) (c) Responsibility for personal actions and commitments;

(((~~(4)~~))) (d) Self-discipline and moderation;

(((~~(5)~~))) (e) Diligence and a positive work ethic;

(((~~(6)~~))) (f) Respect for law and authority;

(((~~(7)~~))) (g) Healthy and positive behavior; and

(((~~(8)~~))) (h) Family as the basis of society.

(2) Each school district is strongly encouraged to develop and implement a character education program that incorporates into its curriculum the character traits and values included in subsection (1) of this section. Each school district is also strongly encouraged to develop its character education program in partnership with parents and all interested stakeholders in its local community. When developing a character education program, school districts shall comply with the open public meetings act in chapter 42.30 RCW.

NEW SECTION. **Sec. 5.** (1) Subject to availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall provide to each school district that develops and implements a character education program, in partnership with parents and all interested stakeholders in its local community under the provisions of RCW 28A.150.211, an equal amount per full-time equivalent elementary school student for the fiscal year ending June 30, 2001. However, the minimum allocation to a district shall be two hundred dollars for each elementary school operated by the district.

(2) A school district that receives funding in accordance with this section shall certify to the superintendent of public instruction that funds received were expended for the purposes of this act.

NEW SECTION. **Sec. 6.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2000, in the omnibus appropriations act, this act is null and void."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

POINT OF ORDER

Senator McAuliffe: "A point of order, Mr. President. I request a scope and object ruling from the President, as I believe the House amendment alters the scope of the bill. The scope and object of the bill, in its original form and as passed by the Senate, relates to the implementation of school districts and schools for comprehensive emergency plans that address how to respond to emergencies within the school. The Character Education program, as encompassed within the House amendment are programs that incorporate specific values and character traits within each school district curriculum. The amendment is not within the scope of this bill, because safety plans are administrative plans that address emergencies in schools. Character Education programs are student curriculums. The House amendment alters the intent language in an attempt to tie the two subjects together. The two issues, administrative plans and student curriculums are different."

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator McAuliffe to the scope and object of the House striking amendment to Engrossed Second Substitute Senate Bill No. 5212, the President finds that the measure relates only to the implementation by schools and school districts of comprehensive emergency response plans.

"The House striking amendment would encourage school districts to implement character education programs, and would set up a method of distribution of funds to districts that implement such programs. The amendment concerns curriculum, and does not relate to the implementation of emergency response plans.

"The President, therefore, finds that the House striking amendment does change the scope and object of the bill, and the point of order is well taken."

The President ruled that the House amendment to Engrossed Second Substitute Senate Bill No. 5212 to be out of order.

MOTION

Senator McAuliffe moved that the Senate refuse to concur in the House amendment to Engrossed Second Substitute Senate Bill No. 5212 and asks the House to recede therefrom.

PARLIAMENTARY INQUIRY

Senator West: "A parliamentary inquiry, Mr. President. Did the President rule that the amendment was out of scope and object?"

REPLY BY THE PRESIDENT

President Owen: "That is correct."

Senator West: "Mr. President, by tradition in the Senate, when a Senate Bill has House amendments that are outside of the scope and object, the bill is immediately sent to committee and is no longer considered by the body."

President Owen: "The President believes that you would be correct if he had dropped the gavel on the ruling, but she made the motion prior to that, to ask the House to recede from the amendment."

Senator West: "Mr. President, when I asked you if you had ruled, you stated, ‘yes.’ Now, you are saying, because you had not dropped the gavel that you had not ruled--if I am to interpret what you are saying correctly."

President Owen: "Well, Senator West, I think we are dancing around semantics. Just give me a moment--just give me a moment here, so that I can answer you correctly."

Senator West: "I just want it to be clear for a permanent record, because this could be important in the future."

FURTHER REPLY BY THE PRESIDENT

President Owen: "Senator West, the President will try to explain this clearly if he can. You are correct. I did make the ruling. However, the thing that would follow would be that the President would refer the bill back to the committee. That is what I did not drop the gavel on. If I don't drop the gavel prior to referring the bill back to committee, she has the opportunity to ask the House to recede therefrom."

Senator West: "Thank you, Mr. President. The clarification will be helpful in the future."

Further debate ensued.

The question before the Senate is the motion by Senator McAuliffe to refuse to concur in the House amendment to Engrossed Second Substitute Senate Bill No. 5212 and asks the House to recede therefrom.

The motion by Senator McAuliffe carried and the Senate did not concur in the House amendment to Engrossed Second Substitute Senate Bill No. 5212 and asks the House to recede therefrom.

PARLIAMENTARY INQUIRY

Senator McCaslin: "A parliamentary inquiry, Mr. President. Just for my own information, when an amendment is out of scope and object, is it possible to concur?"

REPLY BY THE PRESIDENT

President Owen: "No."

Senator McCaslin: "Thank you."

MESSAGE FROM THE HOUSE

March 2, 2000

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5739 with the following amendment(s):

On page 2, after line 32, insert the following:

"NEW SECTION. **Sec. 3.** RCW 43.103.100 and 1991 c 176 s 6 are each amended to read as follows:

(1) The council shall research and develop an appropriate training component on the subject of sudden, unexplained child death, including but not limited to sudden infant death syndrome. The training component shall include, at a minimum:

(((~~(1)~~))) (a) Medical information on sudden, unexplained child death for first responders, including awareness and sensitivity in dealing with families and child care providers, and the importance of forensically competent death scene investigation;

(((~~(2)~~))) (b) Information on community resources and support groups available to assist families who have lost a child to sudden, unexplained death, including sudden infant death syndrome; and

(((~~(3) Development and adoption of an up-to-date protocol of investigation in cases of sudden, unexplained child death, including the importance of a consistent policy of thorough death scene investigation, and an autopsy in unresolved cases as appropriate;~~

~~(4)~~))) (c) The value of timely communication between the county coroner or medical examiner and the public health department, when a sudden, unexplained child death occurs, in order to achieve a better understanding of such deaths, and connecting families to various community and public health support systems to enhance recovery from grief.

(2) The council shall work with volunteer groups with expertise in the area of sudden, unexplained child death, including but not limited to the SIDS ((~~Northwest Regional Center at Children's Hospital, the Washington chapter of the national SIDS~~)) foundation((~~,~~)) of Washington and the Washington association of county officials.

((~~Upon development of an appropriate curriculum, agreed upon by the council, the training module shall be offered to first responders, coroners, medical examiners, prosecuting attorneys serving as coroners, and investigators, both voluntarily through their various associations and as a course offering at the criminal justice training center.~~))

(3) Basic training for death investigators offered by the Washington association of coroners and medical examiners and the criminal justice training commission shall include a module which specifically addresses the investigations of the sudden unexplained deaths of children under the age of three. The training module shall include a scene investigation protocol endorsed or developed by the council. A similar training curriculum shall be required for city and county law enforcement officers and emergency medical personnel certified by the department of health as part of their basic training through the criminal justice training commission or the department of health emergency medical training certification program.

(4) Each county shall use a protocol that has been endorsed or developed by the council for scene investigations of the sudden unexplained deaths of children under the age of three. The council may utilize guidelines from the center for disease control and other appropriate resources.

(5) The council shall develop a protocol for autopsies of children under the age of three whose deaths are sudden and unexplained. This protocol shall be used by pathologists who are not certified by the American board of pathology in forensic pathology, and who are providing autopsy services to coroners and medical examiners.

Sec. 4. RCW 68.50.104 and 1983 1st ex.s. c 16 s 14 are each amended to read as follows:

(1) The cost of autopsy shall be borne by the county in which the autopsy is performed, except when requested by the department of labor and industries, in which case, the department shall bear the cost of such autopsy((~~; and except when performed on a body of an infant under the age of three years by the University of Washington medical school, in which case the medical school shall bear the cost of such autopsy~~)).

(2) Except as provided in (c) of this subsection, when the county bears the cost of an autopsy, it shall be reimbursed from the death investigations((~~'~~)) account, established by RCW 43.79.445, as follows:

(((~~(1)~~))) (a) Up to forty percent of the cost of contracting for the services of a pathologist to perform an autopsy; ((~~and~~

~~(2)~~))) (b) Up to twenty-five percent of the salary of pathologists who are primarily engaged in performing autopsies and are (((~~(a)~~))) (i) county coroners or county medical examiners, or (((~~(b)~~))) (ii) employees of a county coroner or county medical examiner; and

(c) When the county bears the cost of an autopsy of a child under the age of three whose death was sudden and unexplained, the county shall be reimbursed for the expenses of the autopsy when the death scene investigation and the autopsy have been conducted under RCW 43.103.100 (4) and (5), and the autopsy has been done at a facility designed for the performance of autopsies.

Payments from the account shall be made pursuant to biennial appropriation: PROVIDED, That no county may reduce funds appropriated for this purpose below 1983 budgeted levels., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

POINT OF ORDER

Senator Heavey: "A point of order, Mr. President. I believe the House amendment expands the scope and object of the Senate Bill and respectfully request your ruling thereon. Substitute House Bill No. 2476 was amended on to Senate Bill No. 5739. First, Senate Bill No. 5739 amends Chapter 70 RCW and Substitute House Bill No. 2476 amended different chapters--Chapter 43 and 68.

"Senate Bill No. 5739 and Substitute House Bill No. 2476 have nothing in common. Substitute House Bill No. 2476 addresses death investigations and autopsies of sudden unexplained deaths of children under the age of three. Senate Bill No. 5739 solely addresses certificates of death and expands the category of medical personnel who may be presented with a certificate."

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Heavey to the scope and object of the House amendment to Senate Bill No. 5739, the President finds that the measure permits certain persons to certify death or fetal death when he or she is the last person in attendance of the deceased; namely, a person in charge of interment, a physician's assistant, or an advanced registered nurse.

"The House amendment would do several things unrelated to the bill which concern the investigation of sudden and unexplained deaths of children under the age of three, including (1) requiring training for death investigators; (2) establishing protocols for autopsies; and (3) permitting counties to reimburse costs of autopsies.

"The President, therefore, finds that the House amendment does change the scope and object of the bill, and the point of order is well taken."

The President ruled the House amendment to Senate Bill No. 5739 to be out of order.

MOTION

On motion of Senator Heavey, the Senate refuses to concur in the House amendment to Senate Bill No. 5739 and asks the House to recede therefrom.

MOTION

On motion of Senator Honeyford, Senator Long was excused.

MOTION

On motion of Senator Franklin, Senator Kline was excused.

MESSAGE FROM THE HOUSE

March 1, 2000

MR. PRESIDENT:

The House has passed SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5610 with the following amendment(s):

On page 2, after line 12, insert the following:

"**Sec. 2.** RCW 46.70.028 and 1989 c 337 § 13 are each amended to read as follows:

Dealers who transact dealer business by consignment shall obtain a consignment contract for sale and shall comply with applicable provisions of chapter 46.70 RCW. The dealer shall place all funds received from the sale of the consigned vehicle in a trust account until the sale is completed, except that the dealer shall pay any outstanding liens against the vehicle from these funds. Where title has been delivered to the purchaser, the dealer shall pay the amount due a consignor within ten days after the sale. However, in the case of a consignment from a licensed vehicle dealer from any state, the wholesale auto auction shall pay the consignor within twenty days.

NEW SECTION. **Sec. 3.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Haugen, the Senate concurred in the House amendment to Second Engrossed Substitute Senate Bill No. 5610.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute Senate Bill No. 5610, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5610, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 42. Voting nay: Senator Zarelli - 1. Absent: Senator Johnson - 1. Excused: Senators Hale, Hargrove, Kline, Long and Sellar - 5.. SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5610, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2000

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6010 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.15 RCW to read as follows:

In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges, subject to state board policy, may waive all or a portion of the operating fees for any student. There shall be no state general fund support for waivers granted under this section.

By January 31st of each odd-numbered year, the institutions of higher education shall prepare a report of the costs and benefits of waivers granted under this act and shall transmit copies of their report to the appropriate policy and fiscal committees of the legislature.

Sec. 2. RCW 28B.15.066 and 1999 c 309 s 932 are each amended to read as follows:

It is the intent of the legislature that:

In making appropriations from the state's general fund to institutions of higher education, each appropriation shall conform to the following:

(1) The appropriation shall not be reduced by the amount of operating fees revenue estimated to be collected from students enrolled at the state-funded enrollment level specified in the omnibus biennial operating appropriations act;

(2) The appropriation shall not be reduced by the amount of operating fees revenue collected from students enrolled above the state-funded level, but within the over-enrollment limitations, specified in the omnibus biennial operating appropriations act; and

(3) The general fund state appropriation shall not be reduced by the amount of operating fees revenue collected as a result of waiving less operating fees revenue than the amounts authorized under RCW 28B.15.910. State general fund appropriations shall not be provided for revenue foregone as a result of or for waivers granted under ((~~section 601(3)(e), chapter 309, Laws of 1999~~)) section 1 of this act.

Sec. 3. RCW 28B.15.910 and 1999 c 344 s 3 are each amended to read as follows:

(1) For the purpose of providing state general fund support to public institutions of higher education, except for revenue waived under programs listed in subsections (3) and (4) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue in this subsection. As used in this section, "gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

(a) University of Washington 21 percent

(b) Washington State University 20 percent

(c) Eastern Washington University 11 percent

(d) Central Washington University 8 percent

(e) Western Washington University 10 percent

(f) The Evergreen State College 6 percent

(g) Community colleges as a whole 35 percent

(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

(a) RCW 28B.10.265;

(b) RCW 28B.15.014;

(c) RCW 28B.15.100;

(d) RCW 28B.15.225;

(e) RCW 28B.15.380;

(f) RCW 28B.15.520;

(g) RCW 28B.15.526;

(h) RCW 28B.15.527;

(i) RCW 28B.15.543;

(j) RCW 28B.15.545;

(k) RCW 28B.15.555;

(l) RCW 28B.15.556;

(m) RCW 28B.15.615;

(n) RCW 28B.15.620;

(o) RCW 28B.15.628;

(p) RCW 28B.15.730;

(q) RCW 28B.15.740;

(r) RCW 28B.15.750;

(s) RCW 28B.15.756;

(t) RCW 28B.50.259;

(u) RCW 28B.70.050;

(v) RCW 28B.80.580; and

(w) During the 1997-99 fiscal biennium, the western interstate commission for higher education undergraduate exchange program for students attending Eastern Washington University.

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

(a) RCW 28B.15.522;

(b) RCW 28B.15.540; and

(c) RCW 28B.15.558.

(4) The total amount of operating fees revenue waived, exempted, or reduced by institutions of higher education participating in the western interstate commission for higher education western undergraduate exchange program under RCW 28B.15.544 shall not exceed the percentage of total gross authorized operating fees revenue in this subsection.

(a) Washington State University 1 percent

(b) Eastern Washington University 3 percent

(c) Central Washington University 3 percent"

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Kohl-Welles, the Senate concurred in the House amendment to Senate Bill No. 6010.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6010, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6010, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45. Excused: Senators Hale, Hargrove, Kline and Sellar - 4.

SENATE BILL NO. 6010, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eight order of business.

MOTION

On motion of Senator Hochstatter, the following resolution was adopted:

SENATE RESOLUTION 2000-8750

By Senators Hochstatter, Sheldon, T., Morton, Wojahn, Swecker, Goings, Bauer, Oke, Rasmussen, Snyder and Jacobsen

WHEREAS, Ed McLeary began his first fish farm in 1945 at the spring-fed headwaters of Rocky Ford Creek near Soap Lake, Washington; and

WHEREAS, Troutlodge, Inc., founded by Ed and his wife, Lois, is the world's largest producer of live rainbow trout eggs, with over three hundred-fifty million eggs shipped to many states and over thirty foreign countries; and

WHEREAS, Troutlodge has established itself as a renowned salmonid breeding specialist; and

WHEREAS, Since the mid-1970's, Ed, his two sons, Randy and Russell, and daughter, Janis, have successfully operated the expansion of the business into international markets; and

WHEREAS, Through their process of selection, new strains, temperature control, photo adaptation and more than forty years of concentration, Ed and his family have been able to constantly supply live rainbow trout eggs throughout the year; and

WHEREAS, This constant supply helped expand world trout production by more than doubling the amount of trout produced; and

WHEREAS, Ed has been recognized as an industry leader from the very beginning; and

WHEREAS, Ed McLeary recognized how important political activity was to the industry and worked to gain the Internal Revenue Service's recognition of fish farming as an agricultural pursuit; and

WHEREAS, In 1995, he received the United States Trout Farmers Association Distinguished White Award; and

WHEREAS, The United States Fish and Wildlife Service's National Fish Culture Hall of Fame has been established to recognize those persons who have made significant contributions to the advancement of fish culture in the United States; and

WHEREAS, In May of this year, Ed will be inducted into the National Fish Culture Hall of Fame by unanimous consent of the American Fisheries Society Fish Culture Section membership;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate salute, commend, and honor Ed McLeary for his induction into the National Fish Culture Hall of Fame and for his lifetime contributions to the aquaculture industry in Washington State, and for his entrepreneurial spirit that has led to the McLeary family reputation as the world-renowned producers and breeding specialists of rainbow trout and salmon; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Ed McLeary and the entire McLeary family, the personnel of Troutlodge, and the American fish farming industry.

Senators Hochstatter, Rasmussen, Wojahn, Tim Sheldon, Swecker, Stevens, Morton and Oke spoke to Senate Resolution 2000-8750.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ed McLeary and his family, who were seated on the rostrum.

With permission of the Senate, business was suspended to permit Mr. McLeary to address the Senate.

MOTION

On motion of Senator McAuliffe, the following resolution was adopted:

SENATE RESOLUTION 2000-8759

By Senators McAuliffe, Kohl-Welles, Brown, Sheldon, B., Eide, Finkbeiner, Johnson, Long, McDonald, Snyder, Spanel, Goings, West, Loveland, Heavey, Fairley, Franklin, Deccio, Wojahn, Jacobsen, and Rasmussen

WHEREAS, Generous acts of philanthropy that promote the general well-being of the citizens of the state of Washington should be recognized and commended; and

WHEREAS, The Bill and Melinda Gates Foundation is a shining example of philanthropy and altruism toward children and educational institutions, both private and public; and

WHEREAS, The Gates Foundation has contributed substantial amounts to such worthy educational and children's organizations as the Global Fund for Children's Vaccines, the United Negro College Fund, Achieve Incorporated, the Gates Millennium Scholarship Program, the Winston Churchill Foundation, the Alliance for Education, and Seattle Public Schools; and

WHEREAS, The Gates Foundation has recently donated $350 million over three years to a national initiative aimed at "reinventing" schools across the nation, with $50 million specifically designated for grants to ten Washington School Districts; and

WHEREAS, This generous act of philanthropy is furthered through four different grant programs which include grants for leadership development based on Washington State's successful Smart Tools Academy; and

WHEREAS, Grants for teacher development will commit to training teachers in Washington; and

WHEREAS, Grants for schools to provide technology-enriched learning models, and grants for school districts to strengthen learning communities across the state coincide with and support Washington State's educational goals; and

WHEREAS, The Gates Foundation, in the programs and organizations it has supported, has shown leadership, foresight, innovation, and, above all, generosity; and

WHEREAS, The Gates Foundation has acted and will continue to act as an inspiration to all who believe that the education of all children is one of the most fundamental duties of each citizen of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and honor the Bill and Melinda Gates Foundation for their magnanimous contributions, which will undoubtedly help the young people of Washington prepare for their future; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Bill and Melinda Gates Foundation.

Senators McAuliffe, Franklin, Eide, Johnson, Deccio, Kohl-Welles, Thibaudeau and Heavey spoke to Senate Resolution 2000-8759.

MOTION

On motion of Senator Goings, the Senate returned to the fourth order of business.

MOTION

On motion of Senator Loveland, Senator Franklin was excused.

MOTION

On motion of Senator McCaslin, Senator Honeyford was excused.

MESSAGE FROM THE HOUSE

March 2, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6071 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.52.020 and 1990 c 210 s 2 are each amended to read as follows:

(1) A driver of any vehicle involved in an accident resulting in the injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to, and in every event remain at, the scene of such accident until he or she has fulfilled the requirements of subsection (3) of this section; every such stop shall be made without obstructing traffic more than is necessary.

(2) The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person or damage to other property shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall forthwith return to, and in any event shall remain at, the scene of such accident until he or she has fulfilled the requirements of subsection (3) of this section; every such stop shall be made without obstructing traffic more than is necessary.

(3) Unless otherwise provided in subsection (7) of this section the driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person or damage to other property shall give his or her name, address, insurance company, insurance policy number, and vehicle license number and shall exhibit his or her vehicle driver's license to any person struck or injured or the driver or any occupant of, or any person attending, any such vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person or on his or her behalf. Under no circumstances shall the rendering of assistance or other compliance with the provisions of this subsection be evidence of the liability of any driver for such accident.

(4)(a) Any driver covered by the provisions of subsection (1) of this section failing to stop or comply with any of the requirements of subsection (3) of this section ((~~under said circumstances shall be~~)) in the case of an accident resulting in death is guilty of a class B felony and, upon conviction, is punishable according to chapter 9A.20 RCW.

(b) Any driver covered by the provisions of subsection (1) of this section failing to stop or comply with any of the requirements of subsection (3) of this section in the case of an accident resulting in injury is guilty of a class C felony and, upon conviction, ((~~be punished pursuant to RCW 9A.20.020: PROVIDED, That~~)) is punishable according to chapter 9A.20 RCW.

(c) This ((~~provision~~)) subsection shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying ((~~herewith~~)) with this section.

(5) Any driver covered by the provisions of subsection (2) of this section failing to stop or to comply with any of the requirements of subsection (3) of this section under said circumstances shall be guilty of a gross misdemeanor: PROVIDED, That this provision shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying herewith.

(6) The license or permit to drive or any nonresident privilege to drive of any person convicted under this section or any local ordinance consisting of substantially the same language as this section of failure to stop and give information or render aid following an accident with any vehicle driven or attended by any person shall be revoked by the department.

(7) If none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (3) of this section, and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsections (1) and (3) of this section insofar as possible on his or her part to be performed, shall forthwith report such accident to the nearest office of the duly authorized police authority and submit thereto the information specified in subsection (3) of this section.

Sec. 2. RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999 c 45 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW 10.95.020)
XV Homicide by abuse (RCW 9A.32.055)
Malicious explosion 1 (RCW 70.74.280(1))
Murder 1 (RCW 9A.32.030)
XIV Murder 2 (RCW 9A.32.050)
XIII Malicious explosion 2 (RCW 70.74.280(2))
Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII Assault 1 (RCW 9A.36.011)
Assault of a Child 1 (RCW 9A.36.120)
Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
Rape 1 (RCW 9A.44.040)
Rape of a Child 1 (RCW 9A.44.073)
XI Manslaughter 1 (RCW 9A.32.060)
Rape 2 (RCW 9A.44.050)
Rape of a Child 2 (RCW 9A.44.076)
X Child Molestation 1 (RCW 9A.44.083)
Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
Kidnapping 1 (RCW 9A.40.020)
Leading Organized Crime (RCW 9A.82.060(1)(a))
Malicious explosion 3 (RCW 70.74.280(3))
Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
IX Assault of a Child 2 (RCW 9A.36.130)
Controlled Substance Homicide (RCW 69.50.415)
Explosive devices prohibited (RCW 70.74.180)
Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW ((~~88.12.029~~)) 79A.60.050)
Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
Malicious placement of an explosive 2 (RCW 70.74.270(2))

Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

VIII Arson 1 (RCW 9A.48.020)

Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

Hit and Run--Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW ((~~88.12.029~~)) 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))

Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine (RCW 69.50.440)

Promoting Prostitution 1 (RCW 9A.88.070)

Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)

Child Molestation 2 (RCW 9A.44.086)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW ((~~88.12.029~~)) 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Involving a minor in drug dealing (RCW 69.50.401(f))

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

V Abandonment of dependent person 1 (RCW 9A.42.060)

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Pretrial Condition (RCW 10.99.040(4) (b) and (c))

On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Sentence Condition (RCW 10.99.050(2))

On and after July 1, 2000: Protection Order Violation: Domestic Violence Civil Action (RCW 26.50.110 (4) and (5))

On and after July 1, 2000: Stalking (RCW 9A.46.110)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW ((~~88.12.032~~)) 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury ((~~Accident~~)) (RCW 46.52.020(4)(b))

Hit and Run with Vessel--Injury Accident (RCW ((~~88.12.155~~)) 79A.60.200(3))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

Malicious Harassment (RCW 9A.36.080)

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicular Assault (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)
Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))
Malicious Injury to Railroad Property (RCW 81.60.070)
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Perjury 2 (RCW 9A.72.030)
Possession of Incendiary Device (RCW 9.40.120)
Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
Promoting Prostitution 2 (RCW 9A.88.080)
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Securities Act violation (RCW 21.20.400)
Tampering with a Witness (RCW 9A.72.120)
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)
Theft of Livestock 2 (RCW 9A.56.080)
Unlawful Imprisonment (RCW 9A.40.040)
Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
Willful Failure to Return from Work Release (RCW 72.65.070)

II Computer Trespass 1 (RCW 9A.52.110)
Counterfeiting (RCW 9.16.035(3))
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
Escape from Community Custody (RCW 72.09.310)
Health Care False Claims (RCW 48.80.030)
Malicious Mischief 1 (RCW 9A.48.070)
Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
Possession of phencyclidine (PCP) (RCW 69.50.401(d))
Possession of Stolen Property 1 (RCW 9A.56.150)
Theft 1 (RCW 9A.56.030)
Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
Trafficking in Insurance Claims (RCW 48.30A.015)
Unlawful Practice of Law (RCW 2.48.180)
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
False Verification for Welfare (RCW 74.08.055)
Forged Prescription (RCW 69.41.020)
Forged Prescription for a Controlled Substance (RCW 69.50.403)
Forgery (RCW 9A.60.020)
Malicious Mischief 2 (RCW 9A.48.080)
Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))
Possession of Stolen Property 2 (RCW 9A.56.160)
Reckless Burning 1 (RCW 9A.48.040)
Taking Motor Vehicle Without Permission (RCW 9A.56.070)
Theft 2 (RCW 9A.56.040)
Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 3. RCW 13.40.0357 and 1998 c 290 s 5 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
	Arson and Malicious Mischief	
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (<$50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B+
	Assault and Other Crimes Involving Physical Harm	
A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
B+	Drive-By Shooting (9A.36.045)	C+
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+
	Burglary and Trespass	
B+	Burglary 1 (9A.52.020)	C+
B	Residential Burglary (9A.52.025)	C
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
C	Vehicle Prowling 1 (9A.52.095)	D
D	Vehicle Prowling 2 (9A.52.100)	E
	Drugs	
E	Possession/Consumption of Alcohol	

(66.44.270) E

C Illegally Obtaining Legend Drug (69.41.020) D

C+ Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030) D+

E Possession of Legend Drug (69.41.030) E

B+ Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(a)(1) (i) or (ii)) B+

C Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii)) C

E Possession of Marihuana <40 grams (69.50.401(e)) E

C Fraudulently Obtaining Controlled Substance (69.50.403) C

C+ Sale of Controlled Substance for Profit (69.50.410) C+

E Unlawful Inhalation (9.47A.020) E

B Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.401(b)(1) (i) or (ii)) B

C Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv), (v)) C

C Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d)) C

C Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c)) C

Firearms and Weapons

B Theft of Firearm (9A.56.300) C

B Possession of Stolen Firearm (9A.56.310) C

E Carrying Loaded Pistol Without Permit (9.41.050) E

C Possession of Firearms by Minor (<18) (9.41.040(1)(b)(iii)) C

D+ Possession of Dangerous Weapon (9.41.250) E

\ D Intimidating Another Person by use of Weapon (9.41.270) E

Homicide

A+ Murder 1 (9A.32.030) A

A+ Murder 2 (9A.32.050) B+

B+ Manslaughter 1 (9A.32.060) C+
C+ Manslaughter 2 (9A.32.070) D+
B+ Vehicular Homicide (46.61.520) C+

Kidnapping

A Kidnap 1 (9A.40.020) B+
B+ Kidnap 2 (9A.40.030) C+
C+ Unlawful Imprisonment
(9A.40.040) D+

Obstructing Governmental Operation

D Obstructing a Law Enforcement
Officer (9A.76.020) E
E Resisting Arrest (9A.76.040) E
B Introducing Contraband 1
(9A.76.140) C
C Introducing Contraband 2
(9A.76.150) D
E Introducing Contraband 3
(9A.76.160) E
B+ Intimidating a Public Servant
(9A.76.180) C+
B+ Intimidating a Witness
(9A.72.110) C+

Public Disturbance

C+ Riot with Weapon (9A.84.010) D+
D+ Riot Without Weapon
(9A.84.010) E
E Failure to Disperse (9A.84.020) E
E Disorderly Conduct (9A.84.030) E

Sex Crimes

A Rape 1 (9A.44.040) B+
A- Rape 2 (9A.44.050) B+
C+ Rape 3 (9A.44.060) D+
A- Rape of a Child 1 (9A.44.073) B+
B+ Rape of a Child 2 (9A.44.076) C+
B Incest 1 (9A.64.020(1)) C
C Incest 2 (9A.64.020(2)) D
D+ Indecent Exposure
(Victim <14) (9A.88.010) E
E Indecent Exposure
(Victim 14 or over) (9A.88.010) E
B+ Promoting Prostitution 1
(9A.88.070) C+
C+ Promoting Prostitution 2
(9A.88.080) D+
E O & A (Prostitution) (9A.88.030) E
B+ Indecent Liberties (9A.44.100) C+
A- Child Molestation 1 (9A.44.083) B+
B Child Molestation 2 (9A.44.086) C+

Theft, Robbery, Extortion, and Forgery

B Theft 1 (9A.56.030) C
C Theft 2 (9A.56.040) D
D Theft 3 (9A.56.050) E
B Theft of Livestock (9A.56.080) C
C Forgery (9A.60.020) D

A Robbery 1 (9A.56.200) B+
B+ Robbery 2 (9A.56.210) C+
B+ Extortion 1 (9A.56.120) C+
C+ Extortion 2 (9A.56.130) D+
B Possession of Stolen Property 1
(9A.56.150) C
C Possession of Stolen Property 2
(9A.56.160) D
D Possession of Stolen Property 3
(9A.56.170) E
C Taking Motor Vehicle Without
Owner's Permission (9A.56.070) D

Motor Vehicle Related Crimes

E Driving Without a License
(46.20.005) E
B+ Hit and Run - Death
(46.52.020(4)(a)) C+
C Hit and Run - Injury
(46.52.020(4)(b)) D
D Hit and Run-Attended
(46.52.020(5)) E
E Hit and Run-Unattended
(46.52.010) E
C Vehicular Assault (46.61.522) D
C Attempting to Elude Pursuing
Police Vehicle (46.61.024) D
E Reckless Driving (46.61.500) E
D Driving While Under the Influence
(46.61.502 and 46.61.504) E

Other

B Bomb Threat (9.61.160) C
C Escape 1[1] (9A.76.110) C
C Escape 2[1] (9A.76.120) C
D Escape 3 (9A.76.130) E
E Obscene, Harassing, Etc.,
Phone Calls (9.61.230) E
A Other Offense Equivalent to an
Adult Class A Felony B+
B Other Offense Equivalent to an
Adult Class B Felony C
C Other Offense Equivalent to an
Adult Class C Felony D
D Other Offense Equivalent to an
Adult Gross Misdemeanor E
E Other Offense Equivalent to an
Adult Misdemeanor E
V Violation of Order of Restitution,
Community Supervision, or
Confinement (13.40.200)[2] V

1. Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:
1st escape or attempted escape during 12-month period - 4 weeks confinement
2nd escape or attempted escape during 12-month period - 8 weeks confinement
3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

2. If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, or C.

OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A- 15-36 | 52-65 | 80-100 | 103-129
WEEKS | WEEKS | WEEKS | WEEKS
EXCEPT | | |
30-40 | | |
WEEKS FOR | | |
15-17 | | |
YEAR OLDS | | |

Current B+ 15-36 | 52-65 | 80-100 | 103-129
Offense WEEKS | WEEKS | WEEKS | WEEKS
Category ___
B LOCAL | | 52-65
SANCTIONS (LS) | 15-36 WEEKS | WEEKS

C+ LS |
| 15-36 WEEKS

C LS | 15-36 WEEKS
Local Sanctions: |
0 to 30 Days _
D+ LS 0 to 12 Months Community Supervision
0 to 150 Hours Community Service
D LS $0 to $500 Fine

E LS

0 1 2 3 4 or more
PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.
(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.
(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.
(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.
(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.
(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B
CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160((~~(5)~~)) (4) and 13.40.165.

OR

OPTION C
MANIFEST INJUSTICE

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2)."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

Senator Heavey moved that the Senate concur in the House amendment to Substitute Senate Bill No. 6071.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Heavey that the Senate concur in the House amendment to Substitute Senate Bill No. 6071.

The motion by Senator Heavey carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 6071.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6071, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6071, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Franklin, Hargrove, Honeyford and Sellar - 4.

SUBSTITUTE SENATE BILL NO. 6071, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE.

March 1, 2000

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6154 with the following amendment(s):

On page 1, line 13, after "compensation" insert ", consistent with RCW 36.48.010, 36.48.080, and 36.48.090", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Patterson, the Senate concurred in the House amendment to Senate Bill No. 6154.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6154, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6154, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Voting nay: Senator Heavey - 1.

Excused: Senators Franklin, Hargrove, Honeyford and Sellar - 4.

. SENATE BILL NO. 6154, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Goings, the Senate advanced to the sixth order of business.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5243, deferred on second reading March 2, 2000, after the President ruled that the bill was not properly before the Senate at that time.

POINT OF ORDER

Senator Goings: "Mr. President, a point of order. We now have before us Second Substitute Senate Bill No. 5243. In light of the adoption of the Senate operating budget yesterday afternoon, March 5, I ask the President to reconsider his decision on this issue on whether it is properly before the Senate at this time."

POINT OF ORDER

Senator Johnson: "A point of order. Mr. President, this bill is before us and the President ruled that is wasn't properly before us, because of the cutoff resolution. I believe the pathway for it to be properly before us would be a motion and that would require that the mover of the motion goes to the ninth order of business."

Debate ensued.

REPLY BY THE PRESIDENT

President Owen: "Senator Johnson, I"ll try to walk through this carefully. In dealing with Second Substitute Senate Bill No. 5243, once the President made his ruling, Senator Betti Sheldon made the motion that the bill hold its place on the second reading calendar, which passed without objection. So, the issue now is--it is on the second reading calendar--the point that Senator Goings has raised is now can it be considered in light of the passage of the budget.

"The President believes that the bill can be brought up, but that it would have to be reviewed to determine whether or not it can be properly before us. We will now be dealing with Senator Goings point of order for the President to decide. He would allow arguments on either side if the members wish to do so."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator West: "The last several days the President has ruled that he allows one on each side to speak. The Senator from the Twenty-fifth district has already spoken. Granted, he did not say much, but he spoke."

REPLY BY THE PRESIDENT

President Owen: "Two issues--one, Senator Goings did not argue for his position. He stated his point of order. Two, the President also ruled that the number of people presenting on each side is at the President's discretion. However, we have only had an argument on one side. Senator Kline."

Further debate ensued.

MOTION

On motion of Senator Goings, further consideration of Second Substitute Senate Bill No. 5243 was deferred and the bill held its place on the second reading calendar.

MOTION

On motion of Senator Goings, the Senate returned to the fourth order of business.

President Pro Tempore Wojahn assumed the Chair.

MESSAGE FROM THE HOUSE

March 2, 2000

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6264 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature has recognized the need to develop a graduated licensing system in light of the disproportionately high incidence of motor vehicle crashes involving youthful motorists. This system will improve highway safety by progressively developing and improving the skills of younger drivers in the safest possible environment, thereby reducing the number of vehicle crashes.

NEW SECTION. **Sec. 2.** A new section is added to chapter 46.20 RCW to read as follows:

(1) An intermediate license authorizes the holder to drive a motor vehicle under the conditions specified in this section. An applicant for an intermediate license must be at least sixteen years of age and:

(a) Have possessed a valid instruction permit for a period of not less than six months;

(b) Have passed a driver licensing examination administered by the department;

(c) Have passed a course of driver's education in accordance with the standards established in RCW 46.20.100;

(d) Present certification by his or her parent, guardian, or employer to the department stating (i) that the applicant has had at least fifty hours of driving experience, ten of which were at night, during which the driver was supervised by a person at least twenty-one years of age who has had a valid driver's license for at least three years, and (ii) that the applicant has not been issued a notice of traffic infraction or cited for a traffic violation that is pending at the time of the application for the intermediate license;

(e) Not have been convicted of or found to have committed a traffic violation within the last six months before the application for the intermediate license; and

(f) Not have been adjudicated for an offense involving the use of alcohol or drugs during the period the applicant held an instruction permit.

(2) For the first six months after the issuance of an intermediate license or until the holder reaches eighteen years of age, whichever occurs first, the holder of the license may not operate a motor vehicle that is carrying any passengers under the age of twenty who are not members of the holder's immediate family as defined in RCW 42.17.020. For the remaining period of the intermediate license, the holder may not operate a motor vehicle that is carrying more than three passengers who are under the age of twenty who are not members of the holder's immediate family.

(3) The holder of an intermediate license may not operate a motor vehicle between the hours of 1 a.m. and 5 a.m. except when the holder is accompanied by a parent, guardian, or a licensed driver who is at least twenty-five years of age.

(4) It is a traffic infraction for the holder of an intermediate license to operate a motor vehicle in violation of the restrictions imposed under this section.

(5) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this title or an equivalent local ordinance or some other offense.

(6) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if necessary for agricultural purposes.

(7) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if, for the twelve-month period following the issuance of the intermediate license, he or she:

(a) Has not been involved in an automobile accident; and

(b) Has not been convicted or found to have committed a traffic offense described in chapter 46.61 RCW or violated restrictions placed on an intermediate licensee under this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 46.20 RCW to read as follows:

If a person issued an intermediate license is convicted of or found to have committed a traffic offense described in chapter 46.61 RCW or violated restrictions placed on an intermediate license under section 2 of this act:

(1) On the first such conviction or finding the department shall mail the parent or guardian of the person a letter warning the person of the provisions of this section;

(2) On the second such conviction or finding, the department shall suspend the person's intermediate driver's license for a period of six months or until the person reaches eighteen years of age, whichever occurs first, and mail the parent or guardian of the person a notification of the suspension;

(3) On the third such conviction or finding, the department shall suspend the person's intermediate driver's license until the person reaches eighteen years of age, and mail the parent or guardian of the person a notification of the suspension.

For the purposes of this section, a single ticket for one or more traffic offenses constitutes a single traffic offense.

Sec. 4. RCW 46.20.091 and 1999 c 6 s 14 are each amended to read as follows:

(1) **Application**. In order to apply for a driver's license or instruction permit the applicant must provide his or her:

(a) Name of record, as established by documentation required under RCW 46.20.035;

(b) Date of birth, as established by satisfactory evidence of age;

(c) Sex;

(d) Washington residence address;

(e) Description;

(f) Driving licensing history, including:

(i) Whether the applicant has ever been licensed as a driver or chauffeur and, if so, (A) when and by what state or country; (B) whether the license has ever been suspended or revoked; and (C) the date of and reason for the suspension or revocation; or

(ii) Whether the applicant's application to another state or country for a driver's license has ever been refused and, if so, the date of and reason for the refusal; and

(g) Any additional information required by the department.

(2) **Sworn statement**. An application for an instruction permit or for an original driver's license must be made upon a form provided by the department. The form must include a section for the applicant to indicate whether he or she has received driver training and, if so, where. The identifying documentation verifying the name of record must be accompanied by the applicant's written statement that it is valid. The information provided on the form must be sworn to and signed by the applicant before a person authorized to administer oaths. An applicant who makes a false statement on an application for a driver's license or instruction permit is guilty of false swearing, a gross misdemeanor, under RCW 9A.72.040.

(3) **Driving records from other jurisdictions**. If a person previously licensed in another jurisdiction applies for a Washington driver's license, the department shall request a copy of the applicant's driver's record from the other jurisdiction. The driving record from the other jurisdiction becomes a part of the driver's record in this state.

(4) **Driving records to other jurisdictions**. If another jurisdiction requests a copy of a person's Washington driver's record, the department shall provide a copy of the record. The department shall forward the record without charge if the other jurisdiction extends the same privilege to the state of Washington. Otherwise the department shall charge a reasonable fee for transmittal of the record.

Sec. 5. RCW 46.20.105 and 1987 c 463 s 3 are each amended to read as follows:

(1) The department may provide a method to distinguish the driver's license of a person who is under the age of twenty-one from the driver's license of a person who is twenty-one years of age or older.

(2) An instruction permit must be identified as an "instruction permit" and issued in a distinctive form as determined by the department.

(3) An intermediate license must be identified as an "intermediate license" and issued in a distinctive form as determined by the department.

Sec. 6. RCW 46.20.161 and 1999 c 308 s 2 are each amended to read as follows:

The department, upon receipt of a fee of twenty-five dollars, unless the driver's license is issued for a period other than five years, in which case the fee shall be five dollars for each year that the license is issued, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. A driver's license issued to a person under the age of eighteen is an intermediate license, subject to the restrictions imposed under section 2 of this act, until the person reaches the age of eighteen. The license must include a distinguishing number assigned to the licensee, the name of record, date of birth, Washington residence address, photograph, a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license. No license is valid until it has been so signed by the licensee.

Sec. 7. RCW 46.20.311 and 1998 c 212 s 1 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under section 3 of this act, RCW 46.20.342, or other provision of law. Except for a suspension under section 3 of this act, RCW 46.20.289, 46.20.291(5), or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW or a residential or visitation order, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(b)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars.

(ii) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars.

(ii) If the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars.

(b) If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred fifty dollars.

Sec. 8. RCW 46.20.342 and 1999 c 274 s 3 are each amended to read as follows:

(1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

(a) A person found to be an habitual offender under chapter 46.65 RCW, who violates this section while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect, is guilty of driving while license suspended or revoked in the first degree, a gross misdemeanor. Upon the first such conviction, the person shall be punished by imprisonment for not less than ten days. Upon the second

conviction, the person shall be punished by imprisonment for not less than ninety days. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one hundred eighty days. If the person is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, the minimum sentence of confinement shall be not less than ninety days. The minimum sentence of confinement required shall not be suspended or deferred. A conviction under this subsection does not prevent a person from petitioning for reinstatement as provided by RCW 46.65.080.

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in (c) of this subsection, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

(i) A conviction of a felony in the commission of which a motor vehicle was used;

(ii) A previous conviction under this section;

(iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;

(iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational driver's license;

(v) A conviction of RCW ((~~46.20.420~~)) 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license;

(vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles;

(viii) A conviction of RCW 46.61.500, relating to reckless driving;

(ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs;

(x) A conviction of RCW 46.61.520, relating to vehicular homicide;

(xi) A conviction of RCW 46.61.522, relating to vehicular assault;

(xii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers;

(xiii) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;

(xiv) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running;

(xv) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes;

(xvi) An administrative action taken by the department under chapter 46.20 RCW; or

(xvii) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this subsection.

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because (i) the person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program, (ii) the person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW, (iii) the person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents, (iv) the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289, (v) the person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license, ((~~or~~)) (vi) the person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation, or (vii) the person has received traffic citations or notices of traffic infraction that have resulted in a suspension under section 3 of this act relating to intermediate drivers' licenses, or any combination of (i) through (((~~vi~~))) (vii), is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

(2) Upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section, the department shall:

(a) For a conviction of driving while suspended or revoked in the first degree, as provided by subsection (1)(a) of this section, extend the period of administrative revocation imposed under chapter 46.65 RCW for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(b) For a conviction of driving while suspended or revoked in the second degree, as provided by subsection (1)(b) of this section, not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(c) Not extend the period of suspension or revocation if the conviction was under subsection (1)(c) of this section. If the conviction was under subsection (1) (a) or (b) of this section and the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended.

Sec. 9. RCW 28A.220.030 and 1979 c 158 s 196 are each amended to read as follows:

(1) The superintendent of public instruction is authorized to establish a section of traffic safety education, and through such section shall: Define a "realistic level of effort" required to provide an effective traffic safety education course, establish a level of driving competency

required of each student to successfully complete the course, and ensure that an effective state-wide program is implemented and sustained, administer, supervise, and develop the traffic safety education program and shall assist local school districts in the conduct of their traffic safety education programs. The superintendent shall adopt necessary rules and regulations governing the operation and scope of the traffic safety education program; and each school district shall submit a report to the superintendent on the condition of its traffic safety education program: PROVIDED, That the superintendent shall monitor the quality of the program and carry out the purposes of this chapter.

(2) The board of directors of any school district maintaining a secondary school which includes any of the grades 10 to 12, inclusive, may establish and maintain a traffic safety education course. If a school district elects to offer a traffic safety education course and has within its boundaries a private accredited secondary school which includes any of the grades 10 to 12, inclusive, at least one class in traffic safety education shall be given at times other than regular school hours if there is sufficient demand therefor.

(3) The board of directors of a school district, or combination of school districts, may contract with any drivers' school licensed under the provisions of chapter 46.82 RCW to teach the laboratory phase of the traffic safety education course. Instructors provided by any such contracting drivers' school must be properly qualified teachers of traffic safety education under the joint qualification requirements adopted by the superintendent of public instruction and the director of licensing.

(4) The superintendent shall establish a required minimum number of hours of continuing traffic safety education for traffic safety education instructors. The superintendent may phase in the requirement over not more than five years.

Sec. 10. RCW 28A.220.040 and 1984 c 258 s 331 are each amended to read as follows:

(1) Each school district shall be reimbursed from funds appropriated for traffic safety education((~~: PROVIDED, That~~)).

(a) The state superintendent shall determine the per-pupil reimbursement amount for the traffic safety education course to be funded by the state. Each school district offering an approved standard traffic safety education course shall be reimbursed or granted an amount up to the level established by the superintendent of public instruction as may be appropriated.

(b) The state superintendent may provide per-pupil reimbursements to school districts only where all the traffic educators have satisfied the continuing education requirement of RCW 28A.220.030(4).

(2) The board of directors of any school district or combination of school districts may establish a traffic safety education fee, which fee when imposed shall be required to be paid by any duly enrolled student in any such school district prior to or while enrolled in a traffic safety education course. Traffic safety education fees collected by a school district shall be deposited with the county treasurer to the credit of such school district, to be used to pay costs of the traffic safety education course.

NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.220 RCW to read as follows:

The superintendent of public instruction, in consultation with the department of licensing, shall adopt rules for implementing section 2(1)(d) of this act.

NEW SECTION. **Sec. 12.** A new section is added to chapter 43.131 RCW to read as follows:

The intermediate driver's license program created by this act shall be reviewed under this chapter before June 30, 2008. The department of licensing, in cooperation with the Washington traffic safety commission, shall provide the information necessary for the joint legislative audit and review committee to provide the required review.

NEW SECTION. **Sec. 13.** A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2009:

(1) Section 1 of this act;

(2) Section 2 of this act;

(3) Section 3 of this act;

(4) The amendment of RCW 46.20.105 by section 5 of this act;

(5) The amendment of RCW 46.20.161 by section 6 of this act;

(6) The amendment of RCW 46.20.311 by section 7 of this act;

(7) The amendment of RCW 46.20.342 by section 8 of this act;

(8) Section 11 of this act.

NEW SECTION. **Sec. 14.** Sections 1 through 10 of this act take effect July 1, 2001."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Eide moved that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 6264.
Debate ensued.

Senator Finkbeiner demanded a roll call and the demand was sustained.

Further debate ensued.

POINT OF INQUIRY

Senator Morton: "Senator Eide, if I understood you correctly, you mentioned that these students--these youth-- had not driven before. Do they not have to pass a qualified driver's ed course in this state before obtaining their license?"

Senator Eide: "Thank you, Senator. Yes, they do. However, they have other adult instructors in the car with them and their parents. What I have given is from the age of fifteen to sixteen, before you get your intermediate drivers's license, fifty hours now of driving and ten of those must be at night.

"Now, from there, the six months, which gives them the opportunity to not have any adult in their car--to get a little bit of the feeling of the road. Now, I wanted to tell you also that there is an exception and that is if you are on ag--anything to do with agriculture. Over in the House, they did amend the bill from 1:00 a.m to 5:00 a.m. We had 12:00 a.m. I understand harvesting happens sometimes at night and so they have made sure that was okay. I just wanted to make sure that it is very clear that between fifteen and sixteen--they have a little bit more experience behind the wheel.

"The intent of this bill, ladies and gentlemen, has not changed--it has not changed and what it is giving them is more experience. After the six months, they may have passengers, but during the first six months they don't have to have an adult in the car with them. You know, I told my daughter, when she was fifteen years old, eleven months and twenty-nine days that she was not old enough to drive yet. So, I am just going to tell my son who is thirteen, who says, 'Mom, is this bill going to affect me,' and I said, 'You darn right it will, because Buddy, I am going to save you and I am going to save your friend's life, too.'

"So, now what I am going to tell him when he is sixteen and a half, that is, 'That is when you can go out and drive with your buddies, but for the first six months, honey, I want you to drive by yourself, so that you can get the feel of the road and feel confident with yourself.'"

Further debate ensued.

POINT OF INQUIRY

Senator Costa: "Senator Eide, would you please tell the body what the effective date of the bill is, as it came back from the House?"

Senator Eide: "Yes, thanks for asking that question, Senator. It is July 1, 2001."

Senator Costa: "So, Senator Eide, it is my understanding that you have promised to work with folks who have concerns about the exceptions that were taken out in the House, to insure that those do get into law before this bill actually becomes effective?"

Senator Eide: "Yes, Senator, in fact I have discussed that with the good Senator from the Twenty-fourth district. This is laying the foundation today ladies and gentlemen. The foundation--it is a strong one, but it can be built upon. "

Senator Costa: "Thank you."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Eide to concur in the House amendment to Engrossed Substitute Senate Bill No. 6264.

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ROLL CALL

The Secretary called the roll and the Senate concurred in the House amendment by the following votes: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 28.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hargrove, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Roach, Rossi, Sheahan, Sheldon, T., Stevens, West and Zarelli - 20.

Excused: Senator Sellar - 1.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6264, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6264, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 39. Voting nay: Senators Finkbeiner, Hargrove, Hochstatter, Honeyford, Morton, Roach, Sheldon, T., Stevens and Zarelli - 9. Excused: Senator Sellar - 1. ENGROSSED SUBSTITUTE SENATE BILL NO. 6264, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

Vice President Pro Tempore Bauer assumed the Chair.

MESSAGE FROM THE HOUSE

March 3, 2000

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6236 with the following amendment(s)

On page 5, line 3, after "(11)" insert "(a)"

On page 5, after line 12, insert the following:

"(b) An individual who applies for services from the department and whose information will be shared under (a) of this subsection (11) must be notified that his or her private and confidential information in the department's records will be shared among the one-stop partners to facilitate the delivery of one-stop services to the individual. The notice must advise the individual that he or she may request that private and confidential information not be shared among the one-stop partners and the department must honor the request. In addition, the notice must:

(i) Advise the individual that if he or she requests that private and confidential information not be shared among one-stop partners, the request will in no way affect eligibility for services;

(ii) Describe the nature of the information to be shared, the general use of the information by one-stop partner representatives, and among whom the information will be shared;

(iii) Inform the individual that shared information will be used only for the purpose of delivering one-stop services and that further disclosure of the information is prohibited under contract and is not subject to disclosure under RCW 42.17.310; and

(iv) Be provided in English and an alternative language selected by the one-stop center or job service center as appropriate for the community where the center is located.

If the notice is provided in-person, the individual who does not want private and confidential information shared among the one-stop partners must immediately advise the one-stop partner representative of that decision. The notice must be provided to an individual who applies for services telephonically, electronically, or by mail, in a suitable format and within a reasonable time after applying for services, which shall be no later than ten working days from the department's receipt of the application for services. A one-stop representative must be available to answer specific questions regarding the nature, extent, and purpose for which the information may be shared."

On page 5, beginning on line 28, strike all of subsection (14), and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Fairley, the Senate concurred in the House amendments to Engrossed Senate Bill No. 6236.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6236, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 6236, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald,

Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

ENGROSSED SENATE BILL NO. 6236, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Deccio, Senator Hale was excused.

MOTION

On motion of Senator Franklin, Senator Loveland was excused.

MESSAGE FROM THE HOUSE

March 3, 2000

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6199 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** PATIENT RIGHTS. It is the intent of the legislature that enrollees covered by health plans receive quality health care designed to maintain and improve their health. The purpose of this act is to ensure that health plan enrollees:

(1) Have improved access to information regarding their health plans;

(2) Have sufficient and timely access to appropriate health care services, and choice among health care providers;

(3) Are assured that health care decisions are made by appropriate medical personnel;

(4) Have access to a quick and impartial process for appealing plan decisions;

(5) Are protected from unnecessary invasions of health care privacy; and

(6) Are assured that personal health care information will be used only as necessary to obtain and pay for health care or to improve the quality of care.

NEW SECTION. **Sec. 2.** A new section is added to chapter 70.02 RCW to read as follows:

HEALTH INFORMATION PRIVACY. Third-party payors shall not release health care information disclosed under this chapter, except to the extent that health care providers are authorized to do so under RCW 70.02.050.

Sec. 3. RCW 70.02.110 and 1991 c 335 s 402 are each amended to read as follows:

HEALTH INFORMATION PRIVACY. (1) In making a correction or amendment, the health care provider shall:

(a) Add the amending information as a part of the health record; and

(b) Mark the challenged entries as corrected or amended entries and indicate the place in the record where the corrected or amended information is located, in a manner practicable under the circumstances.

(2) If the health care provider maintaining the record of the patient's health care information refuses to make the patient's proposed correction or amendment, the provider shall:

(a) Permit the patient to file as a part of the record of the patient's health care information a concise statement of the correction or amendment requested and the reasons therefor; and

(b) Mark the challenged entry to indicate that the patient claims the entry is inaccurate or incomplete and indicate the place in the record where the statement of disagreement is located, in a manner practicable under the circumstances.

(3) A health care provider who receives a request from a patient to amend or correct the patient's health care information, as provided in RCW 70.02.100, shall forward any changes made in the patient's health care information or health record, including any statement of disagreement, to any third-party payor or insurer to which the health care provider has disclosed the health care information that is the subject of the request.

Sec. 4. RCW 70.02.900 and 1991 c 335 s 901 are each amended to read as follows:

HEALTH INFORMATION PRIVACY. (1) This chapter does not restrict a health care provider, a third-party payor, or an insurer regulated under Title 48 RCW from complying with obligations imposed by federal or state health care payment programs or federal or state law.

(2) This chapter does not modify the terms and conditions of disclosure under Title 51 RCW and chapters 13.50, 26.09, 70.24, 70.39, 70.96A, 71.05, and 71.34 RCW and rules adopted under these provisions.

NEW SECTION. **Sec. 5.** HEALTH INFORMATION PRIVACY. (1) Health carriers and insurers shall adopt policies and procedures that conform administrative, business, and operational practices to protect an enrollee's right to privacy or right to confidential health care services granted under state or federal laws.

(2) The commissioner may adopt rules to implement this section after considering relevant standards adopted by national managed care accreditation organizations and the national association of insurance commissioners, and after considering the effect of those standards on the ability of carriers to undertake enrollee care management and disease management programs.

NEW SECTION. **Sec. 6.** INFORMATION DISCLOSURE. (1) A carrier that offers a health plan may not offer to sell a health plan to an enrollee or to any group representative, agent, employer, or enrollee representative without first offering to provide, and providing upon request, the following information before purchase or selection:

(a) A listing of covered benefits, including prescription drug benefits, if any, a copy of the current formulary, if any is used, definitions of terms such as generic versus brand name, and policies regarding coverage of drugs, such as how they become approved or taken off the formulary, and how consumers may be involved in decisions about benefits;

(b) A listing of exclusions, reductions, and limitations to covered benefits, and any definition of medical necessity or other coverage criteria upon which they may be based;

(c) A statement of the carrier's policies for protecting the confidentiality of health information;

(d) A statement of the cost of premiums and any enrollee cost-sharing requirements;

(e) A summary explanation of the carrier's grievance process;

(f) A statement regarding the availability of a point-of-service option, if any, and how the option operates; and

(g) A convenient means of obtaining lists of participating primary care and specialty care providers, including disclosure of network arrangements that restrict access to providers within any plan network. The offer to provide the information referenced in this subsection (1) must be clearly and prominently displayed on any information provided to any prospective enrollee or to any prospective group representative, agent, employer, or enrollee representative.

(2) Upon the request of any person, including a current enrollee, prospective enrollee, or the insurance commissioner, a carrier must provide written information regarding any health care plan it offers, that includes the following written information:

(a) Any documents, instruments, or other information referred to in the medical coverage agreement;

(b) A full description of the procedures to be followed by an enrollee for consulting a provider other than the primary care provider and whether the enrollee's primary care provider, the carrier's medical director, or another entity must authorize the referral;

(c) Procedures, if any, that an enrollee must first follow for obtaining prior authorization for health care services;

(d) A written description of any reimbursement or payment arrangements, including, but not limited to, capitation provisions, fee-for-service provisions, and health care delivery efficiency provisions, between a carrier and a provider or network;

(e) Descriptions and justifications for provider compensation programs, including any incentives or penalties that are intended to encourage providers to withhold services or minimize or avoid referrals to specialists;

(f) An annual accounting of all payments made by the carrier which have been counted against any payment limitations, visit limitations, or other overall limitations on a person's coverage under a plan;

(g) A copy of the carrier's grievance process for claim or service denial and for dissatisfaction with care; and

(h) Accreditation status with one or more national managed care accreditation organizations, and whether the carrier tracks its health care effectiveness performance using the health employer data information set (HEDIS), whether it publicly reports its HEDIS data, and how interested persons can access its HEDIS data.

(3) Each carrier shall provide to all enrollees and prospective enrollees a list of available disclosure items.

(4) Nothing in this section requires a carrier or a health care provider to divulge proprietary information to an enrollee, including the specific contractual terms and conditions between a carrier and a provider.

(5) No carrier may advertise or market any health plan to the public as a plan that covers services that help prevent illness or promote the health of enrollees unless it:

(a) Provides all clinical preventive health services provided by the basic health plan, authorized by chapter 70.47 RCW;

(b) Monitors and reports annually to enrollees on standardized measures of health care and satisfaction of all enrollees in the health plan. The state department of health shall recommend appropriate standardized measures for this purpose, after consideration of national standardized measurement systems adopted by national managed care accreditation organizations and state agencies that purchase managed health care services; and

(c) Makes available upon request to enrollees its integrated plan to identify and manage the most prevalent diseases within its enrolled population, including cancer, heart disease, and stroke.

(6) No carrier may preclude or discourage its providers from informing an enrollee of the care he or she requires, including various treatment options, and whether in the providers' view such care is consistent with the plan's health coverage criteria, or otherwise covered by the enrollee's medical coverage agreement with the carrier. No carrier may prohibit, discourage, or penalize a provider otherwise practicing in

compliance with the law from advocating on behalf of an enrollee with a carrier. Nothing in this section shall be construed to authorize a provider to bind a carrier to pay for any service.

(7) No carrier may preclude or discourage enrollees or those paying for their coverage from discussing the comparative merits of different carriers with their providers. This prohibition specifically includes prohibiting or limiting providers participating in those discussions even if critical of a carrier.

(8) Each carrier must communicate enrollee information required in this act by means that ensure that a substantial portion of the enrollee population can make use of the information.

(9) The commissioner may adopt rules to implement this section. In developing rules to implement this section, the commissioner shall consider relevant standards adopted by national managed care accreditation organizations and state agencies that purchase managed health care services.

NEW SECTION. **Sec. 7.** ACCESS TO APPROPRIATE HEALTH SERVICES. (1) Each enrollee in a health plan must have adequate choice among health care providers.

(2) Each carrier must allow an enrollee to choose a primary care provider who is accepting new enrollees from a list of participating providers. Enrollees also must be permitted to change primary care providers at any time with the change becoming effective no later than the beginning of the month following the enrollee's request for the change.

(3) Each carrier must have a process whereby an enrollee with a complex or serious medical or psychiatric condition may receive a standing referral to a participating specialist for an extended period of time.

(4) Each carrier must provide for appropriate and timely referral of enrollees to a choice of specialists within the plan if specialty care is warranted. If the type of medical specialist needed for a specific condition is not represented on the specialty panel, enrollees must have access to nonparticipating specialty health care providers.

(5) Each carrier shall provide enrollees with direct access to the participating chiropractor of the enrollee's choice for covered chiropractic health care without the necessity of prior referral. Nothing in this subsection shall prevent carriers from restricting enrollees to seeing only providers who have signed participating provider agreements or from utilizing other managed care and cost containment techniques and processes. For purposes of this subsection, "covered chiropractic health care" means covered benefits and limitations related to chiropractic health services as stated in the plan's medical coverage agreement, with the exception of any provisions related to prior referral for services.

(6) Each carrier must provide, upon the request of an enrollee, access by the enrollee to a second opinion regarding any medical diagnosis or treatment plan from a qualified participating provider of the enrollee's choice.

(7) Each carrier must cover services of a primary care provider whose contract with the plan or whose contract with a subcontractor is being terminated by the plan or subcontractor without cause under the terms of that contract for at least sixty days following notice of termination to the enrollees or, in group coverage arrangements involving periods of open enrollment, only until the end of the next open enrollment period. The provider's relationship with the carrier or subcontractor must be continued on the same terms and conditions as those of the contract the plan or subcontractor is terminating, except for any provision requiring that the carrier assign new enrollees to the terminated provider.

(8) Every carrier shall meet the standards set forth in this section and any rules adopted by the commissioner to implement this section. In developing rules to implement this section, the commissioner shall consider relevant standards adopted by national managed care accreditation organizations and state agencies that purchase managed health care services.

NEW SECTION. **Sec. 8.** HEALTH CARE DECISIONS. (1) Carriers that offer a health plan shall maintain a documented utilization review program description and written utilization review criteria based on reasonable medical evidence. The program must include a method for reviewing and updating criteria. Carriers shall make clinical protocols, medical management standards, and other review criteria available upon request to participating providers.

(2) The commissioner shall adopt, in rule, standards for this section after considering relevant standards adopted by national managed care accreditation organizations and state agencies that purchase managed health care services.

(3) A carrier shall not be required to use medical evidence or standards in its utilization review of religious nonmedical treatment or religious nonmedical nursing care.

NEW SECTION. **Sec. 9.** RETROSPECTIVE DENIAL OF SERVICES. (1) A health carrier that offers a health plan shall not retrospectively deny coverage for emergency and nonemergency care that had prior authorization under the plan's written policies at the time the care was rendered.

(2) The commissioner shall adopt, in rule, standards for this section after considering relevant standards adopted by national managed care accreditation organizations and state agencies that purchase managed health care services.

NEW SECTION. **Sec. 10.** GRIEVANCE PROCESS. (1) Each carrier that offers a health plan must have a fully operational, comprehensive grievance process that complies with the requirements of this section and any rules adopted by the commissioner to implement this section. For the purposes of this section, the commissioner shall consider grievance process standards adopted by national managed care accreditation organizations and state agencies that purchase managed health care services.

(2) Each carrier must process as a complaint an enrollee's expression of dissatisfaction about customer service or the quality or availability of a health service. Each carrier must implement procedures for registering and responding to oral and written complaints in a timely and thorough manner.

(3) Each carrier must provide written notice to an enrollee or the enrollee's designated representative, and the enrollee's provider, of its decision to deny, modify, reduce, or terminate payment, coverage, authorization, or provision of health care services or benefits, including the admission to or continued stay in a health care facility.

(4) Each carrier must process as an appeal an enrollee's written or oral request that the carrier reconsider: (a) Its resolution of a complaint made by an enrollee; or (b) its decision to deny, modify, reduce, or terminate payment, coverage, authorization, or provision of health care services or benefits, including the admission to, or continued stay in, a health care facility. A carrier must not require that an enrollee file a complaint prior to seeking appeal of a decision under (b) of this subsection.

(5) To process an appeal, each carrier must:

(a) Provide written notice to the enrollee when the appeal is received;

(b) Assist the enrollee with the appeal process;

(c) Make its decision regarding the appeal within thirty days of the date the appeal is received. An appeal must be expedited if the enrollee's provider or the carrier's medical director reasonably determines that following the appeal process response timelines could seriously jeopardize the enrollee's life, health, or ability to regain maximum function. The decision regarding an expedited appeal must be made within seventy-two hours of the date the appeal is received;

(d) Cooperate with a representative authorized in writing by the enrollee;

(e) Consider information submitted by the enrollee;

(f) Investigate and resolve the appeal; and

(g) Provide written notice of its resolution of the appeal to the enrollee and, with the permission of the enrollee, to the enrollee's providers. The written notice must explain the carrier's decision and the supporting coverage or clinical reasons and the enrollee's right to request independent review of the carrier's decision under section 11 of this act.

(6) Written notice required by subsection (3) of this section must explain:

(a) The carrier's decision and the supporting coverage or clinical reasons; and

(b) The carrier's appeal process, including information, as appropriate, about how to exercise the enrollee's rights to obtain a second opinion, and how to continue receiving services as provided in this section.

(7) When an enrollee requests that the carrier reconsider its decision to modify, reduce, or terminate an otherwise covered health service that an enrollee is receiving through the health plan and the carrier's decision is based upon a finding that the health service, or level of health service, is no longer medically necessary or appropriate, the carrier must continue to provide that health service until the appeal is resolved. If the resolution of the appeal or any review sought by the enrollee under section 11 of this act affirms the carrier's decision, the enrollee may be responsible for the cost of this continued health service.

(8) Each carrier must provide a clear explanation of the grievance process upon request, upon enrollment to new enrollees, and annually to enrollees and subcontractors.

(9) Each carrier must ensure that the grievance process is accessible to enrollees who are limited English speakers, who have literacy problems, or who have physical or mental disabilities that impede their ability to file a grievance.

(10) Each carrier must: Track each appeal until final resolution; maintain, and make accessible to the commissioner for a period of three years, a log of all appeals; and identify and evaluate trends in appeals.

NEW SECTION. **Sec. 11.** INDEPENDENT REVIEW OF HEALTH CARE DISPUTES. (1) There is a need for a process for the fair consideration of disputes relating to decisions by carriers that offer a health plan to deny, modify, reduce, or terminate coverage of or payment for health care services for an enrollee.

(2) An enrollee may seek review by a certified independent review organization of a carrier's decision to deny, modify, reduce, or terminate coverage of or payment for a health care service, after exhausting the carrier's grievance process and receiving a decision that is unfavorable to the enrollee, or after the carrier has exceeded the timelines for grievances provided in section 10 of this act, without good cause and without reaching a decision.

(3) The commissioner must establish and use a rotational registry system for the assignment of a certified independent review organization to each dispute. The system should be flexible enough to ensure that an independent review organization has the expertise necessary to review the particular medical condition or service at issue in the dispute.

(4) Carriers must provide to the appropriate certified independent review organization, not later than the third business day after the date the carrier receives a request for review, a copy of:

(a) Any medical records of the enrollee that are relevant to the review;

(b) Any documents used by the carrier in making the determination to be reviewed by the certified independent review organization;

(c) Any documentation and written information submitted to the carrier in support of the appeal; and

(d) A list of each physician or health care provider who has provided care to the enrollee and who may have medical records relevant to the appeal. Health information or other confidential or proprietary information in the custody of a carrier may be provided to an independent review organization, subject to rules adopted by the commissioner.

(5) The medical reviewers from a certified independent review organization will make determinations regarding the medical necessity or appropriateness of, and the application of health plan coverage provisions to, health care services for an enrollee. The medical reviewers' determinations must be based upon their expert medical judgment, after consideration of relevant medical, scientific, and cost-effectiveness evidence, and medical standards of practice in the state of Washington. Except as provided in this subsection, the certified independent review organization must ensure that determinations are consistent with the scope of covered benefits as outlined in the medical coverage agreement. Medical reviewers may override the health plan's medical necessity or appropriateness standards if the standards are determined upon review to be unreasonable or inconsistent with sound, evidence-based medical practice.

(6) Once a request for an independent review determination has been made, the independent review organization must proceed to a final determination, unless requested otherwise by both the carrier and the enrollee or the enrollee's representative.

(7) Carriers must timely implement the certified independent review organization's determination, and must pay the certified independent review organization's charges.

(8) When an enrollee requests independent review of a dispute under this section, and the dispute involves a carrier's decision to modify, reduce, or terminate an otherwise covered health service that an enrollee is receiving at the time the request for review is submitted and the carrier's decision is based upon a finding that the health service, or level of health service, is no longer medically necessary or appropriate, the carrier must continue to provide the health service if requested by the enrollee until a determination is made under this section. If the determination affirms the carrier's decision, the enrollee may be responsible for the cost of the continued health service.

(9) A certified independent review organization may notify the office of the insurance commissioner if, based upon its review of disputes under this section, it finds a pattern of substandard or egregious conduct by a carrier.

(10)(a) The commissioner shall adopt rules to implement this section after considering relevant standards adopted by national managed care accreditation organizations.

(b) This section is not intended to supplant any existing authority of the office of the insurance commissioner under this title to oversee and enforce carrier compliance with applicable statutes and rules.

NEW SECTION. **Sec. 12.** A new section is added to chapter 43.70 RCW to read as follows:

INDEPENDENT REVIEW ORGANIZATIONS. (1) The department shall adopt rules providing a procedure and criteria for certifying one or more organizations to perform independent review of health care disputes described in section 11 of this act.

(2) The rules must require that the organization ensure:

(a) The confidentiality of medical records transmitted to an independent review organization for use in independent reviews;

(b) That each health care provider, physician, or contract specialist making review determinations for an independent review organization is qualified. Physicians, other health care providers, and, if applicable, contract specialists must be appropriately licensed, certified, or registered as required in Washington state or in at least one state with standards substantially comparable to Washington state. Reviewers may be drawn from nationally recognized centers of excellence, academic institutions, and recognized leading practice sites. Expert medical reviewers should have substantial, recent clinical experience dealing with the same or similar health conditions. The organization must have demonstrated expertise and a history of reviewing health care in terms of medical necessity, appropriateness, and the application of other health plan coverage provisions;

(c) That any physician, health care provider, or contract specialist making a review determination in a specific review is free of any actual or potential conflict of interest or bias. Neither the expert reviewer, nor the independent review organization, nor any officer, director, or management employee of the independent review organization may have any material professional, familial, or financial affiliation with any of the following: The health carrier; professional associations of carriers and providers; the provider; the provider's medical or practice group; the health facility at which the service would be provided; the developer or manufacturer of a drug or device under review; or the enrollee;

(d) The fairness of the procedures used by the independent review organization in making the determinations;

(e) That each independent review organization make its determination:

(i) Not later than the earlier of:

(A) The fifteenth day after the date the independent review organization receives the information necessary to make the determination; or

(B) The twentieth day after the date the independent review organization receives the request that the determination be made. In exceptional circumstances, when the independent review organization has not obtained information necessary to make a determination, a determination may be made by the twenty-fifth day after the date the organization received the request for the determination; and

(ii) In cases of a condition that could seriously jeopardize the enrollee's health or ability to regain maximum function, not later than the earlier of:

(A) Seventy-two hours after the date the independent review organization receives the information necessary to make the determination; or

(B) The eighth day after the date the independent review organization receives the request that the determination be made;

(f) That timely notice is provided to enrollees of the results of the independent review, including the clinical basis for the determination;

(g) That the independent review organization has a quality assurance mechanism in place that ensures the timeliness and quality of review and communication of determinations to enrollees and carriers, and the qualifications, impartiality, and freedom from conflict of interest of the organization, its staff, and expert reviewers; and

(h) That the independent review organization meets any other reasonable requirements of the department directly related to the functions the organization is to perform under this section and section 11 of this act.

(3) To be certified as an independent review organization under this chapter, an organization must submit to the department an application in the form required by the department. The application must include:

(a) For an applicant that is publicly held, the name of each stockholder or owner of more than five percent of any stock or options;

(b) The name of any holder of bonds or notes of the applicant that exceed one hundred thousand dollars;

(c) The name and type of business of each corporation or other organization that the applicant controls or is affiliated with and the nature and extent of the affiliation or control;

(d) The name and a biographical sketch of each director, officer, and executive of the applicant and any entity listed under (c) of this subsection and a description of any relationship the named individual has with:

(i) A carrier;

(ii) A utilization review agent;

(iii) A nonprofit or for-profit health corporation;

(iv) A health care provider;

(v) A drug or device manufacturer; or

(vi) A group representing any of the entities described by (d)(i) through (v) of this subsection;

(e) The percentage of the applicant's revenues that are anticipated to be derived from reviews conducted under section 11 of this act;

(f) A description of the areas of expertise of the health care professionals and contract specialists making review determinations for the applicant; and

(g) The procedures to be used by the independent review organization in making review determinations regarding reviews conducted under section 11 of this act.

(4) If at any time there is a material change in the information included in the application under subsection (3) of this section, the independent review organization shall submit updated information to the department.

(5) An independent review organization may not be a subsidiary of, or in any way owned or controlled by, a carrier or a trade or professional association of health care providers or carriers.

(6) An independent review organization, and individuals acting on its behalf, are immune from suit in a civil action when performing functions under this act. However, this immunity does not apply to an act or omission made in bad faith or that involves gross negligence.

(7) Independent review organizations must be free from interference by state government in its functioning except as provided in subsection (8) of this section.

(8) The rules adopted under this section shall include provisions for terminating the certification of an independent review organization for failure to comply with the requirements for certification. The department may review the operation and performance of an independent review organization in response to complaints or other concerns about compliance.

(9) In adopting rules for this section, the department shall take into consideration standards for independent review organizations adopted by national accreditation organizations. The department may accept national accreditation or certification by another state as evidence that an organization satisfies some or all of the requirements for certification by the department as an independent review organization.

NEW SECTION. **Sec. 13.** CARRIER MEDICAL DIRECTOR. Any carrier that offers a health plan and any self-insured health plan subject to the jurisdiction of Washington state shall designate a medical director who is licensed under chapter 18.57 or 18.71 RCW. However, a naturopathic or complementary alternative health plan, which provides solely complementary alternative health care to individuals, groups, or health plans, may have a medical director licensed under chapter 18.36A RCW. A health plan or self-insured health plan that offers only religious nonmedical treatment or religious nonmedical nursing care shall not be required to have a medical director.

Sec. 14. RCW 51.04.020 and 1994 c 164 s 24 are each amended to read as follows:

The director shall:

(1) Establish and adopt rules governing the administration of this title;

(2) Ascertain and establish the amounts to be paid into and out of the accident fund;

(3) Regulate the proof of accident and extent thereof, the proof of death and the proof of relationship and the extent of dependency;

(4) Supervise the medical, surgical, and hospital treatment to the intent that it may be in all cases efficient and up to the recognized standard of modern surgery;

(5) Issue proper receipts for moneys received and certificates for benefits accrued or accruing;

(6) Investigate the cause of all serious injuries and report to the governor from time to time any violations or laxity in performance of protective statutes or regulations coming under the observation of the department;

(7) Compile statistics which will afford reliable information upon which to base operations of all divisions under the department;

(8) Make an annual report to the governor of the workings of the department;

(9) Be empowered to enter into agreements with the appropriate agencies of other states relating to conflicts of jurisdiction where the contract of employment is in one state and injuries are received in the other state, and insofar as permitted by the Constitution and laws of the United States, to enter into similar agreements with the provinces of Canada; and

(10) Designate a medical director who is licensed under chapter 18.57 or 18.71 RCW.

Sec. 15. RCW 74.09.050 and 1979 c 141 s 335 are each amended to read as follows:

The secretary shall appoint such professional personnel and other assistants and employees, including professional medical screeners, as may be reasonably necessary to carry out the provisions of this chapter. The medical screeners shall be supervised by one or more physicians who shall be appointed by the secretary or his or her designee. The secretary shall appoint a medical director who is licensed under chapter 18.57 or 18.71 RCW.

NEW SECTION. **Sec. 16.** A new section is added to chapter 41.05 RCW to read as follows:

HEALTH CARE AUTHORITY MEDICAL DIRECTOR. The administrator shall designate a medical director who is licensed under chapter 18.57 or 18.71 RCW.

NEW SECTION. **Sec. 17.** CARRIER LIABILITY. (1)(a) A health carrier shall adhere to the accepted standard of care for health care providers under chapter 7.70 RCW when arranging for the provision of medically necessary health care services to its enrollees. A health carrier shall be liable for any and all harm proximately caused by its failure to follow that standard of care when the failure resulted in the denial, delay, or modification of the health care service recommended for, or furnished to, an enrollee.

(b) A health carrier is also liable for damages under (a) of this subsection for harm to an enrollee proximately caused by health care treatment decisions that result from a failure to follow the accepted standard of care made by its:

(i) Employees;

(ii) Agents; or

(iii) Ostensible agents who are acting on its behalf and over whom it has the right to exercise influence or control or has actually exercised influence or control.

(2) The provisions of this section may not be waived, shifted, or modified by contract or agreement and responsibility for the provisions shall be a duty that cannot be delegated. Any effort to waive, modify, delegate, or shift liability for a breach of the duty established by this section, through a contract for indemnification or otherwise, is invalid.

(3) This section does not create any new cause of action, or eliminate any presently existing cause of action, with respect to health care providers and health care facilities that are included in and subject to the provisions of chapter 7.70 RCW.

(4) It is a defense to any action or liability asserted under this section against a health carrier that:

(a) The health care service in question is not a benefit provided under the plan or the service is subject to limitations under the plan that have been exhausted;

(b) Neither the health carrier, nor any employee, agent, or ostensible agent for whose conduct the health carrier is liable under subsection (1)(b) of this section, controlled, influenced, or participated in the health care decision; or

(c) The health carrier did not deny or unreasonably delay payment for treatment prescribed or recommended by a participating health care provider for the enrollee.

(5) This section does not create any liability on the part of an employer, an employer group purchasing organization that purchases coverage or assumes risk on behalf of its employers, or a governmental agency that purchases coverage on behalf of individuals and families. The governmental entity established to offer and provide health insurance to public employees, public retirees, and their covered dependents under RCW 41.05.140 is subject to liability under this section.

(6) Nothing in any law of this state prohibiting a health carrier from practicing medicine or being licensed to practice medicine may be asserted as a defense by the health carrier in an action brought against it under this section.

(7)(a) A person may not maintain a cause of action under this section against a health carrier unless:

(i) The affected enrollee has suffered substantial harm. As used in this subsection, "substantial harm" means loss of life, loss or significant impairment of limb, bodily or cognitive function, significant disfigurement, or severe or chronic physical pain; and

(ii) The affected enrollee or the enrollee's representative has exercised the opportunity established in section 11 of this act to seek independent review of the health care treatment decision.

(b) This subsection (7) does not prohibit an enrollee from pursuing other appropriate remedies, including injunctive relief, a declaratory judgment, or other relief available under law, if its requirements place the enrollee's health in serious jeopardy.

(8) In an action against a health carrier, a finding that a health care provider is an employee, agent, or ostensible agent of such a health carrier shall not be based solely on proof that the person's name appears in a listing of approved physicians or health care providers made available to enrollees under a health plan.

(9) Any action under this section shall be commenced within three years of the completion of the independent review process.

(10) This section does not apply to workers' compensation insurance under Title 51 RCW.

NEW SECTION. **Sec. 18.** DELEGATION OF DUTIES. Each carrier is accountable for and must oversee any activities required by this act that it delegates to any subcontractor. No contract with a subcontractor executed by the health carrier or the subcontractor may relieve the health carrier of its obligations to any enrollee for the provision of health care services or of its responsibility for compliance with statutes or rules.

NEW SECTION. **Sec. 19.** APPLICATION. This act applies to: Health plans as defined in RCW 48.43.005 offered, renewed, or issued by a carrier; medical assistance provided under RCW 74.09.522; the basic health plan offered under chapter 70.47 RCW; and health benefits provided under chapter 41.05 RCW.

NEW SECTION. **Sec. 20.** A new section is added to chapter 41.05 RCW to read as follows:

Each health plan that provides medical insurance offered under this chapter, including plans created by insuring entities, plans not subject to the provisions of Title 48 RCW, and plans created under RCW 41.05.140, are subject to the provisions of sections 1, 2, 5 through 12, 17, 18, and RCW 70.02.110 and 70.02.900.

Sec. 21. RCW 70.47.130 and 1997 c 337 s 8 are each amended to read as follows:

(1) The activities and operations of the Washington basic health plan under this chapter, including those of managed health care systems to the extent of their participation in the plan, are exempt from the provisions and requirements of Title 48 RCW except:

(a) Benefits as provided in RCW 70.47.070;

(b) Managed health care systems are subject to the provisions of sections 1, 2, 5 through 12, 17, 18, and RCW 70.20.110 and 70.02.900;

(c) Persons appointed or authorized to solicit applications for enrollment in the basic health plan, including employees of the health care authority, must comply with chapter 48.17 RCW. For purposes of this subsection (1)(((~~(b)~~))) (c), "solicit" does not include distributing information and applications for the basic health plan and responding to questions; and

(((~~(c)~~))) (d) Amounts paid to a managed health care system by the basic health plan for participating in the basic health plan and providing health care services for nonsubsidized enrollees in the basic health plan must comply with RCW 48.14.0201.

(2) The purpose of the 1994 amendatory language to this section in chapter 309, Laws of 1994 is to clarify the intent of the legislature that premiums paid on behalf of nonsubsidized enrollees in the basic health plan are subject to the premium and prepayment tax. The legislature does not consider this clarifying language to either raise existing taxes nor to impose a tax that did not exist previously.

NEW SECTION. **Sec. 22.** This act may be known and cited as the health care patient bill of rights.

NEW SECTION. **Sec. 23.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2000, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 24.** Captions used in this act are not any part of the law.

NEW SECTION. **Sec. 25.** Sections 1, 5 through 11, 13, 17, and 18 of this act are each added to chapter 48.43 RCW.

NEW SECTION. **Sec. 26.** To the extent permitted by law, if any provision of this act conflicts with state or federal law, such provision must be construed in a manner most favorable to the enrollee.

NEW SECTION. **Sec. 27.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 28.** EFFECTIVE DATE. (1) Except as provided in subsections (2) and (3) of this section, this act applies to contracts entered into or renewing after June 30, 2001.

(2) Sections 13, 14, 15, and 16 of this act take effect January 1, 2001.

(3) Section 29 of this act takes effect July 1, 2001.

NEW SECTION. **Sec. 29.** The following acts or parts of acts are each repealed:

(1) RCW 48.43.075 (Informing patients about their care--Health carriers may not preclude or discourage) and 1996 c 312 s 2; and

(2) RCW 48.43.095 (Information provided to an enrollee or a prospective enrollee) and 1996 c 312 s 4."

On page 1, line 1 of the title, after "protection;" strike the remainder of the title and insert "amending RCW 70.02.110, 70.02.900, 51.04.020, 74.09.050, and 70.47.130; adding new sections to chapter 48.43 RCW; adding a new section to chapter 70.02 RCW; adding a new section to chapter 43.70 RCW; adding new sections to chapter 41.05 RCW; creating new sections; repealing RCW 48.43.075 and 48.43.095; and providing effective dates." and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Thibaudeau moved that the Senate concur in the House amendments to Second Substitute Senate Bill No. 6199.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Thibaudeau that the Senate concur in the House amendments to Second Substitute Senate Bill No. 6199.

The motion by Senator Thibaudeau carried and the Senate concurred in the House amendments to Second Substitute Senate Bill No. 6199.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6199, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6199, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Voting nay: Senator Hochstatter - 1.

Excused: Senators Hale, Loveland and Sellar - 3.

SECOND SUBSTITUTE SENATE BILL NO. 6199, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

MOTION

On motion of Senator Honeyford, Senator McCaslin was excused.

MOTION

On motion of Senator Franklin, Senator Prentice was excused.

MESSAGE FROM THE HOUSE

March 1, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6720 with the following amendment(s)

On page 5, line 27, after "(1)" strike all material through "there" and insert "((~~Except as provided in subsection (2) of this section,~~)) There"

On page 5, line 28, after "of" strike "((~~fifty cents~~)) one dollar" and insert "fifty cents"

On page 6, line 16, after "of" strike "fifty cents" and insert "((~~fifty cents~~)) one dollar", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendments to Substitute Senate Bill No. 6720.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6720, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6720, as amended by the House, and the bill passed the Senate by the following vote Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Hale, Loveland, McCaslin, Prentice and Sellar - 5.

SUBSTITUTE SENATE BILL NO. 6720, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

February 29, 2000

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6217 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.030 and 1999 c 267 s 6 are each amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child" and "juvenile" means any individual under the age of eighteen years.

(((~~(2)~~))) (3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home((~~,~~)) ; (b) an adoption decree, a permanent custody order, or guardianship order is entered((~~,~~)); or (c) the dependency is dismissed, whichever occurs ((~~soonest~~)) first. ((~~If the most recent date of removal occurred prior to the filing of a dependency petition under this chapter or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of a child's current placement episode.~~

(~~3~~))) (4) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to ((~~RCW 13.34.232~~)) this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(((~~(4)~~))) (5) "Dependent child" means any child who:

(a) ((~~Who~~)) Has been abandoned; ((~~that is, where the child's parent, guardian, or other custodian has expressed either by statement or conduct, an intent to forego, for an extended period, parental rights or parental responsibilities despite an ability to do so. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon;~~))

(b) ((~~Who~~)) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or

(c) ((~~Who~~)) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

(((~~(5)~~))) (6) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to the individual.

(7) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(((~~(6)~~))) (8) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed

by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(((~~(7)~~))) (9) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(((~~(8)~~))) (10) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, general assistance, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(11) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(((~~(9)~~))) (12) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing services, capable of preventing the need for out-of-home placement while protecting the child. Housing services may include, but are not limited to, referrals to federal, state, local, or private agencies or organizations, assistance with forms and applications, or financial subsidies for housing.

(13) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(14) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

Sec. 2. RCW 13.34.040 and 1977 ex.s. c 291 s 32 are each amended to read as follows:

(1) Any person may file with the clerk of the superior court a petition showing that there is within the county, or residing within the county, a dependent child and ((~~praying~~)) requesting that the superior court deal with such child as provided in this chapter((~~: PROVIDED, That~~)). There shall be no fee for filing such petitions.

(2) In counties having paid probation officers, ((~~such~~)) these officers shall, ((~~as far as~~)) to the extent possible, first determine if ((~~such~~)) a petition is reasonably justifiable. ((~~Such~~)) Each petition shall be verified and ((~~shall~~)) contain a statement of facts constituting ((~~such~~)) a dependency, ((~~as defined in this chapter,~~)) and the names and residence, if known to the petitioner, of the parents, guardian, or custodian of ((~~such~~)) the alleged dependent child. ((~~There shall be no fee for filing such petitions.~~))

Sec. 3. RCW 13.34.050 and 1998 c 328 s 1 are each amended to read as follows:

(1) The court may enter an order directing a law enforcement officer, probation counselor, or child protective services official to take a child into custody if: (a) A petition is filed with the juvenile court alleging that the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody; (b) an affidavit or declaration is filed by the department in support of the petition setting forth specific factual information evidencing reasonable grounds that the child's health, safety, and welfare will be seriously endangered if not taken into custody and at least one of the grounds set forth demonstrates a risk of imminent harm to the child. "Imminent harm" for purposes of this section shall include, but not be limited to, circumstances of sexual abuse, or sexual exploitation as defined in RCW 26.44.020; and (c) the court finds reasonable grounds to believe the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody.

(2) Any petition that does not have the necessary affidavit or declaration demonstrating a risk of imminent harm requires that the parents are provided notice and an opportunity to be heard ((~~by the parents~~)) before the order may be entered.

(3) The petition and supporting documentation must be served on the parent, and ((~~the entity with whom~~)) if the child is in custody at the time the child is removed, on the entity with custody other than the parent. Failure to effect service does not invalidate the petition if service was attempted and the parent could not be found.

Sec. 4. RCW 13.34.060 and 1999 c 17 s 2 are each amended to read as follows:

(1) A child taken into custody pursuant to RCW 13.34.050 or 26.44.050 shall be immediately placed in shelter care. A child taken by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070 shall be placed in shelter care only when permitted under RCW 13.34.055. ((~~"Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to that section.~~))

(a) Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered, priority placement for a child in shelter care shall be with any person described in RCW 74.15.020(2)(a). The person must be willing and available to care for the child and be able to meet any special needs of the child. If a child is not initially placed with a relative pursuant to this section, the supervising agency shall make an effort within available resources to place the child with a relative on the next business day after the child is taken into custody. The supervising agency shall document its effort to place the child with a relative pursuant to this section. Nothing within this subsection (1)(a) establishes an entitlement to services or a right to a particular placement.

(b) Whenever a child is taken into ((~~such~~)) custody pursuant to this section, the supervising agency may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care. In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility. No child may be held longer than seventy-two hours, excluding Saturdays, Sundays and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. The child and his or her parent, guardian, or custodian shall be informed that they have a right to a shelter care hearing. The court shall hold a shelter care hearing within seventy-two hours after the child is taken into custody, excluding Saturdays, Sundays, and holidays. If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, ((~~that~~)) whether such waiver is knowing and voluntary.

(2) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parents, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title as soon as possible and in no event ((~~longer~~)) shall notice be provided more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody. The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

((~~The written notice of custody and rights shall be in substantially the following form:~~

~~"NOTICE~~

~~Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.~~

~~1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.~~

~~2. You have the right to have a lawyer represent you at the hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure) .~~

~~3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.~~

~~4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.~~

~~You should be present at this hearing. If you do not come, the judge will not hear what you have to say.~~

~~You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number) .~~"

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(3) If child protective services is not required to give notice under subsection (2) of this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(4) Reasonable efforts to advise and to give notice, as required in subsections (2) and (3) of this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the juvenile court counselor or caseworker shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

(5) At the commencement of the shelter care hearing the court shall advise the parties of their basic rights as provided in RCW 13.34.090 and shall appoint counsel pursuant to RCW 13.34.090 if counsel has not been retained by the parent or guardian and if the parent or guardian is indigent, unless the court finds that the right to counsel has been expressly and voluntarily waived in court.

(6) The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall hear evidence regarding the efforts made to place the child with a relative. The court shall make an express finding as to whether the notice required under subsections (2) and (3) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(7) The juvenile court probation counselor shall submit a recommendation to the court as to the further need for shelter care, except that such recommendation shall be submitted by the department of social and health services in cases where the petition alleging dependency has been filed by the department of social and health services, unless otherwise ordered by the court.

(8) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(a) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(b)(i) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(ii) The release of such child would present a serious threat of substantial harm to such child; or

(iii) The parent, guardian, or custodian to whom the child could be released is alleged to have violated RCW 9A.40.060 or 9A.40.070.

If the court does not release the child to his or her parent, guardian, or legal custodian, and the child was initially placed with a relative pursuant to subsection (1) of this section, the court shall order continued placement with a relative, unless there is reasonable cause to believe the safety or welfare of the child would be jeopardized. If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to subsection (1) of this section. If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. The court shall enter a finding as to whether subsections (2) and (3) of this section have been complied with. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090.

(9) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent and give weight to that fact before ordering return of the child to shelter care.

(10) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be detained for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(11) Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial

~~shelter care hearing. The hearing shall be held within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.~~))

NEW SECTION. **Sec. 5.** A new section is added to chapter 13.34 RCW to read as follows:

(1) The written notice of custody and rights required by RCW 13.34.060 shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure) .

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number) ."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(2) If child protective services is not required to give notice under RCW 13.34.060(2) and subsection (1) of this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(3) Reasonable efforts to advise and to give notice, as required in RCW 13.34.060(2) and subsections (1) and (2) of this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

(4) The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall hear evidence regarding the efforts made to place the child with a relative. The court shall make an express finding as to whether the notice required under RCW 13.34.060(2) and subsections (1) and (2) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(5) A shelter care order issued pursuant to section 7 of this act may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(6) Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

NEW SECTION. **Sec. 6.** A new section is added to chapter 13.34 RCW to read as follows:

At the commencement of the shelter care hearing the court shall advise the parties of basic rights as provided in RCW 13.34.090 and appoint counsel pursuant to RCW 13.34.090 if the parent or guardian is indigent unless counsel has been retained by the parent or guardian or the court finds that the right to counsel has been expressly and voluntarily waived in court.

NEW SECTION. **Sec. 7.** A new section is added to chapter 13.34 RCW to read as follows:

(1) The juvenile court probation counselor shall submit a recommendation to the court as to the further need for shelter care unless the petition has been filed by the department, in which case the recommendation shall be submitted by the department.

(2) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(a) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(b)(i) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(ii) The release of such child would present a serious threat of substantial harm to such child; or

(iii) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

If the court does not release the child to his or her parent, guardian, or legal custodian, and the child was initially placed with a relative pursuant to RCW 13.34.060(1), the court shall order continued placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized. If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1). If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. The court shall enter a finding as to whether RCW 13.34.060(2) and subsections (1) and (2) of this section have been complied with. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090.

(3) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent and give weight to that fact before ordering return of the child to shelter care.

Sec. 8. RCW 13.34.070 and 1993 c 358 s 1 are each amended to read as follows:

(1) Upon the filing of the petition, the clerk of the court shall issue a summons, one directed to the child, if the child is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. If the child is developmentally disabled and not living at home, the notice shall be given to the child's custodian as well as to the child's parent. The developmentally disabled child shall not be required to appear unless requested by the court. ((~~Where~~)) When the custodian is summoned, the parent or guardian or both shall also be served with a summons. The fact-finding hearing on the petition shall be held no later than seventy-five days after the filing of the petition, unless exceptional reasons for a continuance are found. The party requesting the continuance shall have the burden of proving by a preponderance of the evidence that exceptional circumstances ((~~do~~)) exist. To ensure that the hearing on the petition occurs within the seventy-five day time limit, the court shall schedule and hear the matter on an expedited basis.

(2) A copy of the petition shall be attached to each summons.

(3) The summons shall advise the parties of the right to counsel. The summons shall also inform the child's parent, guardian, or legal custodian of his or ((~~[her]~~)) her right to appointed counsel, if indigent, and of the procedure to use to secure appointed counsel.

(4) The summons shall advise the parents that they may be held responsible for the support of the child if the child is placed in out-of-home care.

(5) The judge may endorse upon the summons an order directing any parent, guardian, or custodian having the custody or control of the child to bring the child to the hearing.

(6) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the child needs to be taken into custody pursuant to RCW 13.34.050, the judge may endorse upon the summons an order that an officer serving the summons shall at once take the child into custody and take him or her to the place of shelter designated by the court.

(7) If the person summoned as provided in this section is subject to an order of the court pursuant to subsection (5) or (6) of this section, and if the person fails to abide by the order, he or she may be proceeded against as for contempt of court. The order endorsed upon the summons shall conspicuously display the following legend:

NOTICE:
VIOLATION OF THIS ORDER

IS SUBJECT TO PROCEEDING
FOR CONTEMPT OF COURT
PURSUANT TO RCW 13.34.070.

(8) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally as soon as possible following the filing of the petition, but in no case later than fifteen court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy ((~~thereof~~)) by certified mail as soon as possible following the filing of the petition, but in no case later than fifteen court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy ((~~thereof~~)) to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.

(9) Service of summons may be made under the direction of the court by any person eighteen years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or department ((~~of social and health services social worker~~)) employee.

(10) In any proceeding brought under this chapter where the court knows or has reason to know that the child involved is a member or is eligible to be a member of an Indian tribe, notice of the pendency of the proceeding shall also be sent by registered mail, return receipt requested, to the child's tribe. If the identity or location of the tribe cannot be determined, such notice shall be transmitted to the secretary of the interior of the United States.

Sec. 9. RCW 13.34.080 and 1990 c 246 s 3 are each amended to read as follows:

((~~In a dependency case where it appears by the petition or verified statement, that the person standing in the position of natural or legal guardian of the person of any child, is a nonresident of this state, or that the name or place of residence or whereabouts of such person is unknown, as well as in all cases where, after due diligence, the officer has been unable to make service of the summons or notice provided for in RCW 13.34.070, and a copy of the notice has been deposited in the post office, postage prepaid, directed to such person at his last known place of residence,~~)) (1) The court shall direct the clerk to publish notice in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, with the first publication of the notice to be at least twenty-five days prior to the date fixed for the hearing when it appears by the petition or verified statement that:

(a)(i) The parent or guardian is a nonresident of this state; or

(ii) The name or place of residence or whereabouts of the parent or guardian is unknown; and

(b) After due diligence, the person attempting service of the summons or notice provided for in RCW 13.34.070 has been unable to make service, and a copy of the notice has been deposited in the post office, postage prepaid, directed to such person at his or her last known place of residence. If the parent, guardian, or legal custodian is believed to be a resident of another state or a county other than the county in which the petition has been filed, notice also shall be published in the county in which the parent, guardian, or legal custodian is believed to reside.

((~~Additionally,~~)) (2) Publication may proceed simultaneously with efforts to provide ((~~personal~~)) service in person or ((~~service~~)) by mail ((~~for good cause shown~~)), when the court determines there is reason to believe that ((~~personal~~)) service in person or ((~~service~~)) by mail will not be successful. ((~~Such~~)) Notice shall be directed to the parent, parents, or other person claiming the right to the custody of the child, if their names are known((~~, or~~)). If their names are unknown, the phrase "To whom it may concern" shall be used ((~~and~~)), apply to, and be binding upon, ((~~any such~~)) those persons whose names are unknown. The name of the court, the name of the child (or children if of one family), the date of the filing of the petition, the date of hearing, and the object of the proceeding in general terms shall be set forth((~~, and the whole shall be subscribed by the clerk~~)). There shall be filed with the clerk an affidavit showing due publication of the notice((~~, and~~)). The cost of publication shall be paid by the county at a rate not ((~~to exceed~~)) greater than the rate paid ((~~by the county~~)) for other legal notices. The publication of notice shall be deemed equivalent to personal service upon all persons, known or unknown, who have been designated as provided in this section.

Sec. 10. RCW 13.34.090 and 1998 c 328 s 3 and 1998 c 141 s 1 are each reenacted and amended to read as follows:

(1) Any party has a right to be represented by an attorney in all proceedings under this chapter, to introduce evidence, to be heard in his or her own behalf, to examine witnesses, to receive a decision based solely on the evidence adduced at the hearing, and to an unbiased fact-finder.

(2) At all stages of a proceeding in which a child is alleged to be dependent ((~~as defined in RCW 13.34.030(4)~~)), the child's parent, guardian, or legal custodian has the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court. Unless waived in court, counsel shall be provided to the child's parent, guardian, or legal custodian, if such person (a) has appeared in the proceeding or requested the court to appoint counsel and (b) is financially unable to obtain counsel because of indigency ((~~as defined in chapter 10.101 RCW~~)).

(3) If a party to an action under this chapter is represented by counsel, no order shall be provided to that party for his or her signature without prior notice and provision of the order to counsel.

(4) Copies of department of social and health services or supervising agency records to which parents have legal access pursuant to chapter 13.50 RCW shall be given to the child's parent, guardian, legal custodian, or his or her legal counsel, prior to any shelter care hearing and within fifteen days after the department or supervising agency receives a written request for such records from the parent, guardian, legal custodian, or his or her legal counsel. These records shall be provided to the child's parents, guardian, legal custodian, or legal counsel a reasonable period of time prior to the shelter care hearing in order to allow an opportunity to review the records prior to the hearing. These records shall be legible and shall be provided at no expense to the parents, guardian, legal custodian, or his or her counsel. When the records are served on legal counsel, legal counsel shall have the opportunity to review the records with the parents and shall review the records with the parents prior to the shelter care hearing.

Sec. 11. RCW 13.34.110 and 1995 c 313 s 1 and 1995 c 311 s 27 are each reenacted and amended to read as follows:

The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor((~~, and after it has announced its findings of fact shall hold a hearing to consider disposition of the case immediately following the fact-finding hearing or at a continued hearing within fourteen days or longer for good cause shown~~)). Immediately after the entry of the findings of fact, the court shall hold a disposition hearing, unless there is good cause for continuing the matter for up to fourteen days. If good cause is shown, the case may be continued for longer than fourteen days. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by certified mail of the time and place of any continued hearing. Unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or efforts to reunite the parent and child would be hindered, the court shall direct the department to notify those adult persons who: (1) Are related by blood or marriage to the child in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, or aunt; (2) are known to the department as having been in contact with the family or child within the past twelve months; and (3) would be an appropriate placement for the child. Reasonable cause to dispense with notification to a parent under this section must be proved by clear, cogent, and convincing evidence.

The parties need not appear at the fact-finding or dispositional hearing if the parties, their attorneys, the guardian ad litem, and court-appointed special advocates, if any, are all in agreement. The court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence. ((~~Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by mail of the time and place of any continued hearing.~~

~~All hearings may be conducted at any time or place within the limits of the county, and such cases may not be heard in conjunction with other business of any other division of the superior court. The general public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. Unless the court states on the record the reasons to disallow attendance, the court shall allow a child's relatives and, if a child resides in foster care, the child's foster parent, to attend all hearings and proceedings pertaining to the child for the sole purpose of providing oral and written information about the child and the child's welfare to the court.~~

~~Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.~~))

NEW SECTION. **Sec. 12.** A new section is added to chapter 13.34 RCW to read as follows:

All hearings may be conducted at any time or place within the limits of the county, and such cases may not be heard in conjunction with other business of any other division of the superior court. The public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. Unless the court states on the record the reasons to disallow attendance, the court shall allow a child's relatives and, if a child resides in foster care, the child's foster parent, to attend all hearings and proceedings pertaining to the child for the sole purpose of providing oral and written information about the child and the child's welfare to the court.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

Sec. 13. RCW 13.34.120 and 1998 c 328 s 4 are each amended to read as follows:

(((~~(1)~~))) To aid the court in its decision on disposition, a social study((~~, consisting of a written evaluation of matters relevant to the disposition of the case,~~)) shall be made by the person or agency filing the petition. A parent may submit a counselor's or health care provider's evaluation of the parent, which shall either be included in the social study or considered in conjunction with the social study. The study shall include all social ((~~records~~)) files and may also include facts relating to the child's cultural heritage, and shall be made available to the court. The court shall consider the social file, social study, guardian ad litem report, the court-appointed special advocate's report, if any, and any reports filed by a party at the disposition hearing in addition to evidence produced at the fact-finding hearing. At least ten working days before the disposition hearing, the department shall mail to the parent and his or her attorney a copy of the agency's social study and proposed service plan, which shall be in writing or in a form understandable to the parents or custodians. In addition, the department shall provide an opportunity for parents to review and comment on the plan at the ((~~community service~~)) local office closest to the parents' residence. If the parents disagree with the agency's plan or any part thereof, the parents shall submit to the court at least twenty-four hours before the hearing, in writing, or signed oral

statement, an alternative plan to correct the problems which led to the finding of dependency. This section shall not interfere with the right of the parents or custodians to submit oral arguments regarding the disposition plan at the hearing.

(((~~(2) In addition to the requirements set forth in subsection (1) of this section, a predisposition study to the court in cases of dependency alleged pursuant to RCW 13.34.030(4) (b) or (c) shall contain the following information:~~

~~(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;~~

~~(b) A description of the specific programs, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such programs are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify services chosen and approved by the parent;~~

~~(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs which have been considered and rejected; the preventive services that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;~~

~~(d) A statement of the likely harms the child will suffer as a result of removal. This section should include an exploration of the nature of the parent-child attachment and the meaning of separation and loss to both the parents and the child;~~

~~(e) A description of the steps that will be taken to minimize harm to the child that may result if separation occurs; and~~

~~(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.~~))

NEW SECTION. **Sec. 14.** A new section is added to chapter 13.34 RCW to read as follows:

If the most recent date that a child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care occurred prior to the filing of a dependency petition or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of the child's current placement episode.

Sec. 15. RCW 13.34.130 and 1999 c 267 s 16, 1999 c 267 s 9, and 1999 c 173 s 3 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030((~~;~~)) after consideration of the ((~~predisposition report~~)) social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In ((~~selecting a program~~)) determining the disposition, the court should choose those services, including housing assistance, that least interfere with family autonomy((~~, provided that the services~~)) and are adequate to protect the child.

(b) Order ((~~that~~)) the child to be removed from his or her home and ((~~ordered~~)) into the custody, control, and care of a relative or the department ((~~of social and health services~~)) or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is: (i) Related to the child as defined in RCW 74.15.020(2)(a) ((~~and~~)) with whom the child has a relationship and is comfortable((~~,~~)); and ((~~who is~~)) (ii) willing and available to care for the child.

(2) Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(((~~(i)~~))) (a) There is no parent or guardian available to care for such child;

(((~~(ii)~~))) (b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(((~~(iii)~~))) (c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger((~~; or~~

~~(iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home~~)).

(((~~(2)~~))) (3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the ((~~court finds: (a) Termination is recommended by the supervising agency; (b) termination is in the best interests of the child; and (c) that because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interest of the child. In determining whether aggravated circumstances exist by clear, cogent, and convincing evidence, the court shall consider one or more of the following:~~

(i) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(ii) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(iii) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(iv) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(v) Conviction of the parent of attempting, soliciting, or conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of this subsection;

(vi) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(vii) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. Sec. 1903), the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home;

(viii) An infant under three years of age has been abandoned as defined in RCW 13.34.030(4)(a);

(ix) The mother has given birth to three or more drug-affected infants, resulting in the department filing a petition under section 23, chapter 314, Laws of 1998;

(x) Conviction of the parent of a sex offense under chapter 9A.44 RCW or incest under RCW 9A.64.020 when the child is born of the offense.

(3) If reasonable efforts are not ordered under subsection (2) of this section a permanency planning hearing shall be held within thirty days. Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

(4) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; and independent living, if appropriate and if the child is age sixteen or older; or a responsible living skills program. Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial affairs and to manage his or her personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(5) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

~~(6)~~)) requirements of section 16 of this act are met.

(4) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(((~~(7) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.~~

~~(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.~~

~~(b) If the child is not returned home, the court shall establish in writing:~~

~~(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;~~

~~(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;~~

~~(iii) Whether there is a continuing need for placement and whether the placement is appropriate;~~

~~(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;~~

~~(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;~~

~~(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;~~

~~(vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and~~

~~(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.~~

~~(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.~~

~~(8) The court's ability to order housing assistance under this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.~~))

NEW SECTION. **Sec. 16.** A new section is added to chapter 13.34 RCW to read as follows:

A court may order that a petition seeking termination of the parent and child relationship be filed if the following requirements are met:

(1) The court has removed the child from his or her home pursuant to RCW 13.34.130;

(2) Termination is recommended by the supervising agency;

(3) Termination is in the best interests of the child; and

(4) Because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interests of the child. In determining whether aggravated circumstances exist by clear, cogent, and convincing evidence, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) Conviction of the parent of attempting, soliciting, or conspiring to commit a crime listed in (a), (b), (c), or (d) of this subsection;

(f) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(g) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. Sec. 1903), the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home;

(h) An infant under three years of age has been abandoned;

(i) Conviction of the parent, when a child has been born of the offense, of: (A) A sex offense under chapter 9A.44 RCW; or (B) incest under RCW 9A.64.020.

NEW SECTION. **Sec. 17.** A new section is added to chapter 13.34 RCW to read as follows:

If reasonable efforts are not ordered under section 16 of this act, a permanency planning hearing shall be held within thirty days of the court order to file a petition to terminate parental rights. Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

NEW SECTION. **Sec. 18.** A new section is added to chapter 13.34 RCW to read as follows:

(1) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(3), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(3), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed.

(2) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

NEW SECTION. **Sec. 19.** A new section is added to chapter 13.34 RCW to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(2) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

Sec. 20. RCW 13.34.145 and 1999 c 267 s 17 are each amended to read as follows:

(1) A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(a) Whenever a child is placed in out-of-home care pursuant to RCW 13.34.130, the agency that has custody of the child shall provide the court with a written permanency plan of care directed towards securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; a responsible living skills program; and independent living, if appropriate and if the child is age sixteen or older and the provisions of subsection (2) of this section are met.

(b) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(d) For purposes related to permanency planning:

(i) "Guardianship" means a dependency guardianship ((~~pursuant to this chapter~~)), a legal guardianship pursuant to chapter 11.88 RCW, or equivalent laws of another state or a federally recognized Indian tribe.

(ii) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(iii) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or of a federally recognized Indian tribe.

(2) Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial ((~~affairs and to manage his or her~~)), personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(3) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(4) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in subsection (3) of this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed.

(5) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(6) At the permanency planning hearing, the court shall enter findings as required by ((~~RCW 13.34.130(7)~~)) section 19 of this act and shall review the permanency plan prepared by the agency. If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280 and ((~~13.34.130(7)~~)) section 19 of this act. If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. In cases where the primary permanency planning goal has not ((~~yet~~)) been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. In all cases, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to ((~~RCW 13.34.130(7)~~)) section 19 of this act, and the court shall determine the need for continued intervention.

(8) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when((~~,~~)): (a) The court has ordered implementation of a permanency plan that includes legal guardianship or permanent legal custody((~~,~~)); and (b) the party pursuing the legal guardianship or permanent legal custody is the party identified in the permanency plan as the prospective legal guardian or custodian. During the pendency of such proceeding, ((~~juvenile~~)) the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(10) Except as ((~~otherwise~~)) provided in RCW 13.34.235, the status of all dependent children shall continue to be reviewed by the court at least once every six months, in accordance with ((~~RCW 13.34.130(7)~~)) section 19 of this act, until the dependency is dismissed. Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(11) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(12) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights.

(13) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 21. RCW 13.34.165 and 1998 c 296 s 38 are each amended to read as follows:

(1) Failure by a party to comply with an order entered under this chapter is civil contempt of court as provided in RCW 7.21.030(2)(e).

(2) The maximum term of ((~~imprisonment~~)) confinement that may be imposed as a remedial sanction for contempt of court under this section is confinement for up to seven days.

(3) A child ((~~imprisoned~~)) held for contempt under this section shall be confined only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(4) A motion for contempt may be made by a parent, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order entered pursuant to this chapter.

(5) Whenever the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered under this chapter, the court may issue an order directing law enforcement to pick up and take the child to detention. The order may be entered ex parte without prior notice to the child or other parties. Following the child's admission to detention, a detention review hearing must be held in accordance with RCW 13.32A.065.

Sec. 22. RCW 13.34.170 and 1981 c 195 s 9 are each amended to read as follows:

In any case in which ((~~an order or decree of~~)) the ((~~juvenile~~)) court ((~~requiring~~)) has ordered a parent or parents, guardian, or other person having custody of a child to pay ((~~for shelter care and/or~~)) support ((~~of such child is~~)) under RCW 13.34.160 and the order has not been complied with, the court may, upon such person or persons being duly summoned or voluntarily appearing, proceed to inquire into the amount due upon ((~~said~~)) the order ((~~or decree~~)) and enter judgment for ((~~such~~)) that amount against the defaulting party or parties, and ((~~such~~)) the judgment shall be docketed as are other judgments for the payment of money.

In such judgments, the county in which the ((~~same are~~)) order is entered shall be ((~~denominated~~)) the judgment creditor, or the state may be the judgment creditor where the child is in the custody of a state agency ((~~and said~~)). Judgments may be enforced by the prosecuting attorney of ((~~such~~)) the county, or the attorney general where the state is the judgment creditor and any moneys recovered ((~~thereon~~)) shall be paid into the registry of the juvenile court and shall be disbursed to such person, persons, agency, or governmental department as the court ((~~shall find to be~~)) finds is entitled ((~~thereto~~)) to it.

Such judgments shall remain ((~~as~~)) valid and enforceable ((~~judgments~~)) for a period of ten years ((~~subsequent to the~~)) after the date of entry ((~~thereof~~)).

Sec. 23. RCW 13.34.174 and 1993 c 412 s 5 are each amended to read as follows:

(1) The provisions of this section shall apply when a court orders a party to undergo an alcohol or substance abuse diagnostic investigation and evaluation.

(2) The facility conducting the investigation and evaluation shall make a written report to the court stating its findings and recommendations including family-based services or treatment when appropriate. If its findings and recommendations support treatment, it shall also recommend a treatment plan setting out:

(a) Type of treatment;

(b) Nature of treatment;

(c) Length of treatment;

(d) A treatment time schedule; and

(e) Approximate cost of the treatment.

The affected person shall be included in developing the appropriate ((~~plan of~~)) treatment plan. The ((~~plan of~~)) treatment plan must be signed by ((~~[the]~~)) the treatment provider and the affected person. The initial written progress report based on the treatment plan ((~~and response to treatment~~)) shall be sent to the appropriate persons six weeks after initiation of treatment((~~, and~~)). Subsequent progress reports shall be provided after three months, ((~~after~~)) six months, ((~~after~~)) twelve months, and thereafter every six months if treatment exceeds twelve months. Reports are to be filed with the court in a timely manner. Close-out of the treatment record must include summary of pretreatment and posttreatment, with final outcome and disposition. The report shall also include recommendations for ongoing stability and decrease in destructive behavior.

((~~The~~)) Each report ((~~with the treatment plan~~)) shall also be filed with the court and a copy given to the person evaluated and the person's counsel. A copy of the treatment plan shall also be given to the department's caseworker and to the guardian ad litem. Any program for chemical dependency shall meet the program requirements contained in chapter 70.96A RCW.

(3) If the court has ordered treatment pursuant to a dependency proceeding it shall also require the treatment program to provide, in the reports required by subsection (2) of this section, status reports to the court, the department, the supervising child-placing agency if any, and the person or person's counsel regarding((~~: (a)~~)) the person's cooperation with the treatment plan proposed((~~;~~)) and (((~~(b)~~))) the person's progress in treatment.

(4) ((~~In addition,~~)) If ((~~the party~~)) a person subject to this section fails or neglects to carry out and fulfill any term or condition of the treatment plan, the program or agency administering the treatment shall report such breach to the court, the department, the guardian ad litem, the supervising child-placing agency if any, and the person or person's counsel, within twenty-four hours, together with its recommendation. These reports shall be made as a declaration by the person who is personally responsible for providing the treatment.

(5) Nothing in this chapter may be construed as allowing the court to require the department to pay for the cost of any alcohol or substance abuse evaluation or treatment program.

Sec. 24. RCW 13.34.176 and 1993 c 412 s 6 are each amended to read as follows:

(1) The court ((~~or the department~~)), upon receiving a report under RCW 13.34.174(4) or at the department's request, may schedule a show cause hearing to determine whether the person is in violation of the treatment conditions. All parties shall be given notice of the hearing. The court shall hold the hearing within ten days of the request for a hearing. At the hearing, testimony, declarations, reports, or other relevant information may be presented on the person's alleged failure to comply with the treatment plan and the person shall have the right to present similar information on his or her own behalf.

(2) If the court finds that there has been a violation of the treatment conditions it shall modify the dependency order, as necessary, to ensure the safety of the child. The modified order shall remain in effect until the party is in full compliance with the treatment requirements.

Sec. 25. RCW 13.34.180 and 1998 c 314 s 4 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (2) or (3) of this section applies:

(((~~(1)~~))) (a) That the child has been found to be a dependent child ((~~under RCW 13.34.030(4)~~)); ((~~and~~

~~(2)~~))) (b) That the court has entered a dispositional order pursuant to RCW 13.34.130; ((~~and~~

~~(3)~~))) (c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency ((~~under RCW 13.34.030(4)~~)); ((~~and~~

~~(4)~~))) (d) That the services ordered under ((~~RCW 13.34.130~~)) section 18 of this act have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided; ((~~and~~

~~(5)~~))) (e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(((~~(a)~~))) (i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; or

(((~~(b)~~))) (ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; and

(((~~(6)~~))) (f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home((~~; or~~)).

(((~~(7)~~))) (2) In lieu of the allegations in subsection((~~s~~)) (1) ((~~through (6)~~))) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found((~~; or~~)).

(((~~(8)~~))) (3) In lieu of the allegations in subsection((~~s (2) through (6)~~))) (1)(b) through (f) of this section, the petition may allege that the parent has been ((~~found by a court of competent jurisdiction~~)) convicted of:

(a) ((~~To have committed, against another child of such parent,~~)) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) ((~~To have committed, against another child of such parent,~~)) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) ((~~To have attempted, conspired, or solicited~~)) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) ((~~To have committed~~)) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(4) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure) .

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number) ."

Sec. 26. RCW 13.34.190 and 1998 c 314 s 5 are each amended to read as follows:

After hearings pursuant to RCW 13.34.110 or 13.34.130, the court may enter an order terminating all parental rights to a child only if the court finds that:

(1)(a) The allegations contained in the petition as provided in RCW 13.34.180(1) ((~~through (6)~~)) are established by clear, cogent, and convincing evidence; or

(b) ((~~RCW 13.34.180 (3) and (4) may be waived because the allegations under~~)) The provisions of RCW 13.34.180 (1)((~~, (2), (5), and (6)~~)) (a), (b), (e), and (f) are established beyond a reasonable doubt and if so, then RCW 13.34.180(1) (c) and (d) may be waived. When an infant has been abandoned, as defined in RCW 13.34.030, and the abandonment has been proved beyond a reasonable doubt, then RCW 13.34.180(1) (c) and (d) may be waived; or

(c) The allegation under RCW 13.34.180(((~~7~~))) (2) is established beyond a reasonable doubt. In determining whether RCW 13.34.180 (((~~(5) and (6)~~))) (1) (e) and (f) are established beyond a reasonable doubt, the court shall consider whether one or more of the aggravated circumstances listed in ((~~RCW 13.34.130(2)~~)) section 16 of this act exist; or

(d) The allegation under RCW 13.34.180(((~~8~~))) (3) is established beyond a reasonable doubt; and

(2) Such an order is in the best interests of the child.

Sec. 27. RCW 13.34.200 and 1977 ex.s. c 291 s 48 are each amended to read as follows:

(1) Upon the termination of parental rights pursuant to RCW 13.34.180, all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, visitation, or support existing between the child and parent shall be severed and terminated and the parent shall have no standing to appear at any further legal proceedings concerning the child: PROVIDED, That any support obligation existing prior to the effective date of the order terminating parental rights shall not be severed or terminated. The rights of one parent may be terminated without affecting the rights of the other parent and the order shall so state.

(2) An order terminating the parent and child relationship shall not disentitle a child to any benefit due the child from any third person, agency, state, or the United States, nor shall any action under this chapter be deemed to affect any rights and benefits that ((~~a native American~~)) an Indian child derives from the child's descent from a member of a federally recognized Indian tribe.

Sec. 28. RCW 13.34.210 and 1991 c 127 s 6 are each amended to read as follows:

If, upon entering an order terminating the parental rights of a parent, there remains no parent having parental rights, the court shall commit the child to the custody of the department ((~~of social and health services~~)) or to a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption((~~, or in the absence thereof~~)). If an adoptive home has not been identified, the department or agency shall place the child in a licensed foster home, or take other suitable measures for the care and welfare of the child. The custodian shall have authority to consent to the adoption of the child consistent with chapter 26.33 RCW, the marriage of the child, the enlistment of the child in the armed forces of the United States, necessary surgical and other medical treatment for the child, and to consent to such other matters as might normally be required of the parent of the child.

If a child has not been adopted within six months after the date of the order and a ((~~general guardian~~)) guardianship of the child under RCW 13.34.231 or chapter 11.88 RCW, or a permanent custody order under chapter 26.10 RCW, has not been ((~~appointed~~)) entered by the court, ((~~the child shall be returned to the court for entry of further orders for his or her care, custody, and control, and, except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW,~~)) the court shall review the case every six months ((~~thereafter~~)) until a decree of adoption is entered except for those cases which are reviewed by a citizen review board under chapter 13.70 RCW.

Sec. 29. RCW 13.34.231 and 1994 c 288 s 6 are each amended to read as follows:

At the hearing on a dependency guardianship petition, all parties have the right to present evidence and cross examine witnesses. The rules of evidence apply to the conduct of the hearing. A guardianship shall be established if the court finds by a preponderance of the evidence that:

(1) The child has been found to be a dependent child under RCW 13.34.030;

(2) A dispositional order has been entered pursuant to RCW 13.34.130;

(3) The child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under RCW 13.34.030;

(4) The services ordered under RCW 13.34.130 and section 18 of this act have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided;

(5) There is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future; and

(6) A guardianship, rather than termination of the parent-child relationship or continuation of efforts to return the child to the custody of the parent, would be in the best interest of the child.

Sec. 30. RCW 13.34.233 and 1995 c 311 s 24 are each amended to read as follows:

(1) Any party may request the court under RCW 13.34.150 to modify or terminate a dependency guardianship order ((~~under RCW 13.34.150~~)). Notice of any motion to modify or terminate the guardianship shall be served on all other parties, including any agency that was responsible for supervising the child's placement at the time the guardianship petition was filed. Notice ((~~shall~~)) in all cases shall be served upon the department ((~~of social and health services~~)). If the department was not previously a party to the guardianship proceeding, the department shall

nevertheless have the right to: (a) Initiate a proceeding to modify or terminate a guardianship; and ((~~the right to~~)) (b) intervene at any stage of such a proceeding.

(2) The guardianship may be modified or terminated upon the motion of any party or the department if the court finds by a preponderance of the evidence that there has been a substantial change of circumstances subsequent to the establishment of the guardianship and that it is in the child's best interest to modify or terminate the guardianship. The court shall hold a hearing on the motion before modifying or terminating a guardianship.

(3) Upon entry of an order terminating the guardianship, the dependency guardian shall not have any rights or responsibilities with respect to the child and shall not have legal standing to participate as a party in further dependency proceedings pertaining to the child. The court may allow the child's dependency guardian to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

(4) Upon entry of an order terminating the guardianship, the child shall remain dependent and the court shall either return the child to the child's parent or order the child into the custody, control, and care of the department ((~~of social and health services~~)) or a licensed child-placing agency for placement in a foster home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to such chapter. The court shall not place a child in the custody of the child's parent unless the court finds that ((~~a~~)) reasons for removal as set forth in RCW 13.34.130 no longer exist((~~s~~)) and that such placement is in the child's best interest. The court shall thereafter conduct reviews as provided in ((~~RCW 13.34.130(5)~~)) section 19 of this act and, where applicable, shall hold a permanency planning hearing in accordance with RCW 13.34.145.

Sec. 31. RCW 13.34.235 and 1981 c 195 s 6 are each amended to read as follows:

A dependency guardianship ((~~established under RCW 13.34.231 and 13.34.232~~)) is not subject to the review hearing requirements of ((~~RCW 13.34.130~~)) section 19 of this act unless ordered by the court under RCW 13.34.232(1)(e).

Sec. 32. RCW 13.34.260 and 1990 c 284 s 25 are each amended to read as follows:

In an attempt to minimize the inherent intrusion in the lives of families involved in the foster care system and to maintain parental authority where appropriate, the department, absent good cause, shall follow the wishes of the natural parent regarding the placement of the child. Preferences such as family constellation, ethnicity, and religion shall be ((~~given consideration~~)) considered when matching children to foster homes. Parental authority is appropriate in areas that are not connected with the abuse or neglect that resulted in the dependency and ((~~should~~)) shall be integrated through the foster care team. For purposes of this section, "foster care team" means the foster parent currently providing care, the currently assigned social worker, and the parent or parents.

Sec. 33. RCW 13.34.270 and 1998 c 229 s 2 are each amended to read as follows:

(1) Whenever the department ((~~of social and health services~~)) places a ((~~developmentally disabled~~)) child with a developmental disability in out-of-home care pursuant to RCW 74.13.350, the department shall obtain a judicial determination within one hundred eighty days of the placement that continued placement is in the best interests of the child. If the child's out-of-home placement ends before one hundred eighty days have elapsed, no judicial determination is required.

(2) To obtain the judicial determination, the department shall file a petition alleging that there is located or residing within the county a child who has a developmental disability((~~, as defined in RCW 71A.10.020,~~)) and that the child has been placed in out-of-home care pursuant to RCW 74.13.350. The petition shall request that the court review the child's placement, make a determination ((~~that~~)) whether continued placement is in the best interests of the child, and take other necessary action as provided in this section. The petition shall contain the name, date of birth, and residence of the child and the names and residences of the child's parent or legal guardian who has agreed to the child's placement in out-of-home care. Reasonable attempts shall be made by the department to ascertain and set forth in the petition the identity, location, and custodial status of any parent who is not a party to the placement agreement and why that parent cannot assume custody of the child.

(3) Upon filing of the petition, the clerk of the court shall schedule the petition for a hearing to be held no later than fourteen calendar days after the petition has been filed. The department shall provide notification of the time, date, and purpose of the hearing to the parent or legal guardian who has agreed to the child's placement in out-of-home care. The department shall also make reasonable attempts to notify any parent who is not a party to the placement agreement, if the parent's identity and location is known. Notification under this section may be given by the most expedient means, including but not limited to, mail, personal service, and telephone((~~, and telegraph~~)).

(4) The court shall appoint a guardian ad litem for the child as provided in RCW 13.34.100, unless the court for good cause finds the appointment unnecessary.

(5) Permanency planning hearings shall be held as provided in this ((~~subsection~~)) section. At the hearing, the court shall review whether the child's best interests are served by continued out-of-home placement and determine the future legal status of the child.

(a) For children age ten and under, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree or guardianship order under chapter 11.88 RCW has not previously been entered. The hearing shall take place no later than twelve months following commencement of the child's current placement episode.

(b) For children over age ten, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least fifteen months and an adoption decree or guardianship order under chapter 11.88 RCW has not previously been entered. The hearing shall take place no later than eighteen months following commencement of the current placement episode.

(c) No later than ten working days before the permanency planning hearing, the department shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties. The plan shall be directed toward securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent or legal guardian; adoption; guardianship; or long-term out-of-home care, until the child is age eighteen, with a written agreement between the parties and the child's care provider.

(d) If a goal of long-term out-of-home care has been achieved before the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remains appropriate. In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal.

(e) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the voluntary placement agreement is terminated.

(6) Any party to the voluntary placement agreement may terminate the agreement at any time. Upon termination of the agreement, the child shall be returned to the care of the child's parent or legal guardian, unless the child has been taken into custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130. The department shall notify the court upon termination of the voluntary placement agreement and return of the child to the care of the child's parent or legal guardian. Whenever a voluntary placement agreement is terminated, an action under this section shall be dismissed.

(7) This section does not prevent the department from filing a dependency petition if there is reason to believe that the child is a dependent child as defined in RCW 13.34.030. An action filed under this section shall be dismissed upon the filing of a dependency petition regarding a child who is the subject of the action under this section.

Sec. 34. RCW 13.34.300 and 1979 ex.s. c 201 s 3 are each amended to read as follows:

The legislature finds that it is the responsibility of the custodial parent, parents or guardian to ensure that children within the custody of such individuals attend school as provided for by law. To this end, while a parent's failure to cause a juvenile to attend school should not alone provide a basis for a neglect petition against the parent or guardian, when a neglect petition is filed on the basis of other evidence, a parent or guardian's failure to take reasonable steps to ensure that the juvenile attends school may be ((~~used as evidence with respect~~)) relevant to the question of the appropriate disposition of a neglect petition.

Sec. 35. RCW 13.34.340 and 1999 c 188 s 4 are each amended to read as follows:

For minors who cannot consent to the release of their records with the department because they are not old enough to consent to treatment, or, if old enough, lack the capacity to consent, or if the minor is receiving treatment involuntarily with a provider the department has authorized to provide mental health treatment under RCW 13.34.320, the department shall disclose, upon the treating physician's request, all relevant records, including the minor's passport as established under RCW 74.13.285, in the department's possession that the treating physician determines contain information required for treatment of the minor. The treating physician shall maintain all records received from the department in a manner that distinguishes the records from any other records in the minor's file with the treating physician and the department records may not be disclosed by the treating physician to any other person or entity absent a court order except that, for medical purposes only, a treating physician may disclose the department records to another treating physician.

Sec. 36. RCW 13.70.003 and 1989 1st ex.s. c 17 s 1 are each amended to read as follows:

The legislature recognizes the importance of permanency and continuity to children and of fairness to parents in the provision of child welfare services.

The legislature intends to create a citizen review board system that will function in an advisory capacity to the judiciary, the department, and the legislature. The purpose of the citizen review board system is to:

(1) Provide periodic review of cases involving substitute care of children in a manner that complies with case review requirements and time lines imposed by federal laws pertaining to child welfare services;

(2) Improve the quality of case review provided to children in substitute care and their families; and

(3) Provide a means for community involvement in monitoring cases of children in substitute care.

In order to accomplish the foregoing purposes, the citizen review board system shall not be subject to the procedures and standards usually applicable to judicial and administrative hearings, except as otherwise specifically provided in this chapter and ((~~RCW 13.34.130~~)) section 19 of this act, 13.34.145, and 26.44.115. Nothing in this chapter and ((~~RCW 13.34.130~~)) section 19 of this act, 13.34.145, and 26.44.115 shall limit the ability of the department to utilize court review hearings and administrative reviews to meet the periodic review requirements imposed by federal law.

Sec. 37. RCW 13.70.110 and 1991 c 127 s 5 are each amended to read as follows:

(1) This section shall apply to cases where a child has been placed in substitute care pursuant to a proceeding under chapter 13.34 RCW.

(2) Within forty-five days following commencement of the placement episode, the court shall assign the child's case to a board and forward to the board a copy of the dependency petition and any shelter care or dependency disposition orders which have been entered in the case by the court.

(3) The board shall review the case plan for each child whose case is assigned to the board by the court. The review shall take place at times set by the board. The first review shall occur within ninety days following commencement of the placement episode. The second review shall occur within six months following commencement of the placement episode. The next review shall occur within one year after commencement of the placement episode. Within ((~~eighteen~~)) twelve months following commencement of the placement episode, a permanency planning hearing shall be held before the court in accordance with RCW 13.34.145. Thereafter, the court shall assign the child's case for a board review or a court review hearing pursuant to ((~~RCW 13.34.130(5)~~)) section 17 of this act. A board review or a court review hearing shall take place at least once every six months until the child is no longer within the jurisdiction of the court or no longer in substitute care or until a guardianship order or adoption decree is entered. After the permanency planning hearing, a court review hearing must occur at least once a year as provided in ((~~RCW 13.34.130~~)) section 19 of this act. The board shall review any case where a petition to terminate parental rights has been denied, and such review shall occur as soon as practical but no later than forty-five days after the denial.

(4) The board shall prepare written findings and recommendations with respect to:

(a) Whether reasonable efforts were made before the placement to prevent or eliminate the need for removal of the child from the home, including whether consideration was given to removing the alleged offender, rather than the child, from the home;

(b) Whether reasonable efforts have been made subsequent to the placement to make it possible for the child to be returned home;

(c) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(d) Whether there is a continuing need for placement and whether the placement is appropriate;

(e) Whether there has been compliance with the case plan;

(f) Whether progress has been made toward alleviating the need for placement;

(g) A likely date by which the child may be returned home or other permanent plan of care may be implemented; and

(h) Other problems, solutions, or alternatives the board determines should be explored.

(5) Within ten working days following the review, the board shall send a copy of its findings and recommendations to the parents and their attorneys, the child's custodians and their attorneys, mature children and their attorneys, other attorneys or guardians ad litem appointed by the court to represent children, the department and other child placement agencies directly responsible for supervising the child's placement, and any prosecuting attorney or attorney general actively involved in the case. If the child is an Indian as defined in the Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., a copy of the board's findings and recommendations shall also be sent to the child's Indian tribe.

(6) If the department is unable or unwilling to implement the board recommendations, the department shall submit to the board, within ten working days after receipt of the findings and recommendations, an implementation report setting forth the reasons why the department is unable or unwilling to implement the board's recommendations. The report will also set forth the case plan which the department intends to implement.

(7) Within forty-five days following the review, the board shall either:

(a) Schedule the case for further review by the board; or

(b) Submit to the court the board's findings and recommendations and the department's implementation reports, if any. If the board's recommendations are different from the existing court-ordered case plan, the board shall also file with the court a motion for a review hearing.

(8) Within ten days of receipt of the board's written findings and recommendations and the department's implementation report, if any, the court shall review the findings and recommendations and implementation reports, if any. The court may on its own motion schedule a review hearing.

(9) Unless modified by subsequent court order, the court-ordered case plan and court orders that are in effect at the time that a board reviews a case shall remain in full force and effect. Board findings and recommendations are advisory only and do not in any way modify existing court orders or court-ordered case plans.

(10) The findings and recommendations of the board and the department's implementation report, if any, shall become part of the department's case file and the court social file pertaining to the child.

(11) Nothing in this section shall limit or otherwise modify the rights of any party to a dependency proceeding to request and receive a court review hearing pursuant to the provisions of chapter 13.34 RCW or applicable court rules.

Sec. 38. RCW 13.70.140 and 1993 c 505 s 4 are each amended to read as follows:

A permanency planning hearing shall be held before the court in accordance with RCW 13.34.145. Thereafter, court review hearings shall occur at least once every six months, under ((~~RCW 13.34.130(5)~~)) section 19 of this act, until the child is no longer within the jurisdiction of the court or the child returns home or a guardianship order or adoption decree is entered. The court may review the case more frequently upon the court's own motion or upon the request of any party to the proceeding.

Sec. 39. RCW 26.44.115 and 1990 c 246 s 10 are each amended to read as follows:

If a child is taken into custody by child protective services pursuant to a court order issued under ((~~RCW 13.34.050~~)) section 5 of this act, the child protective services worker shall take reasonable steps to advise the parents immediately, regardless of the time of day, that the child has been taken into custody, the reasons why the child was taken into custody, and general information about the child's placement. The department shall comply with RCW 13.34.060 when providing notice under this section.

Sec. 40. RCW 74.15.030 and 1997 c 386 s 33 are each amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee except that in the case of a foster family home, if this expense would work a hardship on the licensee, the department shall pay the expense. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under ((~~RCW 13.34.060~~)) section 7 of this act or RCW 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the child care coordinating committee and other affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

NEW SECTION. **Sec. 41.** RCW 13.34.170 shall be recodified to appear immediately following RCW 13.34.160.

NEW SECTION. **Sec. 42.** The following acts or parts of acts are each repealed:

(1) RCW 13.34.162 (Child support schedule) and 1993 c 412 s 10 and 1988 c 275 s 15; and

(2) RCW 13.34.220 (Order terminating parent and child relationship--Prevailing party to present findings, etc., to court, when) and 1979 c 155 s 50."

Correct the title, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Costa, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6217.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6217, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6217, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Hale, Loveland, McCaslin, Prentice and Sellar - 5.

ENGROSSED SUBSTITUTE SENATE BILL No. 6217, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

February 29, 2000

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6218 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.32A.010 and 1995 c 312 s 1 are each amended to read as follows:

The legislature finds that within any group of people there exists a need for guidelines for acceptable behavior and that, presumptively, the experience and maturity of parents make them better qualified to establish guidelines beneficial to and protective of their children. The legislature further finds that it is the right and responsibility of adults to establish laws for the benefit and protection of the society; and that, in the same manner, the right and responsibility for establishing reasonable guidelines for the family unit belongs to the adults within that unit. Further, absent abuse or neglect, parents ((~~should~~)) have the right to exercise control over their children. The legislature reaffirms its position stated in RCW 13.34.020 that the family unit is the fundamental resource of American life which should be nurtured and that it should remain intact in the absence of compelling evidence to the contrary.

The legislature recognizes there is a need for services and assistance for parents and children who are in conflict. These conflicts are manifested by children who exhibit various behaviors including: Running away, substance abuse, serious acting out problems, mental health needs, and other behaviors that endanger themselves or others.

The legislature finds many parents do not know their rights regarding their adolescent children and law enforcement. Parents and courts feel they have insufficient legal recourse for the chronic runaway child who is endangering himself or herself through his or her behavior. The legislature further recognizes that for chronic runaways whose behavior puts them in serious danger of harming themselves or others, secure facilities must be provided to allow opportunities for assessment, treatment, and to assist parents and protect their children. The legislature intends to give tools to parents, courts, and law enforcement to keep families together and reunite them whenever possible.

The legislature recognizes that some children run away to protect themselves from abuse or neglect in their homes. Abused and neglected children should be dealt with pursuant to chapter 13.34 RCW and it is not the intent of the legislature to handle dependency matters under this chapter.

The legislature intends services offered under this chapter be on a voluntary basis whenever possible to children and their families and that the courts be used as a last resort.

The legislature intends to increase the safety of children through the preservation of families and the provision of assessment, treatment, and placement services for children in need of services and at-risk youth including services and assessments conducted under chapter 13.32A RCW and RCW 74.13.033. Within available funds, the legislature intends to provide these services through crisis residential centers in which children and youth may safely reside for a limited period of time. The time in residence shall be used to conduct an assessment of the needs of the children, youth, and their families. The assessments are necessary to identify appropriate services and placement options that will reduce the likelihood that children will place themselves in dangerous or life-threatening situations.

The legislature recognizes that crisis residential centers provide an opportunity for children to receive short-term necessary support and nurturing in cases where there may be abuse or neglect. The legislature intends that center staff provide an atmosphere of concern, care, and respect for children in the center and their parents.

The legislature intends to provide for the protection of children who, through their behavior, are endangering themselves. The legislature intends to provide appropriate residential services, including secure facilities, to protect, stabilize, and treat children with serious problems. The legislature further intends to empower parents by providing them with the assistance they require to raise their children.

Sec. 2. RCW 13.32A.030 and 1997 c 146 s 1 are each amended to read as follows:

As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstances which indicate that the child's health, welfare, and safety is harmed, excluding conduct permitted under RCW 9A.16.100. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Administrator" means the individual who has the daily administrative responsibility of a crisis residential center, or his or her designee.

(((~~(2)~~))) (3) "At-risk youth" means a juvenile:

(a) Who is absent from home for at least seventy-two consecutive hours without consent of his or her parent;

(b) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person; or

(c) Who has a substance abuse problem for which there are no pending criminal charges related to the substance abuse.

(((~~(3)~~))) (4) "Child," "juvenile," and "youth" mean any unemancipated individual who is under the chronological age of eighteen years.

(((~~(4)~~))) (5) "Child in need of services" means a juvenile:

(a) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or other person;

(b) Who has been reported to law enforcement as absent without consent for at least twenty-four consecutive hours on two or more separate occasions from the home of either parent((~~'s home~~)), a crisis residential center, an out-of-home placement, or a court-ordered placement ((~~on two or more separate occasions~~)); and

(i) Has exhibited a serious substance abuse problem; or

(ii) Has exhibited behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person; or

(c)(i) Who is in need of: (A) Necessary services, including food, shelter, health care, clothing, ((~~educational,~~)) or education; or (B) services designed to maintain or reunite the family;

(ii) Who lacks access to, or has declined((~~,~~)) to utilize, these services; and

(iii) Whose parents have evidenced continuing but unsuccessful efforts to maintain the family structure or are unable or unwilling to continue efforts to maintain the family structure.

(((~~(5)~~))) (6) "Child in need of services petition" means a petition filed in juvenile court by a parent, child, or the department seeking adjudication of placement of the child.

(((~~(6)~~))) (7) "Crisis residential center" means a secure or semi-secure facility established pursuant to chapter 74.13 RCW.

(((~~(7)~~))) (8) "Custodian" means the person or entity who has the legal right to the custody of the child.

(((~~(8)~~))) (9) "Department" means the department of social and health services.

(((~~(9)~~))) (10) "Extended family member" means an adult who is a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child.

(((~~(10)~~))) (11) "Guardian" means that person or agency that (a) has been appointed as the guardian of a child in a legal proceeding other than a proceeding under chapter 13.34 RCW, and (b) has the right to legal custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under chapter 13.34 RCW.

(((~~(11)~~))) (12) "Multidisciplinary team" means a group formed to provide assistance and support to a child who is an at-risk youth or a child in need of services and his or her parent. The team shall include the parent, a department case worker, a local government representative when authorized by the local government, and when appropriate, members from the mental health and substance abuse disciplines. The team may also include, but is not limited to, the following persons: Educators, law enforcement personnel, probation officers, employers, church

persons, tribal members, therapists, medical personnel, social service providers, placement providers, and extended family members. The team members shall be volunteers who do not receive compensation while acting in a capacity as a team member, unless the member's employer chooses to provide compensation or the member is a state employee.

(((~~(12)~~))) (13) "Out-of-home placement" means a placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(((~~(13)~~))) (14) "Parent" means the parent or parents who have the legal right to custody of the child. "Parent" includes custodian or guardian.

(((~~(14)~~))) (15) "Secure facility" means a crisis residential center, or portion thereof, that has locking doors, locking windows, or a secured perimeter, designed and operated to prevent a child from leaving without permission of the facility staff.

(((~~(15)~~))) (16) "Semi-secure facility" means any facility, including but not limited to crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away. Pursuant to rules established by the department, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center.

(((~~(16)~~))) (17) "Staff secure facility" means a structured group care facility licensed under rules adopted by the department with a ratio of at least one adult staff member to every two children.

(((~~(17)~~))) (18) "Temporary out-of-home placement" means an out-of-home placement of not more than fourteen days ordered by the court at a fact-finding hearing on a child in need of services petition.

Sec. 3. RCW 13.32A.040 and 1995 c 312 s 5 are each amended to read as follows:

Families who are in conflict or who are experiencing problems with at-risk youth or a child who may be in need of services may request family reconciliation services from the department. The department may involve a local multidisciplinary team in its response in determining the services to be provided and in providing those services. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible. Family reconciliation services shall be designed to develop skills and supports within families to resolve problems related to at-risk youth, children in need of services, or family conflicts ((~~and~~)). These services may include but are not limited to referral to services for suicide prevention, psychiatric or other medical care, or psychological, mental health, drug or alcohol treatment, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family((~~. Family reconciliation services may also include~~)), and training in parenting, conflict management, and dispute resolution skills.

Sec. 4. RCW 13.32A.042 and 1995 c 312 s 13 are each amended to read as follows:

(1)(a) The administrator of a crisis residential center may convene a multidisciplinary team, which is to be locally based and administered, at the request of a child placed at the center or the child's parent.

(b) If the administrator has reasonable cause to believe that a child is a child in need of services and the parent is unavailable or unwilling to continue efforts to maintain the family structure, the administrator shall immediately convene a multidisciplinary team.

(c) A parent may disband a team twenty-four hours, excluding weekends and holidays, after receiving notice of formation of the team under (b) of this subsection unless a petition has been filed under RCW 13.32A.140. If a petition has been filed the parent may not disband the team until the hearing is held under RCW 13.32A.179. The court may allow the team to continue if an out-of-home placement is ordered under RCW 13.32A.179(3). Upon the filing of an at-risk youth or dependency petition the team shall cease to exist, unless the parent requests continuation of the team or unless the out-of-home placement was ordered under RCW 13.32A.179(3).

(2) The secretary shall request participation of appropriate state agencies to assist in the coordination and delivery of services through the multidisciplinary teams. Those agencies that agree to participate shall provide the secretary all information necessary to facilitate forming a multidisciplinary team and the secretary shall provide this information to the administrator of each crisis residential center.

(3) The secretary shall designate within each region a department employee who shall have responsibility for coordination of the state response to a request for creation of a multidisciplinary team. The secretary shall advise the administrator of each crisis residential center of the name of the appropriate employee. Upon a request of the administrator to form a multidisciplinary team the employee shall provide a list of the agencies that have agreed to participate in the multidisciplinary team.

(4) The administrator shall also seek participation from representatives of mental health and drug and alcohol treatment providers as appropriate.

(5) A parent shall be advised of the request to form a multidisciplinary team and may select additional members of the multidisciplinary team. The parent or child may request any person or persons to participate including, but not limited to, educators, law enforcement personnel, court personnel, family therapists, licensed health care practitioners, social service providers, youth residential placement

providers, other family members, church representatives, and members of their own community. The administrator shall assist in obtaining the prompt participation of persons requested by the parent or child.

(6) When an administrator of a crisis residential center requests the formation of a team, the state agencies must respond as soon as possible. ((~~The team shall have the authority to evaluate the juvenile, and family members, if appropriate and agreed to by the parent, and shall:~~

~~(a) With parental input, develop a plan of appropriate available services and assist the family in obtaining those services;~~

~~(b) Make a referral to the designated chemical dependency specialist or the county designated mental health professional, if appropriate;~~

~~(c) Recommend no further intervention because the juvenile and his or her family have resolved the problem causing the family conflict; or~~

~~(d) With the parent's consent, work with them to achieve reconciliation of the child and family.~~))

Sec. 5. RCW 13.32A.044 and 1995 c 312 s 14 are each amended to read as follows:

(1) The purpose of the multidisciplinary team is to assist in a coordinated referral of the family to available social and health-related services.

(2) The team shall have the authority to evaluate the juvenile, and family members, if appropriate and agreed to by the parent, and shall:

(a) With parental input, develop a plan of appropriate available services and assist the family in obtaining those services;

(b) Make a referral to the designated chemical dependency specialist or the county designated mental health professional, if appropriate;

(c) Recommend no further intervention because the juvenile and his or her family have resolved the problem causing the family conflict; or

(d) With the parent's consent, work with them to achieve reconciliation of the child and family.

(3) At the first meeting of the multidisciplinary team, it shall choose a member to coordinate the team's efforts. The parent member of the multidisciplinary team must agree with the choice of coordinator. The team shall meet or communicate as often as necessary to assist the family.

(((~~(3)~~))) (4) The coordinator of the multidisciplinary team may assist in filing a child in need of services petition when requested by the parent or child or an at-risk youth petition when requested by the parent. The multidisciplinary team shall have no standing as a party in any action under this title.

(((~~(4)~~))) (5) If the administrator is unable to contact the child's parent, the multidisciplinary team may be used for assistance. If the parent has not been contacted within five days the administrator shall contact the department and request the case be reviewed for a dependency filing under chapter 13.34 RCW.

Sec. 6. RCW 13.32A.050 and 1997 c 146 s 2 are each amended to read as follows:

(1) A law enforcement officer shall take a child into custody:

(a) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(b) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or

(c) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement; or

(d) If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued ((~~pursuant to~~)) under this chapter ((~~13.32A~~)) or chapter 13.34 RCW or that the court has issued an order for law enforcement pick-up of the child under this chapter or chapter 13.34 RCW.

(2) Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination. Law enforcement custody continues until the law enforcement officer transfers custody to a person, agency, or other authorized entity under this chapter, or releases the child because no placement is available. Transfer of custody is not complete unless the person, agency, or entity to whom the child is released agrees to accept custody.

(3) If a law enforcement officer takes a child into custody pursuant to either subsection (1)(a) or (b) of this section and transports the child to a crisis residential center, the officer shall, within twenty-four hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody. The center shall provide the department with a copy of the officer's report.

(4) If the law enforcement officer who initially takes the juvenile into custody or the staff of the crisis residential center have reasonable cause to believe that the child is absent from home because he or she is abused or neglected, a report shall be made immediately to the department.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

(6) If a law enforcement officer ((~~receives a report that causes the officer to have~~)) has a reasonable suspicion that a child is being unlawfully harbored ((~~under RCW 13.32A.080 or for other reasons has a reasonable suspicion that a child is being harbored under~~)) in violation of RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 13.32A.060.

(7) No child may be placed in a secure facility except as provided in this chapter.

Sec. 7. RCW 13.32A.060 and 1997 c 146 s 3 are each amended to read as follows:

(1) An officer taking a child into custody under RCW 13.32A.050(1) (a) or (b) shall inform the child of the reason for such custody and shall:

(a) Transport the child to his or her home or to a parent at his or her place of employment, if no parent is at home. The parent may request that the officer take the child to the home of an adult extended family member, responsible adult, crisis residential center, the department, or a licensed youth shelter. In responding to the request of the parent, the officer shall take the child to a requested place which, in the officer's belief, is within a reasonable distance of the parent's home. The officer releasing a child into the custody of a parent, an adult extended family member, responsible adult, or a licensed youth shelter shall inform the person receiving the child of the reason for taking the child into custody and inform all parties of the nature and location of appropriate services available in the community; or

(b) After attempting to notify the parent, take the child to a designated crisis residential center's secure facility or a center's semi-secure facility if a secure facility is full, not available, or not located within a reasonable distance if:

(i) ((~~If~~)) The child expresses fear or distress at the prospect of being returned to his or her home which leads the officer to believe there is a possibility that the child is experiencing some type of ((~~child~~)) abuse or neglect((~~, as defined in RCW 26.44.020~~));

(ii) ((~~If~~)) It is not practical to transport the child to his or her home or place of the parent's employment; or

(iii) ((~~If~~)) There is no parent available to accept custody of the child; or

(c) After attempting to notify the parent, if a crisis residential center is full, not available, or not located within a reasonable distance, ((~~the officer may~~)) request the department to accept custody of the child. If the department determines that an appropriate placement is currently available, the department shall accept custody and place the child in an out-of-home placement. Upon accepting custody of a child from the officer, the department may place the child in an out-of-home placement for up to seventy-two hours, excluding Saturdays, Sundays, and holidays, without filing a child in need of services petition ((~~under this chapter~~)), obtaining parental consent, or obtaining an order for placement under chapter 13.34 RCW. Upon transferring a child to the department's custody, the officer shall provide written documentation of the reasons and the statutory basis for taking the child into custody. If the department declines to accept custody of the child, the officer may release the child after attempting to take the child to the following, in the order listed: The home of an adult extended family member; a responsible adult; or a licensed youth shelter ((~~and~~)). The officer shall immediately notify the department if no placement option is available and the child is released.

(2) An officer taking a child into custody under RCW 13.32A.050(1) (c) or (d) shall inform the child of the reason for custody. An officer taking a child into custody under RCW 13.32A.050(1)(c) may release the child to the supervising agency, or shall take the child to a designated crisis residential center's secure facility. If the secure facility is not available, not located within a reasonable distance, or full, the officer shall take the child to a semi-secure crisis residential center. An officer taking a child into custody under RCW 13.32A.050(1)(d) may place the child in a juvenile detention facility as provided in RCW 13.32A.065 or a secure facility, except that the child shall be taken to detention whenever the officer has been notified that a juvenile court has entered a detention order under this chapter or chapter 13.34 RCW.

(3) Every officer taking a child into custody shall provide the child and his or her parent or parents or responsible adult with a copy of the statement specified in RCW 13.32A.130(6).

(4) Whenever an officer transfers custody of a child to a crisis residential center or the department, the child may reside in the crisis residential center or may be placed by the department in an out-of-home placement for an aggregate total period of time not to exceed seventy-two hours excluding Saturdays, Sundays, and holidays. Thereafter, the child may continue in out-of-home placement only if the parents have consented, a child in need of services petition has been filed ((~~under this chapter~~)), or an order for placement has been entered under chapter 13.34 RCW.

(((~~4~~))) (5) The department shall ensure that all law enforcement authorities are informed on a regular basis as to the location of all designated secure and semi-secure facilities within centers in their jurisdiction, where children taken into custody under RCW 13.32A.050 may be taken.

Sec. 8. RCW 13.32A.065 and 1996 c 133 s 12 are each amended to read as follows:

(1) ((~~A child may be placed in detention after being taken into custody pursuant to RCW 13.32A.050(1)(d).~~)) If a child is placed in detention under RCW 13.32A.050(1)(d), the court shall hold a detention review hearing within twenty-four hours, excluding Saturdays, Sundays, and holidays. The court shall release the child after twenty-four hours, excluding Saturdays, Sundays, and holidays, unless:

(a) A motion and order to show why the child should not be held in contempt has been filed and served on the child at or before the detention hearing; and

(b) The court believes that the child would not appear at a hearing on contempt.

(2) If the court orders the child to remain in detention, the court shall set the matter for a hearing on contempt within seventy-two hours, excluding Saturdays, Sundays, and holidays.

Sec. 9. RCW 13.32A.080 and 1994 sp.s. c 7 s 507 are each amended to read as follows:

(1)(a) A person commits the crime of unlawful harboring of a minor if the person provides shelter to a minor without the consent of a parent of the minor and after the person knows that the minor is away from the home of the parent, without the parent's permission, and if the person intentionally:

(i) Fails to release the minor to a law enforcement officer after being requested to do so by the officer; or

(ii) Fails to disclose the location of the minor to a law enforcement officer after being requested to do so by the officer, if the person knows the location of the minor and had either taken the minor to that location or had assisted the minor in reaching that location; or

(iii) Obstructs a law enforcement officer from taking the minor into custody; or

(iv) Assists the minor in avoiding or attempting to avoid the custody of the law enforcement officer.

(b) It is a defense to a prosecution under this section that the defendant had custody of the minor pursuant to a court order.

(2) Unlawful harboring of a minor is punishable as a gross misdemeanor.

(3) Any person who provides shelter to a child, absent from home, may notify the department's local community service office of the child's presence.

(4) An adult responsible for involving a child in the commission of an offense may be prosecuted under existing criminal statutes including, but not limited to:

(a) Distribution of a controlled substance to a minor, as defined in RCW 69.50.406;

(b) Promoting prostitution as defined in chapter 9A.88 RCW; and

(c) Complicity of the adult in the crime of a minor, under RCW 9A.08.020.

Sec. 10. RCW 13.32A.082 and 1996 c 133 s 14 are each amended to read as follows:

(1) Any person who, without legal authorization, provides shelter to a minor and who knows at the time of providing the shelter that the minor is away from the parent's home without the permission of the parent, or other lawfully prescribed residence((~~, without the permission of the parent~~)), shall promptly report the location of the child to the parent, the law enforcement agency of the jurisdiction in which the person lives, or the department. The report may be made by telephone or any other reasonable means.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Shelter" means the person's home or any structure over which the person has any control.

(b) "Promptly report" means to report within eight hours after the person has knowledge that the minor is away from a lawfully prescribed residence or home without parental permission.

(3) When the department receives a report under subsection (1) of this section, it shall make a good faith attempt to notify the parent that a report has been received and offer services designed to resolve the conflict and accomplish a reunification of the family.

Sec. 11. RCW 13.32A.090 and 1996 c 133 s 7 are each amended to read as follows:

(1) The administrator of a designated crisis residential center or the department shall perform the duties under subsection (((~~(2)~~))) (3) of this section:

(a) Upon admitting a child who has been brought to the center by a law enforcement officer under RCW 13.32A.060;

(b) Upon admitting a child who has run away from home or has requested admittance to the center;

(c) Upon learning from a person under RCW ((~~13.32A.080(3)~~)) 13.32A.082 that the person is providing shelter to a child absent from home; or

(d) Upon learning that a child has been placed with a responsible adult pursuant to RCW 13.32A.060.

(2) Transportation expenses of the child shall be at the parent's expense to the extent of his or her ability to pay, with any unmet transportation expenses assumed by the department.

(3) When any of the circumstances under subsection (1) of this section are present, the administrator of a center or the department shall perform the following duties:

(a) Immediately notify the child's parent of the child's whereabouts, physical and emotional condition, and the circumstances surrounding his or her placement;

(b) Initially notify the parent that it is the paramount concern of the family reconciliation service personnel to achieve a reconciliation between the parent and child to reunify the family and inform the parent as to the procedures to be followed under this chapter;

(c) Inform the parent whether a referral to children's protective services has been made and, if so, inform the parent of the standard pursuant to RCW 26.44.020(12) governing child abuse and neglect in this state; and either

(d)(i) Arrange transportation for the child to the residence of the parent, as soon as practicable, ((~~at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses to be assumed by the department,~~)) when the child and his or her parent agrees to the child's return home or when the parent produces a copy of a court order entered under this chapter requiring the child to reside in the parent's home; or

(((~~(e)~~))) (ii) Arrange transportation for the child to: (i) An out-of-home placement which may include a licensed group care facility or foster family when agreed to by the child and parent; or (ii) a certified or licensed mental health or chemical dependency program of the parent's choice((~~; at the parent's expense to the extent of his or her ability to pay, with any unmet transportation expenses assumed by the department~~)).

(((~~(3)~~))) (4) If the administrator of the crisis residential center performs the duties listed in subsection (((~~(2)~~))) (3) of this section, he or she shall also notify the department that a child has been admitted to the crisis residential center.

Sec. 12. RCW 13.32A.095 and 1996 c 133 s 15 are each amended to read as follows:

The administrator of ((~~the~~)) a crisis residential center shall notify parents ((~~and~~)), the appropriate law enforcement agency, and the department immediately as to any unauthorized leave from the center by a child placed at the center.

Sec. 13. RCW 13.32A.100 and 1996 c 133 s 16 are each amended to read as follows:

Where a child is placed in an out-of-home placement pursuant to RCW 13.32A.090(((~~(2)(e)~~))) (3)(d)(ii), the department shall make available family reconciliation services in order to facilitate the reunification of the family. Any such placement may continue as long as there is agreement by the child and parent.

Sec. 14. RCW 13.32A.120 and 1996 c 133 s 18 are each amended to read as follows:

(1) Where either a child or the child's parent or the person or facility currently providing shelter to the child notifies the center that such individual or individuals cannot agree to the continuation of an out-of-home placement arrived at pursuant to RCW 13.32A.090(((~~(2)(e)~~))) (3)(d)(ii), the administrator of the center shall immediately contact the remaining party or parties to the agreement and shall attempt to bring about the child's return home or to an alternative living arrangement agreeable to the child and the parent as soon as practicable.

(2) If a child and his or her parent cannot agree to an out-of-home placement under RCW 13.32A.090(((~~(2)(e)~~))) (3)(d)(ii), either the child or parent may file ((~~with the juvenile court~~)) a child in need of services petition to approve an out-of-home placement or the parent may file ((~~with the juvenile court a~~)) an at-risk youth petition ((~~in the interest of a child alleged to be an at-risk youth under this chapter~~)).

(3) If a child and his or her parent cannot agree to the continuation of an out-of-home placement ((~~arrived at~~)) under RCW 13.32A.090(((~~(2)(e)~~))) (3)(d)(ii), either the child or parent may file ((~~with the juvenile court~~)) a child in need of services petition to ((~~approve~~)) continue an out-of-home placement or the parent may file ((~~with the juvenile court a~~)) an at-risk youth petition ((~~in the interest of a child alleged to be an at-risk youth under this chapter~~)).

Sec. 15. RCW 13.32A.130 and 1997 c 146 s 4 are each amended to read as follows:

(1) A child admitted to a secure facility ((~~within a crisis residential center~~)) shall remain in the facility for at least twenty-four hours after admission but for not more than five consecutive days((~~, but for at least twenty-four hours after admission~~)). If the child admitted under this section is transferred ((~~between centers or~~)) between secure and semi-secure facilities, the aggregate length of time spent in all such centers or facilities may not exceed five consecutive days per admission.

(2)(a)(i) The facility administrator shall determine within twenty-four hours after a child's admission to a secure facility whether the child is likely to remain in a semi-secure facility and may transfer the child to a semi-secure facility or release the child to the department. The determination shall be based on: (A) The need for continued assessment, protection, and treatment of the child in a secure facility; and (B) the likelihood the child would remain at a semi-secure facility until his or her parents can take the child home or a petition can be filed under this title.

(ii) In making the determination the administrator shall consider the following information if known: (A) The child's age and maturity; (B) the child's condition upon arrival at the center; (C) the circumstances that led to the child's being taken to the center; (D) whether the child's behavior endangers the health, safety, or welfare of the child or any other person; (E) the child's history of running away ((~~which has endangered the health, safety, and welfare of the child~~)); and (F) the child's willingness to cooperate in the assessment.

(b) If the administrator of a secure facility determines the child is unlikely to remain in a semi-secure facility, the administrator shall keep the child in the secure facility pursuant to this chapter and in order to provide for space for the child may transfer another child who has been in the facility for at least seventy-two hours to a semi-secure facility. The administrator shall only make a transfer of a child after determining that the child who may be transferred is likely to remain at the semi-secure facility.

(c) A crisis residential center administrator is authorized to transfer a child to a crisis residential center in the area where the child's parents reside or where the child's lawfully prescribed residence is located.

(d) An administrator may transfer a child from a semi-secure facility to a secure facility whenever he or she reasonably believes that the child is likely to leave the semi-secure facility and not return and after full consideration of all factors in (a)(i) and (ii) of this subsection.

(3) If no parent is available or willing to remove the child during the first seventy-two hours following admission, the department shall consider the filing of a petition under RCW 13.32A.140.

(4) Notwithstanding the provisions of subsection (1) of this section, the parents may remove the child at any time during the five-day period unless the staff of the crisis residential center has reasonable cause to believe that the child is absent from the home because he or she is abused or neglected or if allegations of abuse or neglect have been made against the parents. The department or any agency legally charged with the supervision of a child may remove a child from a crisis residential center at any time after the first twenty-four-hour period after admission has elapsed and only after full consideration by all parties of the factors in subsection (2)(a) of this section.

(5) Crisis residential center staff shall make reasonable efforts to protect the child and achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours from the time of ((~~intake~~)) admission, and if the administrator of the center does not consider it likely that reconciliation will be achieved within the five-day period, then the administrator shall inform the parent and child of: (a) The availability of counseling services; (b) the right to file a child in need of services petition for an out-of-

home placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; (c) the right to request the facility administrator or his or her designee to form a multidisciplinary team; (d) the right to request a review of any out-of-home placement; (e) the right to request a mental health or chemical dependency evaluation by a county-designated professional or a private treatment facility; and (f) the right to request treatment in a program to address the child's at-risk behavior under RCW 13.32A.197.

(6) At no time shall information regarding a parent's or child's rights be withheld. The department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating the services and rights. ((~~Every officer taking a child into custody shall provide the child and his or her parent(s) or responsible adult with whom the child is placed with a copy of the statement. In addition,~~)) The administrator of the facility or his or her designee shall provide every resident and parent with a copy of the statement.

(7) A crisis residential center and ((~~its administrator or his or her designee~~)) any person employed at the center acting in good faith in carrying out the provisions of this section are immune from criminal or civil liability for such actions.

Sec. 16. RCW 13.32A.140 and 1997 c 146 s 5 are each amended to read as follows:

Unless the department files a dependency petition, the department shall file a child in need of services petition to approve an out-of-home placement on behalf of a child under any of the following sets of circumstances:

(1) The child has been admitted to a crisis residential center or has been placed by the department in an out-of-home placement, and:

(a) The parent has been notified that the child was so admitted or placed;

(b) The child cannot return home, and legal authorization is needed for out-of-home placement beyond seventy-two hours;

(c) No agreement between the parent and the child as to where the child shall live has been reached;

(d) No child in need of services petition has been filed by either the child or parent;

(e) The parent has not filed an at-risk youth petition; and

(f) The child has no suitable place to live other than the home of his or her parent.

(2) The child has been admitted to a crisis residential center and:

(a) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such placement;

(b) The staff, after searching with due diligence, have been unable to contact the parent of such child; and

(c) The child has no suitable place to live other than the home of his or her parent.

(3) An agreement between parent and child made pursuant to RCW 13.32A.090((~~(2)(e)~~)) (3)(d)(ii) or pursuant to RCW 13.32A.120(1) is no longer acceptable to parent or child, and:

(a) The party to whom the arrangement is no longer acceptable has so notified the department;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No new agreement between parent and child as to where the child shall live has been reached;

(d) No child in need of services petition has been filed by either the child or the parent;

(e) The parent has not filed an at-risk youth petition; and

(f) The child has no suitable place to live other than the home of his or her parent.

Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in an out-of-home placement until a child in need of services petition filed by the department on behalf of the child is reviewed ((~~by the juvenile court~~)) and ((~~is~~)) resolved by the juvenile court. The department may authorize emergency medical or dental care for a child admitted to a crisis residential center or placed in an out-of-home placement by the department. The state, when the department files a child in need of services petition under this section, shall be represented as provided for in RCW 13.04.093.

Sec. 17. RCW 13.32A.150 and 1996 c 133 s 20 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, the juvenile court shall not accept the filing of a child in need of services petition by the child or the parents or the filing of an at-risk youth petition by the parent, unless verification is provided that the department has completed a family assessment ((~~has been completed by the department~~)). The family assessment ((~~provided by the department~~)) shall involve the multidisciplinary team ((~~as provided in RCW 13.32A.040,~~)) if one exists. The family assessment or plan of services developed by the multidisciplinary team shall be aimed at family reconciliation, reunification, and avoidance of the out-of-home placement of the child. If the department is unable to complete an assessment within two working days following a request for assessment the child or the parents may proceed under subsection (2) of this section or the parent may proceed under RCW 13.32A.191.

(2) A child or a child's parent may file with the juvenile court a child in need of services petition to approve an out-of-home placement for the child. The department shall, when requested, assist either a parent or child in the filing of the petition. The petition must be filed in the county where the parent resides. The petition shall allege that the child is a child in need of services and shall ask only that the placement of a child outside the home of his or her parent be approved. The filing of a petition to approve the placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove an out-of-home placement under this chapter.

(3) A petition may not be filed if the child is the subject of a proceeding under chapter 13.34 RCW.

Sec. 18. RCW 13.32A.152 and 1996 c 133 s 21 are each amended to read as follows:

(1) Whenever a child in need of services petition is filed by: (a) A youth pursuant to RCW 13.32A.150((,)); (b) the child or the child's parent pursuant to RCW 13.32A.120; or (c) the department pursuant to RCW 13.32A.140, the filing party shall have a copy of the petition served on the parents of the youth. Service shall first be attempted in person and if unsuccessful, then by certified mail with return receipt.

(2) Whenever a child in need of services petition is filed by a youth or parent pursuant to RCW 13.32A.150, the court shall immediately notify the department that a petition has been filed.

Sec. 19. RCW 13.32A.160 and 1997 c 146 s 6 are each amended to read as follows:

(1) When a proper child in need of services petition to approve an out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or 13.32A.150 the juvenile court shall: (a)(i) Schedule a fact-finding hearing to be held: (A) For a child who resides in a place other than his or her parent's home and other than an out-of-home placement, within five calendar days unless the last calendar day is a Saturday, Sunday, or holiday, in which case the hearing shall be held on the preceding judicial day; or (B) for a child living at home or in an out-of-home placement, within ten days; and (ii) notify the parent, child, and the department of such date; (b) notify the parent of the right to be represented by counsel and, if indigent, to have counsel appointed for him or her by the court; (c) appoint legal counsel for the child; (d) inform the child and his or her parent of the legal consequences of the court approving or disapproving a child in need of services petition; (e) notify the parents of their rights under this chapter and chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the right to file an at-risk youth petition, the right to submit an application for admission of their child to a treatment facility for alcohol, chemical dependency, or mental health treatment, and the right to file a guardianship petition; and (f) notify all parties, including the department, of their right to present evidence at the fact-finding hearing.

(2) Upon filing of a child in need of services petition, the child may be placed, if not already placed, by the department in a crisis residential center, foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence other than a HOPE center to be determined by the department. The court may place a child in a crisis residential center for a temporary out-of-home placement as long as the requirements of RCW 13.32A.125 are met.

(3) If the child has been placed in a foster family home or group care facility under chapter 74.15 RCW, the child shall remain there, or in any other suitable residence as determined by the department, pending resolution of the petition by the court. Any placement may be reviewed by the court within three judicial days upon the request of the juvenile or the juvenile's parent.

Sec. 20. RCW 13.32A.170 and 1996 c 133 s 23 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing to consider a proper child in need of services petition, giving due weight to the intent of the legislature that families have the right to place reasonable restrictions and rules upon their children, appropriate to the individual child's developmental level. The court may appoint legal counsel and/or a guardian ad litem to represent the child and advise parents of their right to be represented by legal counsel. At the commencement of the hearing, the court shall advise the parents of their rights as set forth in RCW 13.32A.160(1). If the court approves or denies a child in need of services petition, a written statement of the reasons must be filed.

(2) The court may approve an order stating that the child shall be placed in a residence other than the home of his or her parent only if it is established by a preponderance of the evidence, including a departmental recommendation for approval or dismissal of the petition, that:

(a) The child is a child in need of services as defined in RCW 13.32A.030(((~~(4)~~))) (5);

(b) If the petitioner is a child, he or she has made a reasonable effort to resolve the conflict;

(c) Reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(d) A suitable out-of-home placement resource is available.

The court may not grant a petition filed by the child or the department if it is established that the petition is based only upon a dislike of reasonable rules or reasonable discipline established by the parent.

The court may not grant the petition if the child is the subject of a proceeding under chapter 13.34 RCW.

(3) Following the fact-finding hearing the court shall: (a) Approve a child in need of services petition and, if appropriate, enter a temporary out-of-home placement for a period not to exceed fourteen days pending approval of a disposition decision to be made under RCW 13.32A.179(2); (b) approve an at-risk youth petition filed by the parents and dismiss the child in need of services petition; or (c) dismiss the petition((~~; or (d)~~)).

At any time the court may order the department to review the case to determine whether the case is appropriate for a dependency petition under chapter 13.34 RCW.

Sec. 21. RCW 13.32A.179 and 1997 c 146 s 7 are each amended to read as follows:

(1) A disposition hearing shall be held no later than fourteen days after the approval of the temporary out-of-home placement. The parents, child, and department shall be notified by the court of the time and place of the hearing.

(2) At the conclusion of the disposition hearing, the court may: (a) Reunite the family and dismiss the petition; (b) approve an at-risk youth petition filed by the parents and dismiss the child in need of services petition; (c) approve an out-of-home placement requested in the child in need of services petition by the parents; or (d) order an out-of-home placement at the request of the child or the department not to exceed ninety days((~~; or (e)~~)).

At any time the court may order the department to review the matter for purposes of filing a dependency petition under chapter 13.34 RCW. Whether or not the court approves or orders an out-of-home placement, the court may also order any conditions of supervision as set forth in RCW 13.32A.196(((~~(2)~~))) (3).

(3) The court may only enter an order under subsection (2)(d) of this section if it finds by clear, cogent, and convincing evidence that: (a)(i) The order is in the best interest of the family; (ii) the parents have not requested an out-of-home placement; (iii) the parents have not exercised any other right listed in RCW 13.32A.160(1)(e); (iv) the child has made reasonable efforts to resolve the problems that led to the filing of the petition; (v) the problems cannot be resolved by delivery of services to the family during continued placement of the child in the parental home; (vi) reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and (vii) a suitable out-of-home placement resource is available; (b)(i) the order is in the best interest of the child; and (ii) the parents are unavailable; or (c) the parent's actions cause an imminent threat to the child's health or safety.

(4) The court may order the department to submit a dispositional plan if such a plan would assist the court in ordering a suitable disposition in the case. The plan, if ordered, shall address the needs of the child, and the perceived needs of the parents if the order was entered under subsection (2)(d) of this section or if specifically agreed to by the parents. If the parents do not agree or the order was not entered under subsection (2)(d) of this section the plan may only make recommendations regarding services in which the parents may voluntarily participate. If the court orders the department to prepare a plan, the department shall provide copies of the plan to the parent, the child, and the court. If the parties or the court desire the department to be involved in any future proceedings or case plan development, the department shall be provided with timely notification of all court hearings.

(5) A child who fails to comply with a court order issued under this section shall be subject to contempt proceedings, as provided in this chapter, but only if the noncompliance occurs within one year after the entry of the order.

(6) After the court approves or orders an out-of-home placement, the parents or the department may request, and the court may grant, dismissal of the child in need of services proceeding when it is not feasible for the department to provide services due to one or more of the following circumstances:

(a) The child has been absent from court approved placement for thirty consecutive days or more;

(b) The parents or the child, or all of them, refuse to cooperate in available, appropriate intervention aimed at reunifying the family; or

(c) The department has exhausted all available and appropriate resources that would result in reunification.

(7) The court shall dismiss a placement made under subsection (2)(c) of this section upon the request of the parents.

Sec. 22. RCW 13.32A.191 and 1995 c 312 s 25 are each amended to read as follows:

(1) A child's parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth. The department shall, when requested, assist the parent in filing the petition. The petition shall be filed in the county where the petitioner resides. The petition shall set forth the name, age, and residence of the child and the names and residence of the child's parents and shall allege that:

(a) The child is an at-risk youth ((~~as defined in this chapter~~));

(b) The petitioner has the right to legal custody of the child;

(c) Court intervention and supervision are necessary to assist the parent to maintain the care, custody, and control of the child; and

(d) Alternatives to court intervention have been attempted or there is good cause why such alternatives have not been attempted.

(2) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter. The petition need not specify any proposed disposition following adjudication of the petition. The filing of an at-risk youth petition is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent and confers upon the court the special jurisdiction to assist the parent in maintaining parental authority and responsibility for the child.

(3) A petition may not be filed if a dependency petition is pending under chapter 13.34 RCW.

Sec. 23. RCW 13.32A.194 and 1996 c 133 s 27 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing to consider a proper at-risk youth petition. The court shall grant the petition and enter an order finding the child to be an at-risk youth if the allegations in the petition are established by a preponderance of the evidence, unless the child is the subject of a proceeding under chapter 13.34 RCW. If the petition is granted, the court shall enter an order requiring the child to reside in the home of his or her parent or in an out-of-home placement as provided in RCW 13.32A.192(2).

(2) The court may order the department to submit a dispositional plan if such a plan would assist the court in ordering a suitable disposition in the case. If the court orders the department to prepare a plan, the department shall provide copies of the plan to the parent, the child, and the court. If the parties or the court desire the department to be involved in any future proceedings or case plan development, the department shall be provided timely notification of all court hearings.

(3) ((~~A dispositional hearing shall be held no later than fourteen days after the fact-finding hearing. Each party shall be notified of the time and date of the hearing.~~

~~(4)~~)) If the court grants or denies an at-risk youth petition, a statement of the written reasons shall be entered into the records. If the court denies an at-risk youth petition, the court shall verbally advise the parties that the child is required to remain within the care, custody, and control of his or her parent.

Sec. 24. RCW 13.32A.196 and 1995 c 312 s 28 are each amended to read as follows:

(1) A dispositional hearing shall be held no later than fourteen days after the fact-finding hearing. Each party shall be notified of the time and date of the hearing.

(2) At the dispositional hearing regarding an adjudicated at-risk youth, the court shall consider the recommendations of the parties and the recommendations of any dispositional plan submitted by the department. The court may enter a dispositional order that will assist the parent in maintaining the care, custody, and control of the child and assist the family to resolve family conflicts or problems.

(((~~(2)~~))) (3) The court may set conditions of supervision for the child that include:

(a) Regular school attendance;

(b) Counseling;

(c) Participation in a substance abuse or mental health outpatient treatment program;

(d) Reporting on a regular basis to the department or any other designated person or agency; and

(e) Any other condition the court deems an appropriate condition of supervision including but not limited to: Employment, participation in an anger management program, and refraining from using alcohol or drugs.

(((~~(3)~~))) (4) No dispositional order or condition of supervision ordered by a court pursuant to this section shall include involuntary commitment of a child for substance abuse or mental health treatment.

(((~~(4)~~))) (5) The court may order the parent to participate in counseling services or any other services for the child requiring parental participation. The parent shall cooperate with the court-ordered case plan and shall take necessary steps to help implement the case plan. The parent shall be financially responsible for costs related to the court-ordered plan; however, this requirement shall not affect the eligibility of the parent or child for public assistance or other benefits to which the parent or child may otherwise be entitled.

(((~~(5)~~))) (6) The parent may request dismissal of an at-risk youth proceeding or out-of-home placement at any time ((~~and~~)). Upon such a request, the court shall dismiss the matter and cease court supervision of the child unless: (a) A contempt action is pending in the case; (b) a petition has been filed under RCW 13.32A.150 and a hearing has not yet been held under RCW 13.32A.179; or (c) an order has been entered under RCW 13.32A.179(3) and the court retains jurisdiction under that subsection. The court may retain jurisdiction over the matter for the purpose of concluding any pending contempt proceedings, including the full satisfaction of any penalties imposed as a result of a contempt finding.

(((~~(6)~~))) (7) The court may order the department to monitor compliance with the dispositional order, assist in coordinating the provision of court-ordered services, and submit reports at subsequent review hearings regarding the status of the case.

Sec. 25. RCW 13.32A.200 and 1979 c 155 s 34 are each amended to read as follows:

All hearings pursuant to this chapter may be conducted at any time or place within the county of the residence of the parent and such cases shall not be heard in conjunction with the business of any other division of the superior court. The ((~~general~~)) public shall be excluded from hearings and only such persons who are found by the court to have a direct interest in the case or the work of the court shall be admitted to the proceedings.

NEW SECTION. **Sec. 26.** The department of social and health services shall prepare a report to the legislature and governor on the utilization of multidisciplinary teams established under RCW 13.32A.042. The report shall include: (1) The number of teams established in 1997 through 1999 by department region; (2) the persons added to the teams at the request of a parent or child; (3) the average cost per team; (4) trends in utilization of teams by region; (5) a comparison of out-of-home placement rates for youths whose families use the teams and those who do not; and (6) any recommendations on the creation and usefulness of the teams. The report shall be submitted no later than October 1, 2000. This section expires January 1, 2001.

NEW SECTION. **Sec. 27.** 1990 c 276 s 1 (uncodified) shall be codified as a section within chapter 13.32A RCW."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Costa moved that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 6218.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Costa that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 6218.

The motion by Senator Costa carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6218.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6218, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6218, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Absent: Senators Patterson and Snyder - 2.

Excused: Senators Hale, Loveland, McCaslin, Prentice and Sellar - 5.

ENGROSSED SUBSTITUTE SENATE BILL No. 6218, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGES FROM HOUSE

March 6, 2000

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2078,
HOUSE BILL NO. 2344,
ENGROSSED HOUSE BILL NO. 2609,
SECOND SUBSTITUTE HOUSE BILL NO. 2663,
SUBSTITUTE HOUSE BILL NO. 2776,
SUBSTITUTE HOUSE BILL NO. 2799,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2867,
HOUSE BILL NO. 2993,
SUBSTITUTE HOUSE BILL NO. 3099.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

March 6, 2000

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:
SUBSTITUTE HOUSE BILL NO. 2343,
SUBSTITUTE HOUSE BILL NO. 2372,
HOUSE BILL NO. 2452,
SUBSTITUTE HOUSE BILL NO. 2466,
SUBSTITUTE HOUSE BILL NO. 2644,
HOUSE BILL NO. 2684,
ENGROSSED HOUSE BILL NO. 2995.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTIONS

On motion of Senator Betti Sheldon, the Senate advanced to the fifth order of business.

On motion of Senator Betti Sheldon, House Bill No. 3154, which was held on the desk on the Introduction and First Reading Calendar March 5, 2000, was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 3154 by Representatives Cody, Parlette, Conway, Clements, Campbell, Cairnes and Wood

Modifying provisions concerning health insurance.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, House Bill No. 3154 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Thibaudeau: "Senator Deccio, is it the intent of Section 4, Sub 1(c) that a person seeking an individual health benefit plan must have been eligible for continuance coverage provided under 29, USC Section 1161, and have elected and exhausted such coverage before applying for an individual health benefit plan?"

Senator Deccio: "Thank you, Senator. This is a very complicated question and I am going to have to give you a very complicated answer--'yes.'"

Senator Thibaudeau: "Thank you."

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 3154.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3154 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senator Fairley - 1.

Absent: Senator Hargrove - 1.

Excused: Senators Loveland, McCaslin, Prentice and Sellar - 4.

HOUSE BILL NO. 3154, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 1, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6244 with the following amendment(s)

On page 1, beginning on line 6, strike all of section 1

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

On page 3, beginning on line 1, strike all of section 4 and insert the following:

"**Sec. 4.** RCW 7.68.035 and 1999 c 86 s 1 are each amended to read as follows:

(1)(a) ((~~Whenever~~)) When any person is found guilty in any superior court of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be five hundred dollars for each case or cause of action that includes one or more

convictions of a felony or gross misdemeanor and two hundred fifty dollars for any case or cause of action that includes convictions of only one or more misdemeanors.

(b) ((~~Whenever~~)) When any juvenile is adjudicated of any offense in any juvenile offense disposition under Title 13 RCW, except as provided in subsection (2) of this section, there shall be imposed upon the juvenile offender a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be one hundred dollars for each case or cause of action that includes one or more adjudications for a felony or gross misdemeanor and seventy-five dollars for each case or cause of action that includes adjudications of only one or more misdemeanors.

(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61.520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.101, 46.20.410, 46.52.020, 46.10.130, 46.09.130, 46.61.5249, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.090(2), and 46.09.120(2).

(3) ((~~Whenever~~)) When any person accused of having committed a crime posts bail in superior court pursuant to the provisions of chapter 10.19 RCW and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the crime.

(4) Such penalty assessments shall be paid by the clerk of the superior court to the county treasurer who shall monthly transmit the money as provided in RCW 10.82.070. Each county shall deposit fifty percent of the money it receives per case or cause of action under subsection (1) of this section and retains under RCW 10.82.070, not less than one and seventy-five one-hundredths percent of the remaining money it retains under RCW 10.82.070 and the money it retains under chapter 3.62 RCW, and all money it receives under subsection (7) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes. A program shall be considered "comprehensive" only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;

(c) Make a reasonable effort to inform the known victim or his surviving dependents of the existence of this chapter and the procedure for making application for benefits;

(d) Assist victims in the restitution and adjudication process; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.

Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one hundred fifty thousand. The department will consider if the county's proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county.

(5) Upon submission to the department of a letter of intent to adopt a comprehensive program, the prosecuting attorney shall retain the money deposited by the county under subsection (4) of this section until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county prosecuting attorney shall not make any expenditures from the money deposited under subsection (4) of this section until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection (4) of this section or failed to obtain approval of a comprehensive program within one year after submission of a letter of intent under this section, the county treasurer shall monthly transmit one hundred percent of the money deposited by the county under subsection (4) of this section to the state treasurer for deposit in the public safety and education account established under RCW 43.08.250.

(6) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.

(7) Every city and town shall transmit monthly one and seventy-five one-hundredths percent of all money, other than money received for parking infractions, --retained under RCW 3.46.120, 3.50.100, and 35.20.220 to the county treasurer for deposit as provided in subsection (4) of this section."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Costa moved that the Senate concur in the House amendments to Substitute Senate Bill No. 6244.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Costa that the Senate concur in the House amendments to Substitute Senate Bill No. 6244.

The motion by Senator Costa carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 6244.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6244, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6244, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Deccio - 1.

Excused: Senators Loveland, McCaslin, Prentice and Sellar - 4.

SUBSTITUTE SENATE BILL No. 6244, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 4:58 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Tuesday, March 7, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-SEVENTH DAY, MARCH 6, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIFTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 7, 2000

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton and Sellar. On motion of Senator Honeyford, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Pages Riley Steiner and Inigo Esteban, presented the Colors. Reverend Kathryn Everett, pastor of the First United Methodist Church in Olympia, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

INTRODUCTION AND FIRST READING

SB 6862 by Senator Thibaudeau

AN ACT Relating to assistive technology; and adding a new chapter to Title 74 RCW.

Referred to Committee on Health and Long-Term Care.

MOTION

On motion of Senator Swecker, the following resolution was adopted:

SENATE RESOLUTION 2000-8758

By Senators Swecker, Long Sheldon, T., Spanel, Haugen, Eide, Johnson, Sheldon, B., Bauer, Fraser, Rasmussen and McAuliffe

WHEREAS, The dedicated men and women who work on our public roads and highways are often put at risk of harm to themselves and their co-workers when flagging, which, even for trained professionals, is the most dangerous activity a worker can do; and

WHEREAS, It is the responsibility of drivers to be more alert when driving in construction zones and to pay attention to all signs and flaggers; and

WHEREAS, On February 22, 2000, Sam E. Williams, a Washington State Department of Transportation worker since 1991, was killed after being struck by a car while flagging for a sign installation project on U.S. Highway 12 near Mossyrock, Washington; and

WHEREAS, Sam E. Williams was born in Chehalis, Washington, and lived with his family in Morton, Washington; and

WHEREAS, Sam E. Williams was a dedicated family man who was loved by his wife and their four children, and his other family members, friends, neighbors, and co-workers, and will be greatly missed by them; and

WHEREAS, Sam E. Williams had a raucous sense of humor and a love for racing lawn mowers, for the last ten years organizing competitive lawn mower races for the Morton Loggers Jubilee; and

WHEREAS, Sam E. Williams was an avid guitar player and enjoyed going out country dancing with his wife and friends;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate remember the dedicated service of Sam E. Williams and encourage all drivers to drive safely and exercise due caution when driving in or near construction zones; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Secretary of the Senate to Sam E. Williams' wife, Belle, and the rest of his family.

Senators Swecker and Haugen spoke to Senate Resolution 2000-8758.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the family and friends of Sam E. Williams, as well as Secretary of the Department of Transportation Sid Morrison and other Department of Transportation employees, who were seated in the gallery.

MOTION

On motion of Senator Fraser, the following resolution was adopted:

SENATE RESOLUTION 2000-8743

By Senators Fraser, Bauer, Spanel and Rasmussen

WHEREAS, It is statutory that the second Wednesday in April each year is designated as Washington State Arbor Day; and

WHEREAS, Arbor Day is a traditional day for the planting of trees and shrubs by citizens in the state of Washington; and

WHEREAS, Arbor Day has been celebrated in Washington since 1917, when Governor Ernest Lister conducted the first official observance; and

WHEREAS, Arbor Day focuses community attention on planting trees while educating school children and community groups about the value of trees; and

WHEREAS, Arbor Day is a symbolic day to recognize the importance of trees and shrubs to the environment, including our neighborhoods and communities and the state's agricultural and timber-based economy, and the importance of continued regeneration of our renewable resources; and

WHEREAS, The state of Washington is appropriately called the Evergreen State due to the special significance that trees and other evergreen plants contribute to our jobs, environment, and quality of life of our people; and

WHEREAS, By observing Arbor Day every year, the citizens of our state can show their appreciation for Washington's natural resources, the full range of benefits that are provided from trees and shrubs, and the importance of planting trees and shrubs throughout the year; and

WHEREAS, Arbor Day is a day to recognize our state tree, the Western Hemlock and state flower, the Coast Rhododendron; and

WHEREAS, Nurseries, orchards, tree farms, public and private forests, and home orchards and gardens all add to the beauty and vigor of our state; and

WHEREAS, Arbor Day's theme of "People-Trees-Water -- 2000 -- Parts of the Same System" focuses on protecting and restoring vegetation and trees along streams for salmon and other fish and providing clean water;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and honor April 12, 2000, as Arbor Day in the state of Washington, and encourage residents to plant a tree or shrub in celebration of this day.

MOTION

On motion of Senator Rasmussen, the following resolution was adopted:

SENATE RESOLUTION 2000-8745

By Senators Rasmussen, Bauer, Spanel and Fraser

WHEREAS, Bruce A. Briggs was a widely loved and respected horticulturist, community leader, and the father of nurseries in Washington State until his sudden death on February 4, 2000; and

WHEREAS, Bruce A. Briggs was born in Olympia, Washington, graduated from Olympia High School, and converted his family farm into Briggs' Nursery; and

WHEREAS, Bruce A. Briggs served with distinction in the United States Army as a surgical technician from 1942 to 1945; and

WHEREAS, Bruce A. Briggs exemplified the best characteristics of energetic hard work, community involvement, and devotion as he made incredible accomplishments throughout his almost eighty years of life; and

WHEREAS, Bruce A. Briggs left a legacy of philanthropy and goodwill, including the improvement of the Olympia High School track and football field; and

WHEREAS, Bruce A. Briggs served the community through involvement in about twenty-five community organizations including the Washington State Farm Bureau, the Arbor Day Council, the American Association of Nurserymen, the Horticulture Research Institute, International Plant Propagators, the Washington State Nursery and Landscape Association, and the Washington Park Arboretum; and

WHEREAS, Bruce A. Briggs served God as a devoted member of the Westminster Presbyterian Church; and

WHEREAS, Bruce A. Briggs was renowned as a forward-looking diplomat for his friendly ability to bring people together; and

WHEREAS, Throughout his life, Bruce A. Briggs worked to promote the value of Washington's horticulture industry. Up to the week prior to his passing, he was personally packing Washington nursery plants for display in Japan; and

WHEREAS, Bruce A. Briggs helped develop national grades and standards, including grades and standards for our state flower, the Rhododendron, that will continue to guide the nursery industry for many years to come; and

WHEREAS, Bruce A. Briggs was honored for his accomplishments by the Washington Nursery and Landscape Association, the American Nursery and Landscape Association, received the Gold Veitch Memorial Medal from the British Royal Horticulture Association, a Gold Medal from the American Rhododendron Society, the International Award of Honor from the International Plant Propagators' Society, and many other honors and awards; and

WHEREAS, Bruce A. Briggs will long be remembered for his love, hard work, and contributions to Washington's agriculture and horticulture industries, which has rendered immeasurable benefits to the state, its current and future citizens, and to the entire nation;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor Bruce A. Briggs' life and lifetime of achievements, his contributions and selfless service, and send condolences to his wife Doris Briggs, his sons Gary and Ted Briggs, and his five grandchildren; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Governor of the state of Washington, the Director of the Washington State Department of Agriculture, and to the family of Bruce A. Briggs.

Senators Rasmussen, Fraser, Betti Sheldon and Oke spoke to Senate Resolution 2000-8745.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and offered condolences to the Bruce A. Briggs family, who were seated in the gallery.

MOTION

Senator Fraser moved that the following resolution be adopted:

SENATE RESOLUTION 2000-8725

By Senators Fraser, Sheldon, T., Kohl-Welles, Patterson, Snyder, Hale, Spanel, Sheldon, B., Brown, Sheahan, West, McAuliffe, Bauer, Franklin, Thibaudeau, Loveland, Horn, Jacobsen, Shin, and Gardner

WHEREAS, Jane Jervis has served The Evergreen State College for eight years as President with distinction, integrity, and professionalism; and

WHEREAS, Under the capable leadership of Dr. Jervis, The Evergreen State College has seen an increase in enrollment from 3,400 to 4,100 students; and

WHEREAS, Dr. Jervis has been at the helm during Evergreen's reaccreditation process, when the college was recognized as having an intellectual climate "almost unparalleled in higher education"; and

WHEREAS, Dr. Jervis has led The Evergreen State College as it has become one of the most frequently and highly praised higher education institutions in the nation: Listed among the nation's top 15 percent by the *Princeton Review*; enjoying an academic reputation unsurpassed by any regional liberal arts college, public or private, in the nation, according to a 1999 *U.S. News & World Report* survey; and one of the colleges most often recommended by guidance counselors everywhere, according to the 1999 Kaplan National Guidance Counselor Survey; and

WHEREAS, Dr. Jervis has provided support and inspiration instrumental in extending the influence of the college to the surrounding community, where 50,000 internship hours by students are provided each year to local and state government, businesses, and nonprofit organizations; and

WHEREAS, Dr. Jervis has earned the esteem of her colleagues for her vast knowledge of higher education issues, steadfast dedication to the improvement of higher education in the state of Washington, and collegiality in working together for the benefit of all citizens in the state of Washington; and

WHEREAS, Dr. Jervis has encouraged a culture of philanthropy and broadened the base of support for Evergreen, which led to a near tripling of the college's endowment over the past five years and made possible the creation of the Evergreen Fund for Innovation; and

WHEREAS, Dr. Jervis is widely recognized as a leading advocate for affordable tuition and adequate financial aid to assure that all qualified students have access to college; and

WHEREAS, Dr. Jervis has earned the respect of the Evergreen community for her unwavering support of the mission of the college, her advocacy of Evergreen as a valuable community partner, and her belief that a liberal arts education provides an excellent foundation for a career; and

WHEREAS, Dr. Jervis has won the abiding affection of her staff for her ability to develop well-reasoned positions and to effectively and thoroughly communicate issues in a thoughtful manner; and

WHEREAS, Dr. Jervis's graciousness, sincerity, and devotion will be greatly missed by Evergreen's students, faculty, staff, trustees, alumni, and friends;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Dr. Jane Jervis for her contributions to The Evergreen State College and the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate's Office to Dr. Jane Jervis and to The Evergreen State College.

Senator Roach started to speak to Senate Resolution 2000-8725.

POINT OF ORDER

Senator Fraser: "A point of order, Mr. President. The purpose of the resolution is to honor the distinguished characteristics of this individual and not to talk about the college generally."

Senator Roach continued.

REPLY BY THE PRESIDENT

President Owen: "Senator Roach, you know the rules and the rules do not allow you to venture away from the issue that we are talking about here."

Senator Roach continued to speak to Senate Resolution 2000-8725.

POINT OF ORDER

Senator Fraser: "A point of order, Mr. President. I believe your prior remarks are appropriate and the speaker is straying from the purpose of the resolution."

Senators Thibaudeau, Franklin, Kohl-Welles, Swecker and Prentice spoke to Senate Resolution 2000-8725.

DEMAND FOR THE PREVIOUS QUESTION

Senators Fraser, Prentice and Wojahn demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.
The demand for the previous question carried.
The President declared the question before the Senate to be the adoption of Senate Resolution 2000-8725.
The motion by Senator Fraser carried and Senate Resolution 2000-8725 was adopted.

PERSONAL PRIVILEGE

Senator Hochstatter: "A point of personal privilege. Indeed, it is a great very great honor to be amongst you all and to accept your kindness and to engage in honest debate--not limited to just one side. I really think that the objects of our character are greatly extended--when we extend to one another, the courtesies that allow us to make our point. This is a tense moment for me and I guess I need to sit down. Some people that I love very much here have decided that they really didn't need to hear my voice. Thank you."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced President Jane Jervis and members of the Board of Trustees from The Evergreen State College, who were seated in the gallery.

MOTION

On motion of Senator Honeyford, the following resolution was adopted:

SENATE RESOLUTION 2000-8756

By Senator Honeyford

WHEREAS, Wrestling is one of the oldest sports in the world; and

WHEREAS, High school wrestling promotes citizenship and sportsmanship, instills a sense of pride in community, teaches life-long lessons of teamwork and self-discipline, and facilitates the physical and emotional development of our nation's youth; and

WHEREAS, Students who participate in interscholastic activities such as wrestling tend to have higher grade-point averages, better attendance records, lower dropout rates, and fewer discipline problems than other students generally; and

WHEREAS, The 1999-2000 Washington State Interscholastic Activities Association Mat Classic XII Wrestling Championship was the largest wrestling tournament in the United States and featured 896 of the best high school wrestlers in the state of Washington competing in 1680 individual matches; and

WHEREAS, The Zillah High School Leopards wrestling team overwhelmingly won first place in the Class 1 A/B team title for the state of Washington for the second year in a row, beating fifty-two other schools; and

WHEREAS, The Zillah High School Leopards wrestling team set a new Washington State Interscholastic Activities Association state tournament team scoring record with 226.5 points; and

WHEREAS, The Zillah High School Leopards wrestling team achieved a new state record for number of winning contestants by having twelve team members earn state medals in the 1999-2000 Washington State Interscholastic Activities Association Mat Classic XII Wrestling Championship; and

WHEREAS, This record-setting team was led by an extraordinarily dedicated and skilled head coach, Mr. Darrel White, who was assisted by outstanding assistant coaches, Daniel Robillard and Manual Torrez; and

WHEREAS, The State Champion Zillah High School Wrestling Team members included Ben Sevigny, Venancio Aparicio, Ray Rodriquez, Armando Valadez, Ismael Sanchez, Juan Carlos Baca, Julian Lopez, Nico Rodriguez, Kevin Robillard, Ryan Stonemetz, Tim Phillips, Gene Slack, Steve Elliott, Terry Zapien, Timote Uasike, and Leonel Lustre; and

WHEREAS, The mothers, fathers, and families of the wrestlers, and the coaches, managers, grappler gals, and student body, also made a significant contribution by dedicating their time and energy to support the 1999-2000 state champion Zillah wrestling team;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor these young champions and their coaches for their extraordinary athletic achievements; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to the school principal, members and coaches of the Zillah State Champion Wrestling Team, and to the Washington Interscholastic Activities Association.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Zillah High School State Champion Wrestling Team seated in the gallery.

MOTION

On motion of Senator Goings, the Senate reverted to the fourth order of business.

President Pro Tempore Wojahn assumed the Chair.

MESSAGE FROM THE HOUSE

March 2, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5924 with the following amendment(s):

On page 7, line 2, after "policy" insert ". One member shall be an individual engaged in mass appraisal whose duties are concerned with ad valorem appraisal management and policy and who is licensed or certified under this chapter", and the same are herewith transmitted:

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Prentice, the Senate concurred in the House amendment to Substitute Senate Bill No. 5924.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5924, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5924, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 2; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45.

Voting nay: Senator Zarelli - 1.

Absent: Senators Benton and Honeyford - 2.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 5924, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator McCaslin, Senator Swecker was excused.

MESSAGE FROM THE HOUSE

March 2, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6294 with the following amendment(s):

On page 2, line 11, after "(b)" strike everything down to and including "an" on line 12 and insert "Make recommendations to the legislature on statutory provisions for classifying and regulating", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment to Substitute Senate Bill No. 6294.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment to Substitute Senate Bill No. 6294.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 6294.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6294, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6294, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Loveland - 1.

Excused: Senators Sellar and Swecker - 2.

SUBSTITUTE SENATE BILL NO. 6294, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator McCaslin, Senator Deccio was excused.

MOTION

On motion of Senator Eide, Senator Patterson was excused.

MOTION

On motion of Senator Morton, Senator West was excused.

MESSAGE FROM THE HOUSE

March 1, 2000

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6731 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The Lake Whatcom landscape management pilot project is created.

The department of natural resources shall develop a landscape plan regarding state-owned forest lands in the Lake Whatcom watershed area. Where appropriate, the department will consult with other major forest landowners in the watershed and shall involve watershed residents in management activities. The department shall consult with the Lake Whatcom management committee on proposed timber harvest and road management activities. The department shall establish an interjurisdictional committee for the development of the landscape plan, to review the site-specific activities and make recommendations. The interjurisdictional committee shall include two members of the public who have an interest in these activities. The landscape plan shall address at least the following topics:

(1) Establishing riparian management zones along all streams, as classified under chapter 4, Laws of 1999 sp. sess. The department shall manage lands within such zones to protect water quality and riparian habitat. The interjurisdictional committee may recommend to the department restrictions upon timber harvest and yarding activities on a case-by-case basis;

(2) Harvest and road construction upon potentially unstable slopes shall be carefully regulated;

(3) On unstable slopes, new road construction shall be prohibited and old road reconstruction shall be limited;

(4) A sustained yield model specific to the Lake Whatcom watershed that encompasses the revised management standards and that is consistent with the sustained yield established by the board of natural resources shall be created and implemented;

(5) The department should build on the existing draft Lake Whatcom landscape plan and incorporate both new information from the community and new scientific information when available; and

(6) The development of a road management plan for the watershed.

The landscape plan shall be completed and implementation initiated by June 30, 2001. Timber harvest and all road construction in the watershed on state land shall be delayed until the plan is completed."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Spanel, the Senate concurred in the House amendment to Engrossed Second Substitute Senate Bill No. 6731.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6731, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6731, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Brown - 1.

Excused: Senators Deccio, Patterson, Sellar and West - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6731, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, Senators Bauer and Fairley were excused.

MESSAGE FROM THE HOUSE

March 3, 2000

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6305 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 11.88.090 and 1999 c 360 s 1 are each amended to read as follows:

(1) Nothing contained in RCW 11.88.080 through 11.88.120, 11.92.010 through 11.92.040, 11.92.060 through 11.92.120, 11.92.170, and 11.92.180 shall affect or impair the power of any court to appoint a guardian ad litem to defend the interests of any incapacitated person interested in any suit or matter pending therein, or to commence and prosecute any suit in his or her behalf.

(2) Prior to the appointment of a guardian or a limited guardian, whenever it appears that the incapacitated person or incapacitated person's estate could benefit from mediation and such mediation would likely result in overall reduced costs to the estate, upon the motion of the alleged incapacitated person or the guardian ad litem, or subsequent to such appointment, whenever it appears that the incapacitated person or incapacitated person's estate could benefit from mediation and such mediation would likely result in overall reduced costs to the estate, upon the motion of any interested person, the court may:

(a) Require any party or other person subject to the jurisdiction of the court to participate in mediation;

(b) Establish the terms of the mediation; and

(c) Allocate the cost of the mediation pursuant to RCW 11.96.140.

(3) Upon receipt of a petition for appointment of guardian or limited guardian, except as provided herein, the court shall appoint a guardian ad litem to represent the best interests of the alleged incapacitated person, who shall be a person found or known by the court to:

(a) Be free of influence from anyone interested in the result of the proceeding; and

(b) Have the requisite knowledge, training, or expertise to perform the duties required by this section.

The guardian ad litem shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, each party with a statement including: His or her training relating to the duties as a guardian ad litem; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the guardian ad litem has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the guardian ad litem's statement, any party may set a hearing and file and serve a motion for an order to show cause why the guardian ad litem should not be removed for one of the following three reasons: (i) Lack of expertise necessary for the proceeding; (ii) an hourly rate higher than what is reasonable for the particular proceeding; or (iii) a conflict of interest. Notice of the hearing shall be provided to the guardian ad litem and all parties. If, after a hearing, the court enters an order replacing the guardian ad litem, findings shall be included, expressly stating the reasons for the removal. If the guardian ad litem is not removed, the court has the authority to assess to the moving party, attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

No guardian ad litem need be appointed when a parent is petitioning for a guardian or a limited guardian to be appointed for his or her minor child and the minority of the child, as defined by RCW 11.92.010, is the sole basis of the petition. The order appointing the guardian ad litem shall recite the duties set forth in subsection (5) of this section. The appointment of a guardian ad litem shall have no effect on the legal competency of the alleged incapacitated person and shall not overcome the presumption of competency or full legal and civil rights of the alleged incapacitated person.

(4)(a) The superior court of each county shall develop and maintain a registry of persons who are willing and qualified to serve as guardians ad litem in guardianship matters. The court shall choose as guardian ad litem a person whose name appears on the registry in a system of consistent rotation, except in extraordinary circumstances such as the need for particular expertise. The court shall develop procedures for periodic review of the persons on the registry and for probation, suspension, or removal of

persons on the registry for failure to perform properly their duties as guardian ad litem. In the event the court does not select the person next on the list, it shall include in the order of appointment a written reason for its decision.

(b) To be eligible for the registry a person shall:

(i) Present a written statement outlining his or her background and qualifications. The background statement shall include, but is not limited to, the following information:

(A) Level of formal education;

(B) Training related to the guardian ad litem's duties;

(C) Number of years' experience as a guardian ad litem;

(D) Number of appointments as a guardian ad litem and the county or counties of appointment;

(E) Criminal history, as defined in RCW 9.94A.030; and

(F) Evidence of the person's knowledge, training, and experience in each of the following: Needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities, and other areas relevant to the needs of incapacitated persons, legal procedure, and the requirements of chapters 11.88 and 11.92 RCW.

The written statement of qualifications shall include ((~~a statement of the number of times the guardian ad litem has been removed for failure to perform his or her duties as guardian ad litem~~)) the names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and

(ii) Complete the ((~~model~~)) training ((~~program~~)) as described in (((~~(d)~~))) (e) of this subsection. The training is not applicable to guardians ad litem appointed pursuant to special proceeding Rule 98.16W.

(c) Superior court shall remove any person from the guardian ad litem registry who misrepresents his or her qualifications pursuant to a grievance procedure established by the court.

(d) The background and qualification information shall be updated annually.

(((~~(d)~~))) (e) The department of social and health services shall convene an advisory group to develop a model guardian ad litem training program and shall update the program biennially. The advisory group shall consist of representatives from consumer, advocacy, and professional groups knowledgeable in developmental disabilities, neurological impairment, physical disabilities, mental illness, domestic violence, aging, legal, court administration, the Washington state bar association, and other interested parties.

(((~~(e)~~))) (f) The superior court shall require utilization of the model program developed by the advisory group as described in (((~~(d)~~))) (e) of this subsection, to assure that candidates applying for registration as a qualified guardian ad litem shall have satisfactorily completed training to attain these essential minimum qualifications to act as guardian ad litem.

(5) The guardian ad litem appointed pursuant to this section shall have the following duties:

(a) To meet and consult with the alleged incapacitated person as soon as practicable following appointment and explain, in language which such person can reasonably be expected to understand, the substance of the petition, the nature of the resultant proceedings, the person's right to contest the petition, the identification of the proposed guardian or limited guardian, the right to a jury trial on the issue of his or her alleged incapacity, the right to independent legal counsel as provided by RCW 11.88.045, and the right to be present in court at the hearing on the petition;

(b) To obtain a written report according to RCW 11.88.045; and such other written or oral reports from other qualified professionals as are necessary to permit the guardian ad litem to complete the report required by this section;

(c) To meet with the person whose appointment is sought as guardian or limited guardian and ascertain:

(i) The proposed guardian's knowledge of the duties, requirements, and limitations of a guardian; and

(ii) The steps the proposed guardian intends to take or has taken to identify and meet the needs of the alleged incapacitated person;

(d) To consult as necessary to complete the investigation and report required by this section with those known relatives, friends, or other persons the guardian ad litem determines have had a significant, continuing interest in the welfare of the alleged incapacitated person;

(e) To investigate alternate arrangements made, or which might be created, by or on behalf of the alleged incapacitated person, such as revocable or irrevocable trusts, ((~~or~~)) durable powers of attorney, or blocked accounts; whether good cause exists for any such arrangements to be discontinued; and why such arrangements should not be continued or created in lieu of a guardianship;

(f) To provide the court with a written report which shall include the following:

(i) A description of the nature, cause, and degree of incapacity, and the basis upon which this judgment was made;

(ii) A description of the needs of the incapacitated person for care and treatment, the probable residential requirements of the alleged incapacitated person and the basis upon which these findings were made;

(iii) An evaluation of the appropriateness of the guardian or limited guardian whose appointment is sought and a description of the steps the proposed guardian has taken or intends to take to identify and meet current and emerging needs of the incapacitated person;

(iv) A description of any alternative arrangements previously made by the alleged incapacitated person or which could be made, and whether and to what extent such alternatives should be used in lieu of a guardianship, and if the guardian ad litem is recommending discontinuation of any such arrangements, specific findings as to why such arrangements are contrary to the best interest of the alleged incapacitated person;

(v) A description of the abilities of the alleged incapacitated person and a recommendation as to whether a guardian or limited guardian should be appointed. If appointment of a limited guardian is recommended, the guardian ad litem shall recommend the specific areas of authority the limited guardian should have and the limitations and disabilities to be placed on the incapacitated person;

(vi) An evaluation of the person's mental ability to rationally exercise the right to vote and the basis upon which the evaluation is made;

(vii) Any expression of approval or disapproval made by the alleged incapacitated person concerning the proposed guardian or limited guardian or guardianship or limited guardianship;

(viii) Identification of persons with significant interest in the welfare of the alleged incapacitated person who should be advised of their right to request special notice of proceedings pursuant to RCW 11.92.150; and

(ix) Unless independent counsel has appeared for the alleged incapacitated person, an explanation of how the alleged incapacitated person responded to the advice of the right to jury trial, to independent counsel and to be present at the hearing on the petition.

Within forty-five days after notice of commencement of the guardianship proceeding has been served upon the guardian ad litem, and at least fifteen days before the hearing on the petition, unless an extension or reduction of time has been granted by the court for good cause, the guardian ad litem shall file its report and send a copy to the alleged incapacitated person and his or her counsel, spouse, all children not residing with a notified person, those persons described in (f)(viii) of this subsection, and persons who have filed a request for special notice pursuant to RCW 11.92.150. If the guardian ad litem needs additional time to finalize his or her report, then the guardian ad litem shall petition the court for a postponement of the hearing or, with the consent of all other parties, an extension or reduction of time for filing the report. If the hearing does not occur within sixty days of filing the petition, then upon the two-month anniversary of filing the petition and on or before the same day of each following month until the hearing, the guardian ad litem shall file interim reports summarizing his or her activities on the proceeding during that time period as well as fees and costs incurred;

(g) To advise the court of the need for appointment of counsel for the alleged incapacitated person within five court days after the meeting described in (a) of this subsection unless (i) counsel has appeared, (ii) the alleged incapacitated person affirmatively communicated a wish not to be represented by counsel after being advised of the right to representation and of the conditions under which court-provided counsel may be available, or (iii) the alleged incapacitated person was unable to communicate at all on the subject, and the guardian ad litem is satisfied that the alleged incapacitated person does not affirmatively desire to be represented by counsel.

(6) If the petition is brought by an interested person or entity requesting the appointment of some other qualified person or entity and a prospective guardian or limited guardian cannot be found, the court shall order the guardian ad litem to investigate the availability of a possible guardian or limited guardian and to include the findings in a report to the court pursuant to subsection (5)(f) of this section.

(7) The parties to the proceeding may file responses to the guardian ad litem report with the court and deliver such responses to the other parties and the guardian ad litem at any time up to the second day prior to the hearing. If a guardian ad litem fails to file his or her report in a timely manner, the hearing shall be continued to give the court and the parties at least fifteen days before the hearing to review the report. At any time during the proceeding upon motion of any party or on the court's own motion, the court may remove the guardian ad litem for failure to perform his or her duties as specified in this chapter, provided that the guardian ad litem shall have five days' notice of any motion to remove before the court enters such order. In addition, the court in its discretion may reduce a guardian ad litem's fee for failure to carry out his or her duties.

(8) The court appointed guardian ad litem shall have the authority, in the event that the alleged incapacitated person is in need of emergency life-saving medical services, and is unable to consent to such medical services due to incapacity pending the hearing on the petition to give consent for such emergency life-saving medical services on behalf of the alleged incapacitated person.

(9) The court-appointed guardian ad litem shall have the authority to move for temporary relief under chapter 7.40 RCW to protect the alleged incapacitated person from abuse, neglect, abandonment, or exploitation, as those terms are defined in RCW 74.34.020, or to address any other emergency needs of the alleged incapacitated person. Any alternative arrangement executed

before filing the petition for guardianship shall remain effective unless the court grants the relief requested under chapter 7.40 RCW, or unless, following notice and a hearing at which all parties directly affected by the arrangement are present, the court finds that the alternative arrangement should not remain effective.

(10) The guardian ad litem shall receive a fee determined by the court. The fee shall be charged to the alleged incapacitated person unless the court finds that such payment would result in substantial hardship upon such person, in which case the county shall be responsible for such costs: PROVIDED, That ((~~if no guardian or limited guardian is appointed~~)) the court may charge such fee to the petitioner ((~~or~~)), the alleged incapacitated person, or ((~~divide~~)) any person who has appeared in the action; or may allocate the fee, as it deems just((~~; and~~)). If the petition is found to be frivolous or not brought in good faith, the guardian ad litem fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public agency.

(11) Upon the presentation of the guardian ad litem report and the entry of an order either dismissing the petition for appointment of guardian or limited guardian or appointing a guardian or limited guardian, the guardian ad litem shall be dismissed and shall have no further duties or obligations unless otherwise ordered by the court. If the court orders the guardian ad litem to perform further duties or obligations, they shall not be performed at county expense.

(12) The guardian ad litem shall appear in person at all hearings on the petition unless all parties provide a written waiver of the requirement to appear.

(13) At any hearing the court may consider whether any person who makes decisions regarding the alleged incapacitated person or estate has breached a statutory or fiduciary duty.

Sec. 2. RCW 13.34.100 and 1996 c 249 s 13 are each amended to read as follows:

(1) The court shall appoint a guardian ad litem for a child who is the subject of an action under this chapter, unless a court for good cause finds the appointment unnecessary. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by independent counsel in the proceedings.

(2) If the court does not have available to it a guardian ad litem program with a sufficient number of volunteers, the court may appoint a suitable person to act as guardian ad litem for the child under this chapter. Another party to the proceeding or the party's employee or representative shall not be so appointed.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background file shall include, but is not limited to, the following information:

(a) Level of formal education;

(b) Training related to the guardian's duties;

(c) Number of years' experience as a guardian ad litem;

(d) Number of appointments as a guardian ad litem and the county or counties of appointment; ((~~and~~))

(e) The names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and

(f) Criminal history, as defined in RCW 9.94A.030.

The background information report shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person shall provide the background information to the court.

Upon appointment, the guardian ad litem, or guardian ad litem program, shall provide the parties or their attorneys with a statement containing: His or her training relating to the duties as a guardian ad litem; the name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment. The background statement shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) The appointment of the guardian ad litem shall remain in effect until the court discharges the appointment or no longer has jurisdiction, whichever comes first. The guardian ad litem may also be discharged upon entry of an order of guardianship.

(5) A guardian ad litem through counsel, or as otherwise authorized by the court, shall have the right to present evidence, examine and cross-examine witnesses, and to be present at all hearings. A guardian ad litem shall receive copies of all pleadings and other documents filed or submitted to the court, and notice of all hearings according to court rules. The guardian ad litem shall receive all notice contemplated for a parent or other party in all proceedings under this chapter.

(6) If the child requests legal counsel and is age twelve or older, or if the guardian ad litem or the court determines that the child needs to be independently represented by counsel, the court may appoint an attorney to represent the child's position.

(7) For the purposes of child abuse prevention and treatment act (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247, or any related state or federal legislation, a person appointed pursuant to RCW 13.34.100 shall be deemed a guardian ad litem to represent the best interests of the minor in proceedings before the court.

(8) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends and the appointment shall be effective immediately. The court shall appoint the person recommended by the program. If a party in a case reasonably believes the court-appointed special advocate or volunteer is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate on the grounds the advocate or volunteer is inappropriate or unqualified.

Sec. 3. RCW 13.34.102 and 1997 c 41 s 6 are each amended to read as follows:

(1) All guardians ad litem((~~, who have not previously served or been trained as a guardian ad litem in this state, who are appointed after January 1, 1998,~~)) must ((~~complete the curriculum developed by the office of the administrator for the courts~~)) comply with the training requirements established under RCW 2.56.030(15), prior to their appointment in cases under Title 13 RCW, except that volunteer guardians ad litem or court-appointed special advocates ((~~accepted into a volunteer program after January 1, 1998,~~)) may ((~~complete an~~)) comply with alternative ((~~curriculum~~)) training requirements approved by the office of the administrator for the courts that meet((~~s~~)) or exceed((~~s~~)) the state-wide ((~~curriculum~~)) requirements.

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information as specified in RCW 13.34.100(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem lacks the necessary expertise for the proceeding, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(d) The superior court shall remove any person from the guardian ad litem registry who misrepresents his or her qualifications pursuant to a grievance procedure established by the court.

(3) The rotational registry system shall not apply to court-appointed special advocate programs.

Sec. 4. RCW 13.34.105 and 1999 c 390 s 2 are each amended to read as follows:

(1) Unless otherwise directed by the court, the duties of the guardian ad litem include but are not limited to the following:

(a) To ((~~represent~~)) investigate, collect relevant information about the child's situation, and ((~~be an advocate for~~)) report to the court factual information regarding the best interests of the child;

(b) ((~~To collect relevant information about the child's situation;~~

~~(c)~~)) To monitor all court orders for compliance and to bring to the court's attention any change in circumstances that may require a modification of the court's order; ((~~and~~

~~(d)~~)) (c) To report to the court information on the legal status of a child's membership in any Indian tribe or band;

(d) Court-appointed special advocates and guardians ad litem may make recommendations based upon an independent investigation regarding the best interests of the child, which the court may consider and weigh in conjunction with the recommendations of all of the parties; and

(e) To represent and be an advocate for the best interests of the child.

(2) ((~~The~~)) A guardian ad litem shall be deemed an officer of the court for the purpose of immunity from civil liability.

(3) Except for information or records specified in RCW 13.50.100(5), the guardian ad litem shall have access to all information available to the state or agency on the case. Upon presentation of the order of appointment by the guardian ad litem, any agency, hospital, school organization, division or department of the state, doctor, nurse, or other health care provider, psychologist, psychiatrist, police department, or mental health clinic shall permit the guardian ad litem to inspect and copy any records relating to the child or children involved in the case, without the consent of the parent or guardian of the child, or of the child if the child is under the age of thirteen years, unless such access is otherwise specifically prohibited by law.

(4) A guardian ad litem may release confidential information, records, and reports to the office of the family and children's ombudsman for the purposes of carrying out its duties under chapter 43.06A RCW.

(5) The guardian ad litem shall release case information in accordance with the provisions of RCW 13.50.100.

Sec. 5. RCW 13.34.120 and 1998 c 328 s 4 are each amended to read as follows:

(1) To aid the court in its decision on disposition, a social study, consisting of a written evaluation of matters relevant to the disposition of the case, shall be made by the person or agency filing the petition. A parent may submit a counselor's or health care provider's evaluation of the parent, which shall either be included in the social study or considered in conjunction with the social study. The study shall include all social records and may also include facts relating to the child's cultural heritage, and shall be made available to the court. The court shall consider the social file, social study, guardian ad litem report, the court-appointed special advocate's report, if any, and any reports filed by a party at the disposition hearing in addition to evidence produced at the fact-finding hearing. At least ten working days before the disposition hearing, the department shall mail to the parent and his or her attorney a copy of the agency's social study and proposed service plan, which shall be in writing or in a form understandable to the parents or custodians. In addition, the department shall provide an opportunity for parents to review and comment on the plan at the community service office. If the parents disagree with the agency's plan or any part thereof, the parents shall submit to the court at least twenty-four hours before the hearing, in writing, or signed oral statement, an alternative plan to correct the problems which led to the finding of dependency. This section shall not interfere with the right of the parents or custodians to submit oral arguments regarding the disposition plan at the hearing.

(2) In addition to the requirements set forth in subsection (1) of this section, a predisposition study to the court in cases of dependency alleged pursuant to RCW 13.34.030(4) (b) or (c) shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific programs, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such programs are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs which have been considered and rejected; the preventive services that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal. This section should include an exploration of the nature of the parent-child attachment and the meaning of separation and loss to both the parents and the child;

(e) A description of the steps that will be taken to minimize harm to the child that may result if separation occurs; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

(3)(a) The guardian ad litem or court-appointed special advocate shall file his or her report with the court and with the parties pursuant to court rule prior to a hearing for which a report is required. The report shall include a written list of persons interviewed and reports or documentation considered. If the report makes particular recommendations, the report shall include specific information on which the guardian ad litem or court-appointed special advocate relied in making each particular recommendation.

(b) The parties to the proceeding may file written responses to the guardian ad litem's or court-appointed special advocate's report with the court and deliver such responses to the other parties at a reasonable time or pursuant to court rule before the hearing. The court shall consider any written responses to the guardian ad litem's or court-appointed special advocate's report, including any factual information or recommendations provided in the report.

Sec. 6. RCW 26.12.175 and 1996 c 249 s 15 are each amended to read as follows:

(1)(a) The court may appoint a guardian ad litem to represent the interests of a minor or dependent child when the court believes the appointment of a guardian ad litem is necessary to protect the best interests of the child in any proceeding under this chapter. The family court services professionals may also make a recommendation to the court regarding whether a guardian ad litem should be appointed for the child. The court may appoint a guardian ad litem from the court-appointed special advocate program, if that program exists in the county.

(b) Unless otherwise ordered, the guardian ad litem's role is to investigate and report factual information to the court concerning parenting arrangements for the child, and to represent the child's best interests. Guardians ad litem and investigators under this title may make recommendations based upon an independent investigation regarding the best interests of the child, which the court may consider and weigh in conjunction with the recommendations of all of the parties. If a child expresses a preference regarding the parenting plan, the guardian ad litem shall report the preferences to the court, together with the facts relative to whether any preferences are being expressed voluntarily and the degree of the child's understanding. The court may require the guardian ad litem to provide periodic reports to the parties regarding the status of his or her investigation. The guardian ad litem shall file his or her report at least sixty days prior to trial.

(c) The parties to the proceeding may file with the court written responses to any report filed by the guardian ad litem or investigator. The court shall consider any written responses to a report filed by the guardian ad litem or investigator, including any factual information or recommendations provided in the report.

(d) The court shall enter an order for costs, fees, and disbursements to cover the costs of the guardian ad litem. The court may order either or both parents to pay for the costs of the guardian ad litem, according to their ability to pay. If both parents are indigent, the county shall bear the cost of the guardian, subject to appropriation for guardians' ad litem services by the county legislative authority. Guardians ad litem who are not volunteers shall provide the parties with an itemized accounting of their time and billing for services each month.

(2)(a) If the guardian ad litem appointed is from the county court-appointed special advocate program, the program shall supervise any guardian ad litem assigned to the case. The court-appointed special advocate program shall be entitled to notice of all proceedings in the case.

(b) The legislative authority of each county may authorize creation of a court-appointed special advocate program. The county legislative authority may adopt rules of eligibility for court-appointed special advocate program services.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background file shall include, but is not limited to, the following information:

(a) Level of formal education;

(b) Training related to the guardian's duties;

(c) Number of years' experience as a guardian ad litem;

(d) Number of appointments as a guardian ad litem and county or counties of appointment; ((~~and~~))

(e) The names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and

(f) Criminal history, as defined in RCW 9.94A.030.

The background information report shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person shall provide the background information to the court.

Upon appointment, the guardian ad litem, or guardian ad litem program, shall provide the parties or their attorneys with a statement containing: His or her training relating to the duties as a guardian ad litem; the name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment. The background statement shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends and the appointment shall be effective immediately. The court shall appoint the person recommended by the program. If a party in a case reasonably believes the court-appointed special advocate or volunteer is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate on the grounds the advocate or volunteer is inappropriate or unqualified.

Sec. 7. RCW 26.12.177 and 1997 c 41 s 7 are each amended to read as follows:

(1) All guardians ad litem((, ~~who have not previously served or been trained as a guardian ad litem in this state, who are appointed after January 1, 1998,~~)) and investigators appointed under this title must ((~~complete the curriculum developed by the office of the administrator for the courts~~)) comply with the training requirements established under RCW 2.56.030(15), prior to their appointment in cases under Title 26 RCW, except that volunteer guardians ad litem or court-appointed special advocates ((~~accepted into a volunteer program after January 1, 1998,~~)) may ((~~complete an~~)) comply with alternative ((~~curriculum~~)) training requirements approved by the office of the administrator for the courts that meet((~~s~~)) or exceed((~~s~~)) the state-wide ((~~curriculum~~)) requirements.

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem and investigators under this title. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem and investigators under this title shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information as specified in RCW 26.12.175(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list,

the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem lacks the necessary expertise for the proceeding, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(d) Under this section, within either registry referred to in (a) of this subsection, a subregistry may be created that consists of guardians ad litem under contract with the department of social and health services' division of child support. Guardians ad litem on such a subregistry shall be selected and appointed in state-initiated paternity cases only.

(e) The superior court shall remove any person from the guardian ad litem registry who misrepresents his or her qualifications pursuant to a grievance procedure established by the court.

(3) The rotational registry system shall not apply to court-appointed special advocate programs.

NEW SECTION. **Sec. 8.** A new section is added to chapter 26.12 RCW to read as follows:

All information, records, and reports obtained or created by a guardian ad litem, court-appointed special advocate, or investigator under this title shall be discoverable pursuant to statute and court rule. The guardian ad litem, court-appointed special advocate, or investigator shall not release private or confidential information to any nonparty except pursuant to a court order signed by a judge. The guardian ad litem, court-appointed special advocate, or investigator may share private or confidential information with experts or staff he or she has retained as necessary to perform the duties of guardian ad litem, court-appointed special advocate, or investigator. Any expert or staff retained are subject to the confidentiality rules governing the guardian ad litem, court-appointed special advocate, or investigator. Nothing in this section shall be interpreted to authorize disclosure of guardian ad litem records in personal injury actions.

Sec. 9. RCW 26.12.185 and 1999 c 390 s 4 are each amended to read as follows:

A guardian ad litem, court-appointed special advocate, or investigator under this title appointed under this chapter may release confidential information, records, and reports to the office of the family and children's ombudsman for the purposes of carrying out its duties under chapter 43.06A RCW.

NEW SECTION. **Sec. 10.** A new section is added to chapter 11.88 RCW to read as follows:

A guardian ad litem shall not engage in ex parte communications with any judicial officer involved in the matter for which he or she is appointed during the pendency of the proceeding, except as permitted by court rule or statute for ex parte motions. Ex parte motions shall be heard in open court on the record. The record may be preserved in a manner deemed appropriate by the county where the matter is heard. The court, upon its own motion, or upon the motion of a party, may consider the removal of any guardian ad litem who violates this section from any pending case or from any court-authorized registry, and if so removed may require forfeiture of any fees for professional services on the pending case.

NEW SECTION. **Sec. 11.** A new section is added to chapter 13.34 RCW to read as follows:

A guardian ad litem or court-appointed special advocate shall not engage in ex parte communications with any judicial officer involved in the matter for which he or she is appointed during the pendency of the proceeding, except as permitted by court rule or statute for ex parte motions. Ex parte motions shall be heard in open court on the record. The record may be preserved in a manner deemed appropriate by the county where the matter is heard. The court, upon its own motion, or upon the motion of a party, may consider the removal of any guardian ad litem or court-appointed special advocate who violates this section from any pending case or from any court-authorized registry, and if so removed may require forfeiture of any fees for professional services on the pending case.

NEW SECTION. **Sec. 12.** A new section is added to chapter 26.12 RCW to read as follows:

A guardian ad litem, court-appointed special advocate, or investigator shall not engage in ex parte communications with any judicial officer involved in the matter for which he or she is appointed during the pendency of the proceeding, except as permitted by court rule or statute for ex parte motions. Ex parte motions shall be heard in open court on the record. The record may be preserved in a manner deemed appropriate by the county where the matter is heard. The court, upon its own motion, or upon the motion of a party, may consider the removal of any guardian ad litem, court-appointed special advocate, or investigator who violates this section from any pending case or from any court-authorized registry, and if so removed may require forfeiture of any fees for professional services on the pending case.

NEW SECTION. **Sec. 13.** A new section is added to chapter 11.88 RCW to read as follows:

The court shall specify the hourly rate the guardian ad litem may charge for his or her services, and shall specify the maximum amount the guardian ad litem may charge without additional court review and approval. The court shall specify rates and fees in the order of appointment or at the earliest date the court is able to determine the appropriate rates and fees and prior to the guardian ad litem billing for his or her services. This section shall apply except as provided by local court rule.

NEW SECTION. **Sec. 14.** A new section is added to chapter 13.34 RCW to read as follows:

The court shall specify the hourly rate the guardian ad litem may charge for his or her services, and shall specify the maximum amount the guardian ad litem may charge without additional court review and approval. The court shall specify rates and fees in the order of appointment or at the earliest date the court is able to determine the appropriate rates and fees and prior to the guardian ad litem billing for his or her services. This section shall apply except as provided by local court rule.

NEW SECTION. **Sec. 15.** A new section is added to chapter 26.12 RCW to read as follows:

Except for guardians ad litem appointed by the court from the subregistry created under RCW 26.12.177(2)(d), the court shall specify the hourly rate the guardian ad litem or investigator under this title may charge for his or her services, and shall specify the maximum amount the guardian ad litem or investigator under this title may charge without additional court review and approval. The court shall specify rates and fees in the order of appointment or at the earliest date the court is able to determine the appropriate rates and fees and prior to the guardian ad litem billing for his or her services. This section shall apply except as provided by local court rule.

NEW SECTION. **Sec. 16.** Each superior court shall adopt rules establishing and governing procedures for filing, investigating, and adjudicating grievances made by or against guardians ad litem under Titles 11, 13, and 26 RCW."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 6305.

POINT OF INQUIRY

Senator Hargrove: "Senator Franklin, the requirement that the GAL's fees be set by the court was amended in the House, adding an exception for local court rules. Why is an exception needed for local court rules?"

Senator Franklin: "Each county has its own registry and sometimes multiple registries for different kinds of Guardians ad Litem appointed in cases. The local jurisdiction needs to be able to set fees according to the kind of Guardians ad Litem appointed. Some registries have Guardians ad Litem on contract with the state, and their fees cannot be set higher by the court without disrupting agency budgets."

Senator Hargrove: "Then, the intent of the amendment is to avoid disrupting contracts that cap fees? May each county develop its own rules that provide more protection to a minor or incapacitated person from excessive fees and costs than would be covered by the statutory provision?"

Senator Franklin: "That's correct. The local jurisdiction could not have a rule that precluded court review of fees or that violated the policy set forth in statute that fees shall be limited before they are incurred. The legislative intent is to prevent excessive fees."

Senator Hargrove: "Thank you very much."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 6305.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6305.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6305, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6305, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin,

McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Bauer, Fairley, Patterson, Sellar and West - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6305, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator McAuliffe, the following resolution was adopted:

SENATE RESOLUTION 2000-8752

By Senators McAuliffe, Fraser and Rasmussen

WHEREAS, It is important to foster interest in government in young people who have so much to say and share with adults; and

WHEREAS, Encouraging young people to participate in the democratic process and make their opinions heard, helps to ensure that government pays greater attention to the critical issues that directly affect young people; and

WHEREAS, the Youth Count Council from the First Legislative District is one such youth involvement group whose participants include ten caring young adults interested in contributing to their communities and making a difference; and

WHEREAS, representatives from the Kenmore Boys and Girls Club, an agency dedicated to helping young people, worked with the Youth Count Council throughout the legislative session; and

WHEREAS, the Youth Count Council brought their valuable opinions and those of their peers to legislators this session on such issues as teen driving, school safety, bone marrow donation, and after-school programs; and

WHEREAS, legislators concerned with education can learn volumes from the very people who are in the school building each and every day; and

WHEREAS, the teenagers further can inspire and inform us as legislators by their calls for expanded school programs on cultural awareness and diversity; and

WHEREAS, because in their words, such programs would "improve human relations, help students understand one another better, and open up the world";

NOW, THEREFORE, BE IT RESOLVED, that the Washington State Senate do hereby recognize the contributions of the Youth Count Council and the many other young people in Washington who take an active role in working to make government better respond to the needs of all of its citizen -- no matter what their age; and

BE IT FURTHER RESOLVED, that copies of this resolution be immediately transmitted to the Kenmore Boys and Girls Club and the members of the First Legislative District Youth Count Council.

Senators McAuliffe and Costa spoke to Senate Resolution 2000-8752.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore introduced the members of the Kenmore Boys and Girls Club and the First Legislative District Youth Count Council members, who were seated in the gallery.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 1, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6361 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 72.40 RCW to read as follows:

The state school for the deaf and the state school for the blind shall promote the personal safety of students and protect the children who attend from child abuse and neglect as defined in RCW 26.44.020.

NEW SECTION. **Sec. 2.** A new section is added to chapter 72.40 RCW to read as follows:

The superintendents of the state school for the deaf and the state school for the blind or their designees shall immediately report to the persons indicated the following events:

(1) To the child's parent, custodian, or guardian:

(a) The death of the child;

(b) Hospitalization of a child in attendance or residence at the school;

(c) Allegations of child abuse or neglect in which the parent's child in attendance or residence at the school is the alleged victim;

(d) Allegations of physical or sexual abuse in which the parent's child in attendance or residence at the school is the alleged perpetrator;

(e) Life-threatening illness;

(f) The attendance at the school of any child who is a registered sex offender under RCW 9A.44.130 as permitted by RCW 4.24.550.

(2) Notification to the parent shall be made by the means most likely to be received by the parent. If initial notification is made by telephone, such notification shall be followed by notification in writing within forty-eight hours after the initial oral contact is made.

NEW SECTION. **Sec. 3.** A new section is added to chapter 72.40 RCW to read as follows:

(1) The superintendents of the state school for the deaf and the state school for the blind shall maintain in writing and implement behavior management policies and procedures that accomplish the following:

(a) Support the child's appropriate social behavior, self-control, and the rights of others;

(b) Foster dignity and self-respect for the child;

(c) Reflect the ages and developmental levels of children in care.

(2) The state school for the deaf and the state school for the blind shall use proactive, positive behavior support techniques to manage potential child behavior problems. These techniques shall include but not be limited to:

(a) Organization of the physical environment and staffing patterns to reduce factors leading to behavior incidents;

(b) Intervention before behavior becomes disruptive, in the least invasive and least restrictive manner available;

(c) Emphasis on verbal deescalation to calm the upset child;

(d) Redirection strategies to present the child with alternative resolution choices.

NEW SECTION. **Sec. 4.** A new section is added to chapter 72.40 RCW to read as follows:

(1) The state school for the deaf and the state school for the blind shall ensure that all staff, within two months of beginning employment, complete a minimum of fifteen hours of job orientation which shall include, but is not limited to, presentation of the standard operating procedures manual for each school, describing all policies and procedures specific to the school.

(2) The state school for the deaf and the state school for the blind shall ensure that all new staff receive thirty-two hours of job specific training within ninety days of employment which shall include, but is not limited to, promoting and protecting student personal safety. All staff shall receive thirty-two hours of ongoing training in these areas every two years.

NEW SECTION. **Sec. 5.** A new section is added to chapter 72.40 RCW to read as follows:

The residential program at the state school for the deaf and the state school for the blind shall employ residential staff in sufficient numbers to ensure the physical and emotional needs of the residents are met. Residential staff shall be on duty in sufficient numbers to ensure the safety of the children residing there.

For purposes of this section, "residential staff" means staff in charge of supervising the day-to-day living situation of the children in the residential portion of the schools.

NEW SECTION. **Sec. 6.** A new section is added to chapter 72.40 RCW to read as follows:

In addition to the powers and duties under RCW 72.40.022 and 72.40.024, the superintendents of the state school for the deaf and the state school for the blind shall:

(1) Develop written procedures for the supervision of employees and volunteers who have the potential for contact with students. Such procedures shall be designed to prevent child abuse and neglect by providing for adequate supervision of such

employees and volunteers, taking into consideration such factors as the student population served, architectural factors, and the size of the facility. Such procedures shall include, but need not be limited to, the following:

(a) Staffing patterns and the rationale for such;

(b) Responsibilities of supervisors;

(c) The method by which staff and volunteers are made aware of the identity of all supervisors, including designated on-site supervisors;

(d) Provision of written supervisory guidelines to employees and volunteers;

(e) Periodic supervisory conferences for employees and volunteers; and

(f) Written performance evaluations of staff to be conducted by supervisors in a manner consistent with applicable provisions of the civil service law.

(2) Develop written procedures for the protection of students when there is reason to believe an incident has occurred which would render a child student an abused or neglected child within the meaning of RCW 26.44.020. Such procedures shall include, but need not be limited to, the following:

(a) Investigation. Immediately upon notification that a report of child abuse or neglect has been made to the department of social and health services or a law enforcement agency, the superintendent shall:

(i) Preserve any potential evidence through such actions as securing the area where suspected abuse or neglect occurred;

(ii) Obtain proper and prompt medical evaluation and treatment, as needed, with documentation of any evidence of abuse or neglect; and

(iii) Provide necessary assistance to the department of social and health services and local law enforcement in their investigations;

(b) Safety. Upon notification that a report of suspected child abuse or neglect has been made to the department of social and health services or a law enforcement agency, the superintendent or his or her designee, with consideration for causing as little disruption as possible to the daily routines of the students, shall evaluate the situation and immediately take appropriate action to assure the health and safety of the students involved in the report and of any other students similarly situated, and take such additional action as is necessary to prevent future acts of abuse or neglect. Such action may include:

(i) Consistent with federal and state law:

(A) Removing the alleged perpetrator from the school;

(B) Increasing the degree of supervision of the alleged perpetrator; and

(C) Initiating appropriate disciplinary action against the alleged perpetrator;

(ii) Provision of increased training and increased supervision to volunteers and staff pertinent to the prevention and remediation of abuse and neglect;

(iii) Temporary removal of the students from a program and reassignment of the students within the school, as an emergency measure, if it is determined that there is a risk to the health or safety of such students in remaining in that program. Whenever a student is removed, pursuant to this subsection (2)(b)(iii), from a special education program or service specified in his or her individualized education program, the action shall be reviewed in an individualized education program meeting; and

(iv) Provision of counseling to the students involved in the report or any other students, as appropriate;

(c) Corrective action plans. Upon receipt of the results of an investigation by the department of social and health services pursuant to a report of suspected child abuse or neglect, the superintendent, after consideration of any recommendations by the department of social and health services for preventive and remedial action, shall implement a written plan of action designed to assure the continued health and safety of students and to provide for the prevention of future acts of abuse or neglect.

NEW SECTION. **Sec. 7.** A new section is added to chapter 72.40 RCW to read as follows:

In consideration of the needs and circumstances of the program, the state school for the deaf and the state school for the blind shall provide instruction to all students in techniques and procedures which will enable the students to protect themselves from abuse and neglect. Such instruction shall be described in a written plan to be submitted to the board of trustees for review and approval, and shall be:

(1) Appropriate for the age, individual needs, and particular circumstances of students, including the existence of mental, physical, emotional, or sensory disabilities;

(2) Provided at different times throughout the year in a manner which will ensure that all students receive such instruction; and

(3) Provided by individuals who possess appropriate knowledge and training, documentation of which shall be maintained by the school.

Sec. 8. RCW 72.40.040 and 1993 c 147 s 3 are each amended to read as follows:

(1) The schools shall be free to residents of the state between the ages of three and twenty-one years, who are blind/visually impaired or deaf/hearing impaired, or with other disabilities where a vision or hearing disability is the major need for services.

(2) The schools may provide nonresidential services to children ages birth through three who meet the eligibility criteria in this section, subject to available funding.

(3) Each school shall admit and retain students on a space available basis according to criteria developed and published by each school superintendent in consultation with each board of trustees and school faculty: PROVIDED, That students over the age of twenty-one years, who are otherwise qualified may be retained at the school, if in the discretion of the superintendent in consultation with the faculty they are proper persons to receive further training given at the school and the facilities are adequate for proper care, education, and training.

(4) The admission and retention criteria developed and published by each school superintendent shall contain a provision allowing the schools to refuse to admit or retain a student who is an adjudicated sex offender except that the schools shall not admit or retain a student who is an adjudicated level III sex offender as provided in RCW 13.40.217(3).

Sec. 9. RCW 72.40.050 and 1985 c 378 s 20 are each amended to read as follows:

(1) The superintendents may admit to their respective schools visually or hearing impaired children from other states as appropriate, but the parents or guardians of such children or other state will be required to pay annually or quarterly in advance a sufficient amount to cover the cost of maintaining and educating such children as set by the applicable superintendent.

(2) The admission and retention criteria developed and published by each school superintendent shall contain a provision allowing the schools to refuse to admit or retain a nonresident student who is an adjudicated sex offender, or the equivalent under the laws of the state in which the student resides, except that the schools shall not admit or retain a nonresident student who is an adjudicated level III sex offender or the equivalent under the laws of the state in which the student resides.

NEW SECTION. **Sec. 10.** A new section is added to chapter 72.40 RCW to read as follows:

(1) The schools shall implement a policy for the children who reside at the schools protecting those who are vulnerable to sexual victimization by other children who are sexually aggressive and residing at the schools. The policy shall include, at a minimum, the following elements:

(a) Development and use of an assessment process for identifying children, within thirty days of beginning residence at the schools, who present a moderate or high risk of sexually aggressive behavior for the purposes of this section. The assessment process need not require that every child who is adjudicated or convicted of a sex offense as defined in RCW 9.94A.030 be determined to be sexually aggressive, nor shall a sex offense adjudication or conviction be required in order to determine a child is sexually aggressive. Instead, the assessment process shall consider the individual circumstances of the child, including his or her age, physical size, sexual abuse history, mental and emotional condition, and other factors relevant to sexual aggressiveness. The definition of "sexually aggressive youth" in RCW 74.13.075 does not apply to this section to the extent that it conflicts with this section;

(b) Development and use of an assessment process for identifying children, within thirty days of beginning residence at the schools, who may be vulnerable to victimization by children identified under (a) of this subsection as presenting a moderate or high risk of sexually aggressive behavior. The assessment process shall consider the individual circumstances of the child, including his or her age, physical size, sexual abuse history, mental and emotional condition, and other factors relevant to vulnerability;

(c) Development and use of placement criteria to avoid assigning children who present a moderate or high risk of sexually aggressive behavior to the same sleeping quarters as children assessed as vulnerable to sexual victimization, except that they may be assigned to the same multiple-person sleeping quarters if those sleeping quarters are regularly monitored by visual surveillance equipment or staff checks;

(d) Development and use of procedures for minimizing, within available funds, unsupervised contact in the residential facilities of the schools between children presenting moderate to high risk of sexually aggressive behavior and children assessed as vulnerable to sexual victimization. The procedures shall include taking reasonable steps to prohibit any child residing at the schools who present a moderate to high risk of sexually aggressive behavior from entering any sleeping quarters other than the one to which they are assigned, unless accompanied by an authorized adult.

(2) For the purposes of this section, the following terms have the following meanings:

(a) "Sleeping quarters" means the bedrooms or other rooms within a residential facility where children are assigned to sleep.

(b) "Unsupervised contact" means contact occurring outside the sight or hearing of a responsible adult for more than a reasonable period of time under the circumstances.

NEW SECTION. **Sec. 11.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict

and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 12.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2000, in the omnibus appropriations act, this act is null and void."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

Senator Costa moved that the Senate concur in the House amendment to Substitute Senate Bill No. 6361.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Costa that the Senate concur in the House amendment to Substitute Senate Bill No. 6361.

The motion by Senator Costa carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 6361.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6361, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6361, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Bauer, Sellar and West - 3.

SUBSTITUTE SENATE BILL NO. 6361, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2000

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6400 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 26.50 RCW to read as follows:

The department of social and health services, in its discretion, may seek the relief provided in this chapter on behalf of and with the consent of any vulnerable adult as those persons are defined in RCW 74.34.020. Neither the department nor the state of Washington shall be liable for failure to seek relief on behalf of any persons under this section.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.34 RCW to read as follows:

(1) An order for protection of a vulnerable adult issued under this chapter which restrains the respondent or another person from committing acts of abuse, prohibits contact with the petitioner, excludes the person from any specified location, or prohibits the person from coming within a specified distance from a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(2) Whenever an order for protection of a vulnerable adult is issued under this chapter, and the respondent or person to be restrained knows of the order, a violation of a provision restraining the person from committing acts of abuse, prohibiting contact with the petitioner, excluding the person from any specified location, or prohibiting the person from coming within a specified

distance of a location, shall be punishable under RCW 26.50.110, regardless of whether the person is a family or household member as defined in RCW 26.50.010.

Sec. 3. RCW 9.94A.220 and 1994 c 271 s 901 are each amended to read as follows:

(1) When an offender has completed the requirements of the sentence, the secretary of the department or the secretary's designee shall notify the sentencing court, which shall discharge the offender and provide the offender with a certificate of discharge.

(2) An offender who is not convicted of a violent offense or a sex offense and is sentenced to a term involving community supervision may be considered for a discharge of sentence by the sentencing court prior to the completion of community supervision, provided that the offender has completed at least one-half of the term of community supervision and has met all other sentence requirements.

(3) Except as provided in subsection (4) of this section, the discharge shall have the effect of restoring all civil rights lost by operation of law upon conviction, and the certificate of discharge shall so state. Nothing in this section prohibits the use of an offender's prior record for purposes of determining sentences for later offenses as provided in this chapter. Nothing in this section affects or prevents use of the offender's prior conviction in a later criminal prosecution either as an element of an offense or for impeachment purposes. A certificate of discharge is not based on a finding of rehabilitation.

(4) Unless otherwise ordered by the sentencing court, a certificate of discharge shall not terminate the offender's obligation to comply with an order issued under chapter 10.99 RCW that excludes or prohibits the offender from having contact with a specified person or coming within a set distance of any specified location that was contained in the judgment and sentence. An offender who violates such an order after a certificate of discharge has been issued shall be subject to prosecution according to the chapter under which the order was originally issued.

(5) Upon release from custody, the offender may apply to the department for counseling and help in adjusting to the community. This voluntary help may be provided for up to one year following the release from custody.

Sec. 4. RCW 10.31.100 and 1999 c 184 s 14 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (10) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW ((~~10.99.040(2), 10.99.050, 26.09.050, 26.09.060, 26.10.040, 26.10.115,~~)) 26.44.063, or chapter 10.99, 26.09, 26.10, 26.26 ((~~RCW, or chapter~~)), 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or ((~~of a provision~~)) excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative

extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW ((~~88.12.025~~)) 79A.60.040 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(9) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(10) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(11) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(12) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police officer acts in good faith and without malice.

Sec. 5. RCW 10.99.020 and 1997 c 338 s 53 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

(2) "Dating relationship" has the same meaning as in RCW 26.50.010.

(3) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

(a) Assault in the first degree (RCW 9A.36.011);

(b) Assault in the second degree (RCW 9A.36.021);

(c) Assault in the third degree (RCW 9A.36.031);

(d) Assault in the fourth degree (RCW 9A.36.041);

(e) Drive-by shooting (RCW 9A.36.045);

(f) Reckless endangerment (RCW 9A.36.050);

(g) Coercion (RCW 9A.36.070);

(h) Burglary in the first degree (RCW 9A.52.020);

(i) Burglary in the second degree (RCW 9A.52.030);

(j) Criminal trespass in the first degree (RCW 9A.52.070);

(k) Criminal trespass in the second degree (RCW 9A.52.080);

(l) Malicious mischief in the first degree (RCW 9A.48.070);

(m) Malicious mischief in the second degree (RCW 9A.48.080);

(n) Malicious mischief in the third degree (RCW 9A.48.090);

(o) Kidnapping in the first degree (RCW 9A.40.020);

(p) Kidnapping in the second degree (RCW 9A.40.030);

(q) Unlawful imprisonment (RCW 9A.40.040);

(r) Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, ((or)) 26.26.138, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or section 2 of this act);

(s) ((Violation of the provisions of a protection order or no-contact order restraining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care (RCW 26.50.060, 26.50.070, 26.50.130, 10.99.040, or 10.99.050);

(t))) Rape in the first degree (RCW 9A.44.040);

(((u))) (t) Rape in the second degree (RCW 9A.44.050);

(((v))) (u) Residential burglary (RCW 9A.52.025);

(((w))) (v) Stalking (RCW 9A.46.110); and

(((x))) (w) Interference with the reporting of domestic violence (RCW 9A.36.150).

(4) "Victim" means a family or household member who has been subjected to domestic violence.

Sec. 6. RCW 26.09.050 and 1995 c 93 s 2 are each amended to read as follows:

(1) In entering a decree of dissolution of marriage, legal separation, or declaration of invalidity, the court shall determine the marital status of the parties, make provision for a parenting plan for any minor child of the marriage, make provision for the support of any child of the marriage entitled to support, consider or approve provision for the maintenance of either spouse, make provision for the disposition of property and liabilities of the parties, make provision for the allocation of the children as federal tax exemptions, make provision for any necessary continuing restraining orders including the provisions contained in RCW 9.41.800, make provision for the issuance within this action of the restraint provisions of a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW, and make provision for the change of name of any party.

(2) Restraining orders issued under this section restraining or enjoining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((26.09)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(3) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section, in addition to the law enforcement information sheet or proof of service of the order, be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall ((forthwith)) enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

(4) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

Sec. 7. RCW 26.09.060 and 1995 c 246 s 26 are each amended to read as follows:

(1) In a proceeding for:

(a) Dissolution of marriage, legal separation, or a declaration of invalidity; or

(b) Disposition of property or liabilities, maintenance, or support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse; either party may move for temporary maintenance or for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained or enjoined, requiring him or her to notify the moving party of any proposed extraordinary expenditures made after the order is issued;

(b) Molesting or disturbing the peace of the other party or of any child;

(c) Going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child upon a showing of the necessity therefor;

(d) Knowingly coming within, or knowingly remaining within, a specified distance from a specified location; and

(e) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(4) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(5) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) The court may issue a temporary restraining order or preliminary injunction and an order for temporary maintenance or support in such amounts and on such terms as are just and proper in the circumstances. The court may in its discretion waive the filing of the bond or the posting of security.

(7) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((~~26.09~~)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(8) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall ((~~forthwith~~)) enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the ((~~law enforcement~~)) computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(9) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

(10) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final decree is entered, except as provided under subsection (((~~(10)~~))) (11) of this section, or when the petition for dissolution, legal separation, or declaration of invalidity is dismissed;

(d) May be entered in a proceeding for the modification of an existing decree.

(((~~(10)~~))) (11) Delinquent support payments accrued under an order for temporary support remain collectible and are not extinguished when a final decree is entered unless the decree contains specific language to the contrary. A support debt under a temporary order owed to the state for public assistance expenditures shall not be extinguished by the final decree if:

(a) The obligor was given notice of the state's interest under chapter 74.20A RCW; or

(b) The temporary order directs the obligor to make support payments to the office of support enforcement or the Washington state support registry.

Sec. 8. RCW 26.10.040 and 1995 c 93 s 3 are each amended to read as follows:

(1) In entering an order under this chapter, the court shall consider, approve, or make provision for:

((~~(1)~~)) (a) Child custody, visitation, and the support of any child entitled to support;

((~~(2)~~)) (b) The allocation of the children as a federal tax exemption;

((~~(3)~~)) (c) Any necessary continuing restraining orders, including the provisions contained in RCW 9.41.800;

((~~(4)~~)) (d) A domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080;

((~~(5)~~)) (e) Restraining orders issued under this section restraining or enjoining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((~~26.10~~)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST((~~;~~)).

((~~(6)~~)) (2) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section, in addition to the law enforcement information sheet or proof of service of the order, be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall ((~~forthwith~~)) enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

(3) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

Sec. 9. RCW 26.10.115 and 1995 c 246 s 29 are each amended to read as follows:

(1) In a proceeding under this chapter either party may file a motion for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amount requested.

(2) In a proceeding under this chapter either party may file a motion for a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Molesting or disturbing the peace of the other party or of any child;

(b) Entering the family home or the home of the other party upon a showing of the necessity therefor;

(c) Knowingly coming within, or knowingly remaining within, a specified distance from a specified location; and

(d) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(4) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(5) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances.

(7) Restraining orders issued under this section restraining or enjoining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((~~26.10~~)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(8) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall ((~~forthwith~~)) enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the ((~~law enforcement~~)) computer-based

criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(9) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

(10) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final order is entered or when the motion is dismissed;

(d) May be entered in a proceeding for the modification of an existing order.

(((~~10~~))) (11) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

Sec. 10. RCW 26.26.130 and 1997 c 58 s 947 are each amended to read as follows:

(1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship shall be determinative for all purposes.

(2) If the judgment and order of the court is at variance with the child's birth certificate, the court shall order that an amended birth certificate be issued.

(3) The judgment and order shall contain other appropriate provisions directed to the appropriate parties to the proceeding, concerning the duty of current and future support, the extent of any liability for past support furnished to the child if that issue is before the court, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment and order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement. The judgment and order may include a continuing restraining order or injunction. In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(4) The judgment and order shall contain the social security numbers of all parties to the order.

(5) Support judgment and orders shall be for periodic payments which may vary in amount. The court may limit the father's liability for the past support to the child to the proportion of the expenses already incurred as the court deems just. The court shall not limit or affect in any manner the right of nonparties including the state of Washington to seek reimbursement for support and other services previously furnished to the child.

(6) After considering all relevant factors, the court shall order either or both parents to pay an amount determined pursuant to the schedule and standards contained in chapter 26.19 RCW.

(7) On the same basis as provided in chapter 26.09 RCW, the court shall make residential provisions with regard to minor children of the parties, except that a parenting plan shall not be required unless requested by a party.

(8) In any dispute between the natural parents of a child and a person or persons who have (a) commenced adoption proceedings or who have been granted an order of adoption, and (b) pursuant to a court order, or placement by the department of social and health services or by a licensed agency, have had actual custody of the child for a period of one year or more before court action is commenced by the natural parent or parents, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody.

(9) In entering an order under this chapter, the court may issue any necessary continuing restraining orders, including the restraint provisions of domestic violence protection orders under chapter 26.50 RCW or antiharassment protection orders under chapter 10.14 RCW.

(10) Restraining orders issued under this section restraining or enjoining the person from molesting or disturbing another party ((~~or~~)), from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((~~26.26~~)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(11) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

(12) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

Sec. 11. RCW 26.26.137 and 1995 c 246 s 32 are each amended to read as follows:

(1) If the court has made a finding as to the paternity of a child, or if a party's acknowledgment of paternity has been filed with the court, or a party alleges he is the father of the child, any party may move for temporary support for the child prior to the date of entry of the final order. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) Any party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any party from:

(a) Molesting or disturbing the peace of another party;

(b) Going onto the grounds of or entering the home, workplace, or school of another party or the day care or school of any child; ((~~or~~))

(c) Knowingly coming within, or knowingly remaining within, a specified distance from a specified location; and

(d) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(4) Restraining orders issued under this section restraining or enjoining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((~~26.26~~)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(5) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall ((~~forthwith~~)) enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

(6) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

(7) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(((~~7~~))) (8) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances. In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(((~~8~~))) (9) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final order is entered or when the petition is dismissed; and

(d) May be entered in a proceeding for the modification of an existing order.

(((~~9~~))) (10) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the

support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

Sec. 12. RCW 26.44.063 and 1993 c 412 s 15 are each amended to read as follows:

(1) It is the intent of the legislature to minimize trauma to a child involved in an allegation of sexual or physical abuse. The legislature declares that removing the child from the home often has the effect of further traumatizing the child. It is, therefore, the legislature's intent that the alleged offender, rather than the child, shall be removed from the home and that this should be done at the earliest possible point of intervention in accordance with RCW 10.31.100, 13.34.130, this section, and RCW 26.44.130.

(2) In any judicial proceeding in which it is alleged that a child has been subjected to sexual or physical abuse, if the court finds reasonable grounds to believe that an incident of sexual or physical abuse has occurred, the court may, on its own motion, or the motion of the guardian ad litem or other parties, issue a temporary restraining order or preliminary injunction restraining or enjoining the person accused of committing the abuse from:

(a) Molesting or disturbing the peace of the alleged victim;

(b) Entering the family home of the alleged victim except as specifically authorized by the court; ((~~or~~))

(c) Having any contact with the alleged victim, except as specifically authorized by the court;

(d) Knowingly coming within, or knowingly remaining within, a specified distance of a specified location.

(3) In issuing a temporary restraining order or preliminary injunction, the court may impose any additional restrictions that the court in its discretion determines are necessary to protect the child from further abuse or emotional trauma pending final resolution of the abuse allegations.

(4) The court shall issue a temporary restraining order prohibiting a person from entering the family home if the court finds that the order would eliminate the need for an out-of-home placement to protect the child's right to nurturance, health, and safety and is sufficient to protect the child from further sexual or physical abuse or coercion.

(5) The court may issue a temporary restraining order without requiring notice to the party to be restrained or other parties only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) A temporary restraining order or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding; and

(b) May be revoked or modified.

(7) The person having physical custody of the child shall have an affirmative duty to assist in the enforcement of the restraining order including but not limited to a duty to notify the court as soon as practicable of any violation of the order, a duty to request the assistance of law enforcement officers to enforce the order, and a duty to notify the department of social and health services of any violation of the order as soon as practicable if the department is a party to the action. Failure by the custodial party to discharge these affirmative duties shall be subject to contempt proceedings.

(8) Willful violation of a court order entered under this section is a misdemeanor. A written order shall contain the court's directive and shall bear the legend: "Violation of this order with actual notice of its terms is a criminal offense under chapter 26.44 RCW, is also subject to contempt proceedings, and will subject a violator to arrest."

(9) If a restraining order issued under this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

Sec. 13. RCW 26.44.067 and 1993 c 412 s 16 are each amended to read as follows:

(1) Any person having had actual notice of the existence of a restraining order issued by a court of competent jurisdiction pursuant to RCW 26.44.063 who refuses to comply with the provisions of such order shall be guilty of a misdemeanor.

(2) The notice requirements of subsection (1) of this section may be satisfied by the peace officer giving oral or written evidence to the person subject to the order by reading from or handing to that person a copy certified by a notary public or the clerk of the court to be an accurate copy of the original court order which is on file. The copy may be supplied by the court or any party.

(3) The remedies provided in this section shall not apply unless restraining orders subject to this section ((~~shall~~)) bear this legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.44 RCW AND IS ALSO SUBJECT TO CONTEMPT PROCEEDINGS.

(4) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule. No right of action shall accrue against any peace officer acting upon a properly certified copy of a court order lawful on its face if such officer employs otherwise lawful means to effect the arrest.

Sec. 14. RCW 26.50.035 and 1995 c 246 s 4 are each amended to read as follows:

(1) ((~~By July 1, 1994,~~)) The administrator for the courts shall develop and prepare instructions and informational brochures required under RCW 26.50.030(4), standard petition and order for protection forms, and a court staff handbook on domestic violence and the protection order process. The standard petition and order for protection forms must be used after September 1, 1994, for all petitions filed and orders issued under this chapter. The instructions, brochures, forms, and handbook shall be prepared in consultation with interested persons, including a representative of the state domestic violence coalition, judges, and law enforcement personnel.

(a) The instructions shall be designed to assist petitioners in completing the petition, and shall include a sample of standard petition and order for protection forms.

(b) The informational brochure shall describe the use of and the process for obtaining ((~~a~~)), modifying, and terminating a domestic violence protection order as provided under this chapter, ((~~a~~)) an anti-harassment no-contact order as provided ((~~by RCW 10.99.040~~)) under chapter 9A.46 RCW, a domestic violence no-contact order as provided under chapter 10.99 RCW, a restraining order as provided ((~~by RCW 26.09.060~~)) under chapter 26.09, 26.10, 26.26, and 26.44 RCW, ((~~and~~)) an antiharassment protection order as provided by chapter 10.14 RCW, and a foreign protection order as defined in chapter 26.52 RCW.

(c) The order for protection form shall include, in a conspicuous location, notice of criminal penalties resulting from violation of the order, and the following statement: "You can be arrested even if the person or persons who obtained the order invite or allow you to violate the order's prohibitions. The respondent has the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application."

(d) The court staff handbook shall allow for the addition of a community resource list by the court clerk.

(2) All court clerks shall obtain a community resource list from a domestic violence program, defined in RCW 70.123.020, serving the county in which the court is located. The community resource list shall include the names and telephone numbers of domestic violence programs serving the community in which the court is located, including law enforcement agencies, domestic violence agencies, sexual assault agencies, legal assistance programs, interpreters, multicultural programs, and batterers' treatment programs. The court shall make the community resource list available as part of or in addition to the informational brochures described in subsection (1) of this section.

(3) The administrator for the courts shall distribute a master copy of the petition and order forms, instructions, and informational brochures to all court clerks and shall distribute a master copy of the petition and order forms to all superior, district, and municipal courts.

(4) For purposes of this section, "court clerks" means court administrators in courts of limited jurisdiction and elected court clerks.

(5) The administrator for the courts shall determine the significant non-English-speaking or limited English-speaking populations in the state. The administrator shall then arrange for translation of the instructions and informational brochures required by this section, which shall contain a sample of the standard petition and order for protection forms, into the languages spoken by those significant non-English-speaking populations and shall distribute a master copy of the translated instructions and informational brochures to all court clerks by January 1, 1997.

(6) The administrator for the courts shall update the instructions, brochures, standard petition and order for protection forms, and court staff handbook when changes in the law make an update necessary.

Sec. 15. RCW 26.50.060 and 1999 c 147 s 2 are each amended to read as follows:

(1) Upon notice and after hearing, the court may provide relief as follows:

(a) Restrain the respondent from committing acts of domestic violence;

(b) Exclude the respondent from the dwelling ((~~which~~)) that the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;

(((~~d~~))) (e) Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;

(((~~e~~))) (f) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;

((~~(f)~~)) (g) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including ((~~a~~)) reasonable ((~~attorney's fee~~)) attorneys' fees;

((~~(g)~~)) (h) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

((~~(h)~~)) (i) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

((~~(i)~~)) (j) Consider the provisions of RCW 9.41.800;

((~~(j)~~)) (k) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included; and

((~~(k)~~)) (l) Order use of a vehicle.

(2) If a ((~~restraining~~)) protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09 or 26.26 RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123. If the court permits service by publication or mail, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in subsection (1)(f) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service, service by publication, or service by mail and whether the court has approved service by publication or mail of an order issued under this section.

(7) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

Sec. 16. RCW 26.50.070 and 1996 c 248 s 14 are each amended to read as follows:

(1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

(a) Restraining any party from committing acts of domestic violence;

(b) Restraining any party from going onto the grounds of or entering the dwelling that the parties share, from the residence, workplace, or school of the other, or from the day care or school of a child until further order of the court;

(c) Prohibiting any party from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court;

(((~~(d)~~))) (e) Restraining any party from having any contact with the victim of domestic violence or the victim's children or members of the victim's household; and

(((~~(e)~~))) (f) Considering the provisions of RCW 9.41.800.

(2) Irreparable injury under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.

(3) The court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.

(4) An ex parte temporary order for protection shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123. The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication or by mail is permitted. Except as provided in RCW 26.50.050, 26.50.085, and 26.50.123, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

(5) Any order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a state-wide judicial information system by the clerk of the court within one judicial day after issuance.

(6) If the court declines to issue an ex parte temporary order for protection the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte order of protection shall be filed with the court.

Sec. 17. RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999 c 45 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW 10.95.020)

XV Homicide by abuse (RCW 9A.32.055)
- Malicious explosion 1 (RCW 70.74.280(1))
- Murder 1 (RCW 9A.32.030)

XIV Murder 2 (RCW 9A.32.050)

XIII Malicious explosion 2 (RCW 70.74.280(2))
- Malicious placement of an explosive 1 (RCW 70.74.270(1))

XII Assault 1 (RCW 9A.36.011)
- Assault of a Child 1 (RCW 9A.36.120)
- Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
- Rape 1 (RCW 9A.44.040)
- Rape of a Child 1 (RCW 9A.44.073)

XI Manslaughter 1 (RCW 9A.32.060)
- Rape 2 (RCW 9A.44.050)
- Rape of a Child 2 (RCW 9A.44.076)

X Child Molestation 1 (RCW 9A.44.083)
- Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
- Kidnapping 1 (RCW 9A.40.020)
- Leading Organized Crime (RCW 9A.82.060(1)(a))
- Malicious explosion 3 (RCW 70.74.280(3))

Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))

Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)

IX Assault of a Child 2 (RCW 9A.36.130)

Controlled Substance Homicide (RCW 69.50.415)

Explosive devices prohibited (RCW 70.74.180)

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW ((~~88.12.029~~)) 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

VIII Arson 1 (RCW 9A.48.020)

Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW ((~~88.12.029~~)) 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))

Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine (RCW 69.50.440)

Promoting Prostitution 1 (RCW 9A.88.070)

Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)

Child Molestation 2 (RCW 9A.44.086)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW ((~~88.12.029~~)) 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Involving a minor in drug dealing (RCW 69.50.401(f))

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))
Rape of a Child 3 (RCW 9A.44.079)
Theft of a Firearm (RCW 9A.56.300)

V Abandonment of dependent person 1 (RCW 9A.42.060)
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
Child Molestation 3 (RCW 9A.44.089)
Criminal Mistreatment 1 (RCW 9A.42.020)
Custodial Sexual Misconduct 1 (RCW 9A.44.160)
Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or section 2 of this act)
Extortion 1 (RCW 9A.56.120)
Extortionate Extension of Credit (RCW 9A.82.020)
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
Incest 2 (RCW 9A.64.020(2))
Kidnapping 2 (RCW 9A.40.030)
((~~On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Pretrial Condition (RCW 10.99.040(4) (b) and (c))~~
~~On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Sentence Condition (RCW 10.99.050(2))~~
~~On and after July 1, 2000: Protection Order Violation: Domestic Violence Civil Action (RCW 26.50.110 (4) and (5))~~
~~On and after July 1, 2000: Stalking (RCW 9A.46.110)~~))
Perjury 1 (RCW 9A.72.020)
Persistent prison misbehavior (RCW 9.94.070)
Possession of a Stolen Firearm (RCW 9A.56.310)
Rape 3 (RCW 9A.44.060)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Sexually Violating Human Remains (RCW 9A.44.105)
Stalking (RCW 9A.46.110)

IV Arson 2 (RCW 9A.48.030)
Assault 2 (RCW 9A.36.021)
Assault by Watercraft (RCW ((~~88.12.032~~)) 79A.60.060)
Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
Commercial Bribery (RCW 9A.68.060)
Counterfeiting (RCW 9.16.035(4))
Escape 1 (RCW 9A.76.110)
Hit and Run--Injury Accident (RCW 46.52.020(4))
Hit and Run with Vessel--Injury Accident (RCW ((~~88.12.155(3)~~)) 79A.60.200(3))
Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
Malicious Harassment (RCW 9A.36.080)

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))
Residential Burglary (RCW 9A.52.025)
Robbery 2 (RCW 9A.56.210)
Theft of Livestock 1 (RCW 9A.56.080)
Threats to Bomb (RCW 9.61.160)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Vehicular Assault (RCW 46.61.522)
Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)
Assault 3 (RCW 9A.36.031)
Assault of a Child 3 (RCW 9A.36.140)
Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
Burglary 2 (RCW 9A.52.030)
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
Criminal Gang Intimidation (RCW 9A.46.120)
Criminal Mistreatment 2 (RCW 9A.42.030)
Custodial Assault (RCW 9A.36.100)
Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
Escape 2 (RCW 9A.76.120)
Extortion 2 (RCW 9A.56.130)
Harassment (RCW 9A.46.020)
Intimidating a Public Servant (RCW 9A.76.180)
Introducing Contraband 2 (RCW 9A.76.150)
Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))
Malicious Injury to Railroad Property (RCW 81.60.070)
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Perjury 2 (RCW 9A.72.030)
Possession of Incendiary Device (RCW 9.40.120)
Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
Promoting Prostitution 2 (RCW 9A.88.080)
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Securities Act violation (RCW 21.20.400)
Tampering with a Witness (RCW 9A.72.120)
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)
Theft of Livestock 2 (RCW 9A.56.080)
Unlawful Imprisonment (RCW 9A.40.040)
Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
Willful Failure to Return from Work Release (RCW 72.65.070)

II Computer Trespass 1 (RCW 9A.52.110)
Counterfeiting (RCW 9.16.035(3))
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
Escape from Community Custody (RCW 72.09.310)
Health Care False Claims (RCW 48.80.030)
Malicious Mischief 1 (RCW 9A.48.070)
Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))

Possession of phencyclidine (PCP) (RCW 69.50.401(d))
Possession of Stolen Property 1 (RCW 9A.56.150)
Theft 1 (RCW 9A.56.030)
Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
Trafficking in Insurance Claims (RCW 48.30A.015)
Unlawful Practice of Law (RCW 2.48.180)
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
False Verification for Welfare (RCW 74.08.055)
Forged Prescription (RCW 69.41.020)
Forged Prescription for a Controlled Substance (RCW 69.50.403)
Forgery (RCW 9A.60.020)
Malicious Mischief 2 (RCW 9A.48.080)
Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))
Possession of Stolen Property 2 (RCW 9A.56.160)
Reckless Burning 1 (RCW 9A.48.040)
Taking Motor Vehicle Without Permission (RCW 9A.56.070)
Theft 2 (RCW 9A.56.040)
Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 18. RCW 10.99.040 and 1997 c 338 s 54 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2)(a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(c) The no-contact order shall also be issued in writing as soon as possible.

(3) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed. If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

(4)(a) Willful violation of a court order issued under subsection (2) or (3) of this section is ((~~a gross misdemeanor except as provided in (b) and (c) of this subsection (4). Upon conviction and in addition to other penalties provided by law, the court may require that the defendant submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The court also may include a requirement that the~~

~~defendant pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.~~

~~(b) Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable under chapter 9A.20 RCW, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony punishable under chapter 9A.20 RCW.~~

~~(c) A willful violation of a court order issued under this section is a class C felony if the offender has at least two previous convictions for violating the provisions of a no-contact order issued under this chapter, a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-state order that is comparable to a no-contact order or protection order issued under Washington law. The previous convictions may involve the same victim or other victims specifically protected by the no-contact orders or protection orders the offender violated~~)) punishable under RCW 26.50.110.

(((~~(d)~~))) (b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter ((~~10.99~~)) 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A certified copy of the order shall be provided to the victim.

(5) If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer-based criminal intelligence information system in this state which is used by law enforcement agencies to list outstanding warrants.

(((~~(5)~~))) (6) Whenever ((~~an~~)) a no-contact order ((~~prohibiting contact~~)) is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall ((~~forthwith~~)) enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the ((~~law enforcement~~)) computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (3) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

Sec. 19. RCW 10.99.045 and 1998 c 55 s 2 are each amended to read as follows:

(1) A defendant arrested for an offense involving domestic violence as defined by RCW 10.99.020 shall be required to appear in person before a magistrate within one judicial day after the arrest.

(2) A defendant who is charged by citation, complaint, or information with an offense involving domestic violence as defined by RCW 10.99.020 and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than fourteen days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

(3) At the time of the appearances provided in subsection (1) or (2) of this section, the court shall determine the necessity of imposing a no-contact order or other conditions of pretrial release according to the procedures established by court rule for a preliminary appearance or an arraignment. The court may include in the order any conditions authorized under RCW 9.41.800 and 10.99.040.

(4) Appearances required pursuant to this section are mandatory and cannot be waived.

(5) The no-contact order shall be issued and entered with the appropriate law enforcement agency pursuant to the procedures outlined in RCW 10.99.040 (2) and (4).

Sec. 20. RCW 10.99.050 and 1997 c 338 s 55 are each amended to read as follows:

(1) When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant's ability to have contact with the victim, such condition shall be recorded and a written certified copy of that order shall be provided to the victim.

(2)(a) Willful violation of a court order issued under this section is ((~~a gross misdemeanor. Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. A willful violation of a court order issued under this section is also a class C felony if the offender has at least two previous convictions for violating the provisions of a no-contact order issued under this chapter, or a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-state order that is comparable to a no-contact order or protection order that is issued under~~

~~Washington law. The previous convictions may involve the same victim or other victims specifically protected by the no-contact orders or protection orders the offender violated~~)) punishable under RCW 26.50.110.

(b) The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter ((~~10.99~~)) 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

(3) Whenever an order prohibiting contact is issued pursuant to this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall ((~~forthwith~~)) enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the ((~~law enforcement~~)) computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

(4) If an order prohibiting contact issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

Sec. 21. RCW 26.09.300 and 1996 c 248 s 9 are each amended to read as follows:

(1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, is ((~~a misdemeanor~~)) punishable under RCW 26.50.110.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

Sec. 22. RCW 26.10.220 and 1999 c 184 s 11 are each amended to read as follows:

(1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, is ((~~a gross misdemeanor~~)) punishable under RCW 26.50.110.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

Sec. 23. RCW 26.26.138 and 1999 c 184 s 12 are each amended to read as follows:

(1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, is ((~~a gross misdemeanor~~)) punishable under RCW 26.50.110.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

Sec. 24. RCW 26.50.110 and 1996 c 248 s 16 are each amended to read as follows:

(1) Whenever an order ((~~for protection~~)) is granted under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, and the respondent or person to be restrained knows of the order, a violation of the restraint provisions, or of a provision excluding the person from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or of a provision of a foreign protection order specifically indicating that a violation will be a crime, for which an arrest is required under RCW 10.31.100(2) (a) or (b), is a gross misdemeanor except as provided in subsections (4) and (5) of this section. Upon conviction, and in addition to any other penalties provided by law, the court may require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid

foreign protection order as defined in RCW 26.52.020, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order ((~~for protection~~)) issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of ((~~a protective~~)) such an order ((~~issued under this chapter~~)) that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, is a class C felony if the offender has at least two previous convictions for violating the provisions of ((~~a no-contact~~)) an order issued under this chapter, chapter 10.99 ((~~RCW, a domestic violence protection order issued under chapter 26.09, 26.10, or 26.26 RCW or this chapter, or any federal or out-of-state order that is comparable to a no-contact or protection order issued under Washington law~~)), 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020. The previous convictions may involve the same victim or other victims specifically protected by the ((~~no-contact orders or protection~~)) orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order ((~~for protection~~)) granted under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

Sec. 25. RCW 26.50.160 and 1995 c 246 s 18 are each amended to read as follows:

To prevent the issuance of competing protection orders in different courts and to give courts needed information for issuance of orders, the judicial information system shall be available in each district, municipal, and superior court by July 1, 1997, and shall include a data base containing the following information:

(1) The names of the parties and the cause number for every order of protection issued under this title, every criminal no-contact order issued under chapters 9A.46 and 10.99 RCW, every antiharassment order issued under chapter 10.14 RCW, every dissolution action under chapter 26.09 RCW, every third-party custody action under chapter 26.10 RCW, ((~~and~~)) every parentage action under chapter ((~~26.10~~)) 26.26 RCW, every restraining order issued on behalf of an abused child or adult dependent person under chapter 26.44 RCW, every foreign protection order filed under chapter 26.52 RCW, and every order for protection of a vulnerable adult under chapter 74.34 RCW. When a guardian or the department of social and health services has petitioned for relief on behalf of an abused child, adult dependent person, or vulnerable adult, the name of the person on whose behalf relief was sought shall be included in the data base as a party rather than the guardian or department;

(2) A criminal history of the parties; and

(3) Other relevant information necessary to assist courts in issuing orders under this chapter as determined by the judicial information system committee.

Sec. 26. RCW 26.52.070 and 1999 c 184 s 9 are each amended to read as follows:

(1) Whenever a foreign protection order is granted to a person entitled to protection and the person under restraint knows of the foreign protection order, a violation of a provision prohibiting the person under restraint from contacting or communicating with another person, or of a provision excluding the person under restraint from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime, is ((~~a gross misdemeanor except as provided in subsections (3) and (4) of this section. Upon conviction, and in addition to any other penalties provided by law, the court may require the person under restraint to submit to electronic monitoring. The court shall specify who will provide the electronic monitoring services, and the terms under which the monitoring will be performed. The order also may include a requirement that the person under restraint pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring~~)) punishable under RCW 26.50.110.

(2) A peace officer shall arrest without a warrant and take into custody a person when the peace officer has probable cause to believe that a foreign protection order has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order that prohibits the person under restraint from contacting or communicating with another person, or a provision that excludes the person under restraint from a residence, workplace, school, or

day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(((~~(3) An assault that is a violation of a valid foreign protection order that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and conduct in violation of a valid foreign protection order issued under this chapter that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.~~

~~(4) A violation of a valid foreign protection order is a class C felony if the offender has at least two previous convictions for violating the provisions of a no-contact order issued under chapter 10.99 RCW, a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or a federal or out-of-state order that is comparable to a no-contact or protection order issued under Washington law. The previous convictions may involve the same person entitled to protection or other person entitled to protection specifically protected by the no-contact orders or protection orders the offender violated.~~))

Sec. 27. RCW 74.34.130 and 1999 c 176 s 13 are each amended to read as follows:

The court may order relief as it deems necessary for the protection of the petitioner, including, but not limited to the following:

(1) Restraining respondent from committing acts of abandonment, abuse, neglect, or financial exploitation;

(2) Excluding the respondent from petitioner's residence for a specified period or until further order of the court;

(3) Prohibiting contact by respondent for a specified period or until further order of the court;

(4) Prohibiting the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(5) Requiring an accounting by respondent of the disposition of petitioner's income or other resources;

(((~~(5)~~))) (6) Restraining the transfer of property for a specified period not exceeding ninety days; and

(((~~(6)~~))) (7) Requiring the respondent to pay the filing fee and court costs, including service fees, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee.

Any relief granted by an order for protection, other than a judgment for costs, shall be for a fixed period not to exceed one year.

Sec. 28. RCW 9.94A.440 and 1999 c 322 s 6 and 1999 c 196 s 11 are each reenacted and amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

(i) It has not been enforced for many years; and

(ii) Most members of society act as if it were no longer in existence; and

(iii) It serves no deterrent or protective purpose in today's society; and

(iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimus Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

(a) STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid prefiling agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.120(8).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

Aggravated Murder

1st Degree Murder

2nd Degree Murder

1st Degree Kidnaping

1st Degree Assault

1st Degree Assault of a Child

1st Degree Rape

1st Degree Robbery

1st Degree Rape of a Child

1st Degree Arson

2nd Degree Kidnaping

2nd Degree Assault

2nd Degree Assault of a Child

2nd Degree Rape

2nd Degree Robbery

1st Degree Burglary
1st Degree Manslaughter
2nd Degree Manslaughter
1st Degree Extortion
Indecent Liberties
Incest
2nd Degree Rape of a Child
Vehicular Homicide
Vehicular Assault
3rd Degree Rape
3rd Degree Rape of a Child
1st Degree Child Molestation
2nd Degree Child Molestation
3rd Degree Child Molestation
2nd Degree Extortion
1st Degree Promoting Prostitution
Intimidating a Juror
Communication with a Minor
Intimidating a Witness
Intimidating a Public Servant
Bomb Threat (if against person)
3rd Degree Assault
3rd Degree Assault of a Child
Unlawful Imprisonment
Promoting a Suicide Attempt
Riot (if against person)
Stalking
Custodial Assault
((~~No-Contact Order-Domestic Violence Pretrial (RCW 10.99.040(4) (b) and (c))~~
~~No-Contact Order-Domestic Violence Sentence (RCW 10.99.050(2))~~
~~Protection Order-Domestic Violence Civil (RCW 26.50.110 (4) and (5))~~)) Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or section 2 of this act)
Counterfeiting (if a violation of RCW 9.16.035(4))

CRIMES AGAINST PROPERTY/OTHER CRIMES
2nd Degree Arson
1st Degree Escape
2nd Degree Burglary
1st Degree Theft
1st Degree Perjury
1st Degree Introducing Contraband
1st Degree Possession of Stolen Property
Bribery
Bribing a Witness
Bribe received by a Witness
Bomb Threat (if against property)
1st Degree Malicious Mischief
2nd Degree Theft
2nd Degree Escape
2nd Degree Introducing Contraband
2nd Degree Possession of Stolen Property
2nd Degree Malicious Mischief
1st Degree Reckless Burning
Taking a Motor Vehicle without Authorization

Forgery
2nd Degree Perjury
2nd Degree Promoting Prostitution
Tampering with a Witness
Trading in Public Office
Trading in Special Influence
Receiving/Granting Unlawful Compensation
Bigamy
Eluding a Pursuing Police Vehicle
Willful Failure to Return from Furlough
Escape from Community Custody
Riot (if against property)
Thefts of Livestock

ALL OTHER UNCLASSIFIED FELONIES

Selection of Charges/Degree of Charge

(i) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

(A) Will significantly enhance the strength of the state's case at trial; or

(B) Will result in restitution to all victims.

(ii) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

(A) Charging a higher degree;

(B) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

(b) GUIDELINES/COMMENTARY:

(i) Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

(A) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;

(B) The completion of necessary laboratory tests; and

(C) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

(ii) Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

(A) Probable cause exists to believe the suspect is guilty; and

(B) The suspect presents a danger to the community or is likely to flee if not apprehended; or

(C) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

(iii) Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

(A) Polygraph testing;

(B) Hypnosis;

(C) Electronic surveillance;

(D) Use of informants.

(iv) Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

(v) Pre-Filing Discussions with Victim(s)

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions.

NEW SECTION. **Sec. 29.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2000, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 30.** Section 17 of this act takes effect July 1, 2000.

NEW SECTION. **Sec. 31.** The penalties prescribed in this act apply to violations of court orders which occur on or after July 1, 2000, regardless of the date the court issued the order."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

Senator Costa moved that the Senate concur in the House amendment to Engrossed Second Substitute Senate Bill No. 6400.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Costa that the Senate concur in the House amendment to Engrossed Second Substitute Senate Bill No. 6400.

The motion by Senator Costa carried and the Senate concurred in the House amendment to Engrossed Second Substitute Senate Bill No. 6400.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6400, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6400, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Bauer, Sellar and West - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6400, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2000

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 2510 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Thibaudeau, the Senate receded from its amendment(s) to House Bill No. 2510.

MOTIONS

On motion of Senator Thibaudeau, the rules were suspended, House Bill No. 2510 was returned to second reading and read the second time.

On motion of Senator Thibaudeau, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.127.010 and 1999 c 190 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrator" means an individual responsible for managing the operation of an agency.

(2) "Department" means the department of health.

(((~~(2)~~))) (3) "Director of clinical services" means an individual responsible for nursing, therapy, nutritional, social, and related services that support the plan of care provided in home health and hospice agencies.

(4) "Family" means individuals who are important to, and designated by, the patient or client and who need not be relatives.

(5) "Home care agency" means a ((~~private or public agency or organization that administers or provides~~)) person administering or providing home care services directly or through a contract arrangement to ((~~ill, disabled, or infirm persons~~)) individuals in places of temporary or permanent residence.

(((~~(3)~~))) (6) "Home care services" means ((~~personal care services, homemaker services, respite care services, or any other~~)) nonmedical services and assistance provided to ill, disabled, ((~~or~~)) infirm ((~~persons which services enable these persons to remain in their own residences consistent with their desires, abilities, and safety~~)), or vulnerable individuals that enable them to remain in their residences. Home care services include, but are not limited to: Personal care such as assistance with dressing, feeding, and personal hygiene to facilitate self-care; homemaker assistance with household tasks, such as housekeeping, shopping, meal planning and preparation, and transportation; respite care assistance and support provided to the family; or other nonmedical services.

(((~~(4)~~))) (7) "Home health agency" means a ((~~private or public agency or organization that administers or provides home health aide services or~~)) person administering or providing two or more home health services directly or through a contract arrangement to ((~~ill, disabled, or infirm persons~~)) individuals in places of temporary or permanent residence. ((~~A private or public agency or organization that administers or provides~~)) A person administering or providing nursing services only may elect to be designated a home health agency for purposes of licensure.

(((~~(5)~~))) (8) "Home health services" means ((~~health or medical~~)) services provided to ill, disabled, ((~~or~~)) infirm ((~~persons~~)), or vulnerable individuals. These services ((~~may be of an acute or maintenance care nature, and~~)) include but are not limited to nursing services, home health aide services, physical therapy services, occupational therapy services, speech therapy services, respiratory therapy services, nutritional services, medical social services, and home medical supplies or equipment services.

(((~~(6)~~))) (9) "Home health aide services" means services provided by a home health agency or a hospice agency under the supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist who is employed by or under contract to a home health or hospice agency. Such care includes ambulation and exercise, assistance with self-administered medications, reporting changes in patients' conditions and needs, completing appropriate records, and personal care or homemaker services.

(((~~(7) "Homemaker services" means services that assist ill, disabled, or infirm persons with household tasks essential to achieving adequate household and family management.~~

~~(8)~~))) (10) "Home medical supplies" or "equipment services" means diagnostic, treatment, and monitoring equipment and supplies provided for the direct care of individuals within a plan of care.

(11) "Hospice agency" means a ((~~private or public agency or organization~~)) person administering or providing hospice ((~~care~~)) services directly or through a contract arrangement to ((~~terminally ill persons~~)) individuals in places of temporary or permanent residence ((~~by using~~)) under the direction of an interdisciplinary team composed of at least ((~~nursing~~)) a nurse, social ((~~work~~)) worker, physician, ((~~and pastoral or~~)) spiritual ((~~counseling~~)) counselor, and a volunteer.

(((~~(9)~~))) (12) "Hospice care center" means a homelike, noninstitutional facility where hospice services are provided, and that meets the requirements for operation under section 21 of this act.

(13) "Hospice ((~~care~~)) services" means((~~: (a) Palliative care~~)) symptom and pain management provided to a terminally ill ((~~person~~)) individual, and emotional, spiritual, and bereavement support for the individual and family in a place of temporary or

permanent residence ((~~that alleviates physical symptoms, including pain, as well as alleviates the emotional and spiritual discomfort associated with dying; and (b) bereavement care provided to the family of a terminally ill person that alleviates the emotional and spiritual discomfort associated with the death of a family member. Hospice care~~)), and may include the provision of home health and ((~~medical services and personal care, respite, or homemaker services. Family means individuals who are important to and designated by the patient, and who need not be relatives.~~

~~(10) "Ill, disabled, or infirm persons" means persons who need home health, hospice, or home care services in order to maintain themselves in their places of temporary or permanent residence.~~

~~(11) "Personal care services" means services that assist ill, disabled, or infirm persons with dressing, feeding, and personal hygiene to facilitate self-care.~~

~~(12) "Public or private agency or organization" means an entity that employs or contracts with two or more persons who provide care in the home.~~

~~(13) "Respite care services" means services that assist or support the primary care giver on a scheduled basis~~)) home care services for the terminally ill individual.

(14) "In-home services agency" means a person licensed to administer or provide home health, home care, hospice services, or hospice care center services directly or through a contract arrangement to individuals in a place of temporary or permanent residence.

(15) "Person" means any individual, business, firm, partnership, corporation, company, association, joint stock association, public or private agency or organization, or the legal successor thereof that employs or contracts with two or more individuals.

(16) "Plan of care" means a written document based on assessment of individual needs that identifies services to meet these needs.

(17) "Quality improvement" means reviewing and evaluating appropriateness and effectiveness of services provided under this chapter.

(18) "Service area" means the geographic area in which the department has given prior approval to a licensee to provide home health, hospice, or home care services.

(19) "Survey" means an inspection conducted by the department to evaluate and monitor an agency's compliance with this chapter.

Sec. 2. RCW 70.127.020 and 1988 c 245 s 3 are each amended to read as follows:

(1) After July 1, 1990, ((~~no private or public agency or organization may~~)) a license is required for a person to advertise, operate, manage, conduct, open, or maintain ((~~a home health agency without first obtaining a home health agency license from the department~~)) an in-home services agency.

(2) ((~~After July 1, 1990, no private or public agency or organization may advertise, operate, manage, conduct, open, or maintain a hospice agency without first obtaining a hospice agency license from the department.~~

~~(3) After July 1, 1990, no public or private agency or organization may advertise, operate, manage, conduct, open, or maintain a home care agency without first obtaining a home care agency license from the department.~~)) An in-home services agency license is required for a nursing home, hospital, or other person that functions as a home health, hospice, hospice care center, or home care agency.

Sec. 3. RCW 70.127.030 and 1988 c 245 s 4 are each amended to read as follows:

It is unlawful for any person to use the words:

(1) ((~~No person may use the words~~)) "Home health agency," "home health care services," ((~~or~~)) "visiting nurse services," "home health," or "home health services" in its corporate or business name, or advertise using such words unless licensed ((~~as a home health agency~~)) to provide those services under this chapter((~~.~~));

(2) ((~~No person may use the words~~)) "Hospice agency," ((~~or~~)) "hospice," "hospice services," "hospice care," or "hospice care center" in its corporate or business name, or advertise using such words unless licensed ((~~as a hospice agency~~)) to provide those services under this chapter((~~.~~));

(3) ((~~No person may use the words~~)) "Home care agency," ((~~or~~)) "home care services," or "home care" in its corporate or business name, or advertise using such words unless licensed ((~~as a home care agency~~)) to provide those services under this chapter((~~.~~)); or

(4) "In-home services agency," "in-home services," or any similar term to indicate that a person is a home health, home care, hospice care center, or hospice agency in its corporate or business name, or advertise using such words unless licensed to provide those services under this chapter.

Sec. 4. RCW 70.127.040 and 1993 c 42 s 2 are each amended to read as follows:

The following are not subject to regulation for the purposes of this chapter:

(1) A family member providing home health, hospice, or home care services;

(2) ((~~An organization that~~)) A person who provides only meal services in ((~~a person's~~)) an individual's permanent or temporary residence;

(3) ((~~Entities~~)) An individual providing home care through a direct agreement with a recipient of care in an individual's permanent or temporary residence;

(4) A person furnishing ((~~durable~~)) or delivering home medical supplies or equipment that does not involve the ((~~delivery~~)) provision of ((~~professional~~)) services beyond those necessary to deliver, set up, and monitor the proper functioning of the equipment and educate the user on its proper use;

(((~~4~~))) (5) A person who provides services through a contract with a licensed agency;

(((~~5~~))) (6) An employee or volunteer of a licensed agency who provides services only as an employee or volunteer;

(((~~6~~))) (7) Facilities and institutions, including but not limited to nursing homes under chapter 18.51 RCW, hospitals under chapter 70.41 RCW, adult family homes under chapter 70.128 RCW, boarding homes under chapter 18.20 RCW, developmental disability residential programs under chapter 71.12 RCW, other entities licensed under chapter 71.12 RCW, or other licensed facilities and institutions, only when providing services to persons residing within the facility or institution ((~~if the delivery of the services is regulated by the state;~~

~~(7) Persons~~));

(8) Local and combined city-county health departments providing services under chapters 70.05 and 70.08 RCW;

(9) An individual providing care to ill, disabled ((~~persons~~)), infirm, or vulnerable individuals through a contract with the department of social and health services;

(((~~8~~))) (10) Nursing homes, hospitals, or other institutions, agencies, organizations, or persons that contract with licensed home health, hospice, or home care agencies for the delivery of services;

(((~~9~~))) (11) In-home assessments of an ill, disabled, vulnerable, or infirm ((~~person's ability to adapt to the home environment~~)) individual that does not result in regular ongoing care at home;

(((~~10~~))) (12) Services conducted by and for the adherents of a church or religious denomination that rely upon spiritual means alone through prayer for healing in accordance with the tenets and practices of such church or religious denomination and the bona fide religious beliefs genuinely held by such adherents;

(((~~11~~))) (13) A medicare-approved dialysis center operating a medicare-approved home dialysis program;

(((~~12~~))) (14) A person providing case management services ((~~which do not include the direct delivery of home health, hospice, or home care services~~)). For the purposes of this subsection, "case management" means the assessment, coordination, authorization, planning, training, and monitoring of home health, hospice, and home care, and does not include the direct provision of care to an individual;

(((~~13~~))) (15) Pharmacies licensed under RCW 18.64.043 that deliver prescription drugs and durable medical equipment that does not involve the use of professional services beyond those authorized to be performed by licensed pharmacists pursuant to chapter 18.64 RCW and those necessary to set up and monitor the proper functioning of the equipment and educate the person on its proper use;

(16) A volunteer hospice complying with the requirements of RCW 70.127.050; and

(17) A person who provides home care services without compensation.

Sec. 5. RCW 70.127.050 and 1993 c 42 s 3 are each amended to read as follows:

(1) An entity that provides hospice care without receiving compensation for delivery of any of its services is exempt from licensure pursuant to RCW 70.127.020(((~~2~~))) (1) if it notifies the department, on forms provided by the department, of its name, address, name of owner, and a statement affirming that it provides hospice care without receiving compensation for delivery of any of its services. This form must be filed with the department ((~~within sixty days after June 30, 1993, or~~)) within sixty days after being informed in writing by the department of this requirement for obtaining exemption from licensure under this chapter.

(2) For the purposes of this section, it is not relevant if the entity compensates its staff. For the purposes of this section, the word "compensation" does not include donations.

(3) Notwithstanding the provisions of RCW 70.127.030(2), an entity that provides hospice care without receiving compensation for delivery of any of its services is allowed to use the phrase "volunteer hospice."

(4) Nothing in this chapter precludes an entity providing hospice care without receiving compensation for delivery of any of its services from obtaining a hospice license if it so chooses, but that entity would be exempt from the requirements set forth in RCW 70.127.080(1)(d) ((~~and (e)~~)).

Sec. 6. RCW 70.127.080 and 1999 c 190 s 2 are each amended to read as follows:

(1) An applicant for ((~~a home health, hospice, or home care~~)) an in-home services agency license shall:

(a) File a written application on a form provided by the department;

(b) Demonstrate ability to comply with this chapter and the rules adopted under this chapter;

(c) Cooperate with on-site ((~~review~~)) survey conducted by the department ((~~prior to licensure or renewal~~)) except as provided in RCW 70.127.085;

(d) Provide evidence of and maintain professional liability, public liability, and property damage insurance ((~~in the amount of one hundred thousand dollars per occurrence or adequate self-insurance as approved by the department~~)) in an amount established by the department, based on industry standards. This subsection shall not apply to hospice agency applicants that provide hospice care without receiving compensation for delivery of services;

(e) ((~~Provide evidence of and maintain public liability and property damage insurance coverage in the sum of fifty thousand dollars for injury or damage to property per occurrence and fifty thousand dollars for injury or damage, including death, to any one person and one hundred thousand dollars for injury or damage, including death, to more than one person, or evidence of adequate self-insurance for public liability and property damage as approved by the department. This subsection shall not apply to hospice agency applicants that provide hospice care without receiving compensation for delivery of services;~~

~~(f)~~)) Provide ((~~such proof as the department may require concerning~~)) documentation of an organizational structure, and the identity of the applicant, officers, administrator, directors of clinical services, partners, managing employees, or owners of ten percent or more of the applicant's assets;

(((~~(g)~~))) (f) File with the department for approval a description of the service area in which the applicant will operate and a description of how the applicant intends to provide management and supervision of services throughout the service area. The department shall adopt rules necessary to establish criteria for approval that are related to appropriate management and supervision of services throughout the service area. In developing the rules, the department may not establish criteria that:

(i) Limit the number or type of agencies in any service area; or

(ii) Limit the number of persons any agency may serve within its service area unless the criteria are related to the need for trained and available staff to provide services within the service area;

(((~~(h)~~))) (g) File with the department a list of the home health, hospice, and home care services ((~~offered~~)) provided directly and under contract;

(((~~(i)~~))) (h) Pay to the department a license fee as provided in RCW 70.127.090; ((~~and~~

~~(j)~~))) (i) Comply with RCW 43.43.830 through 43.43.842 for criminal background checks; and

(j) Provide any other information that the department may reasonably require.

(2) A certificate of need under chapter 70.38 RCW is not required for licensure except for the operation of a hospice care center.

(((~~(3) A license or renewal shall not be granted pursuant to this chapter if the applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets, within the last five years have been found in a civil or criminal proceeding to have committed any act which reasonably relates to the person's fitness to establish, maintain, or administer an agency or to provide care in the home of another.~~))

Sec. 7. RCW 70.127.085 and 1993 c 42 s 11 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 70.127.080(1)(c), ((~~a home health or hospice agency~~)) an in-home services agency that is certified by the federal medicare program, or accredited by the community health accreditation program, or the joint commission on accreditation of health care organizations as a home health or hospice agency ((~~shall be granted the applicable renewal license, without necessity of~~)) is not subject to a state licensure ((~~on-site~~)) survey if:

(a) The department determines that the applicable survey standards of the certification or accreditation program are substantially equivalent to those required by this chapter;

(b) An on-site survey has been conducted for the purposes of certification or accreditation during the previous twenty-four months; and

(c) The department receives directly from the certifying or accrediting entity or from the licensee applicant copies of the initial and subsequent survey reports and other relevant reports or findings that indicate compliance with licensure requirements.

(2) Notwithstanding the provisions of RCW 70.127.080(1)(c), ((~~a home care agency~~)) an in-home services agency providing services under contract with the department of social and health services or area agency on aging to provide home care services and that is monitored by the department of social and health services or area agency on aging ((~~shall be granted a renewal license, without necessity of an on-site~~)) is not subject to a state licensure survey by the department of health if:

(a) The department determines that the department of social and health services or an area agency on aging monitoring standards are substantially equivalent to those required by this chapter;

(b) An on-site monitoring has been conducted by the department of social and health services or an area agency on aging during the previous twenty-four months;

(c) The department of social and health services or an area agency on aging includes in its monitoring a sample of private pay clients, if applicable; and

(d) The department receives directly from the department of social and health services copies of monitoring reports and other relevant reports or findings that indicate compliance with licensure requirements.

(3) The department retains authority to survey those services areas not addressed by the national accrediting body, department of social and health services, or an area agency on aging.

(4) In reviewing the federal, the joint commission on accreditation of health care organizations, the community health accreditation program, or the department of social and health services survey standards for substantial equivalency to those set forth in this chapter, the department is directed to provide the most liberal interpretation consistent with the intent of this chapter. In the event the department determines at any time that the survey standards are not substantially equivalent to those required by this chapter, the department is directed to notify the affected licensees. The notification shall contain a detailed description of the deficiencies in the alternative survey process, as well as an explanation concerning the risk to the consumer. The determination of substantial equivalency for alternative survey process and lack of substantial equivalency are agency actions and subject to RCW 34.05.210 through 34.05.395 and 34.05.510 through ((~~34.05.680~~)) 34.05.675.

(((~~(4) Agencies receiving a license without necessity of an on-site survey by the department under this chapter shall pay the same licensure or transfer fee as other agencies in their licensure category. It is the intent of this section that the licensure fees for all agencies will be lowered by the elimination of the duplication that currently exists.~~)))

(5) ((~~In order to avoid unnecessary costs,~~)) The department is ((~~not~~)) authorized to perform a validation survey ((~~if it is also the agency performing the certification or accreditation survey. Where this is not the case,~~)) on in-home services agencies who previously received a survey through accreditation or contracts with the department of social and health services or an area agency on aging under subsection (2) of this section. The department is authorized to perform a validation survey on no greater than ((~~five~~)) ten percent of each type of certification or accreditation survey.

(6) This section does not affect the department's enforcement authority for licensed agencies.

Sec. 8. RCW 70.127.090 and 1999 c 190 s 3 are each amended to read as follows:

(1) Application and renewal fee: An application for a license or any renewal shall be accompanied by a fee as established by the department under RCW 43.70.250. The department shall adopt by rule licensure fees based on a sliding scale using such factors as the number of agency full-time equivalents, geographic area served, number of locations, or type and volume of services provided. For agencies receiving a licensure survey that requires more than two on-site ((~~reviews~~)) surveys by the department per licensure period, an additional fee as determined by the department by rule shall be charged for each additional on-site ((~~review~~)) survey. ((~~The department shall charge a reasonable fee for processing changes in ownership.~~)) The department may set different licensure fees for each licensure category. Agencies receiving a license without necessity of an on-site survey by the department under this chapter shall pay the same licensure or transfer fee as other agencies in their licensure category.

(2) Change of ownership fee: The department shall charge a reasonable fee for processing changes in ownership. The fee for transfer of ownership may not exceed fifty percent of the base licensure fee.

(3) Late fee: The department may establish a late fee for failure to apply for licensure or renewal as required by this chapter.

Sec. 9. RCW 70.127.100 and 1993 c 42 s 6 are each amended to read as follows:

Upon receipt of an application under RCW 70.127.080 for a license and the license fee, the department shall issue a license if the applicant meets the requirements established under this chapter. A license issued under this chapter shall not be transferred or assigned without thirty days prior notice to the department and the department's approval. A license, unless suspended or revoked, is effective for a period of two years, however an initial license is only effective for twelve months. The department shall conduct ((~~an on-site review~~)) a survey within each licensure period((~~. The department~~)) and may conduct a licensure survey after ownership transfer. ((~~The fee for this survey may not exceed fifty percent of the base licensure fee. The department may establish penalty fees for failure to apply for licensure or renewal as required by this chapter.~~))

Sec. 10. RCW 70.127.120 and 1993 c 42 s 8 are each amended to read as follows:

The department shall adopt rules consistent with RCW 70.127.005 necessary to implement this chapter under chapter 34.05 RCW. In order to ensure safe and adequate care, the rules shall address at a minimum the following:

(1) Maintenance and preservation of all records relating directly to the care and treatment of ((~~persons~~)) individuals by licensees;

(2) Establishment and implementation of a procedure for the receipt, investigation, and disposition of complaints ((~~by the department~~)) regarding services provided ((~~by licensees~~));

(3) Establishment and implementation of a plan for ((~~on-going~~)) ongoing care of ((~~persons~~)) individuals and preservation of records if the licensee ceases operations;

(4) Supervision of services;

(5) ((~~Maintenance~~)) Establishment and implementation of written policies regarding response to referrals and access to services ((~~at all times~~));

(6) ((~~Maintenance~~)) Establishment and implementation of written personnel policies ((~~and~~)), procedures and personnel records for paid staff that provide for ((~~rehire~~)) prehire screening, minimum qualifications, regular performance evaluations, including observation in the home, participation in orientation and in-service training, and involvement in quality ((~~assurance~~)) improvement activities. The department may not establish experience or other qualifications for agency personnel or contractors beyond that required by state law;

(7) ((~~Maintenance~~)) Establishment and implementation of written policies and procedures for volunteers ((~~that~~)) who have direct patient/client contact and that provide for background and health screening, orientation, and supervision; ((~~and~~))

(8) ((~~Maintenance~~)) Establishment and implementation of written policies ((~~on~~)) for obtaining regular reports on patient satisfaction;

(9) Establishment and implementation of a quality improvement process; and

(10) Establishment and implementation of policies related to the delivery of care including:

(a) Plan of care for each individual served;

(b) Periodic review of the plan of care;

(c) Supervision of care and clinical consultation as necessary;

(d) Care consistent with the plan;

(e) Admission, transfer, and discharge from care; and

(f) For hospice services:

(i) Availability of twenty-four hour seven days a week hospice registered nurse consultation and in-home services as appropriate;

(ii) Interdisciplinary team communication as appropriate and necessary; and

(iii) The use and availability of volunteers to provide family support and respite care.

Sec. 11. RCW 70.127.125 and 1993 c 42 s 7 are each amended to read as follows:

The department is directed to continue to develop, with opportunity for comment from licensees, interpretive guidelines that are specific to each type of ((~~license~~)) service and consistent with legislative intent.

Sec. 12. RCW 70.127.140 and 1988 c 245 s 15 are each amended to read as follows:

(1) ((~~A licensee~~)) An in-home services agency shall provide each ((~~person~~)) individual or designated representative with a written bill of rights affirming each ((~~person's~~)) individual's right to:

(a) A listing of the in-home services offered by the in-home services agency and those being provided;

(b) The name of the ((~~person~~)) individual supervising the care and the manner in which that ((~~person~~)) individual may be contacted;

(c) A description of the process for submitting and addressing complaints;

(d) Submit complaints without retaliation and to have the complaint addressed by the agency;

(e) Be informed of the state complaint hotline number;

(f) A statement advising the ((~~person~~)) individual or representative of the right to ((~~participate~~)) ongoing participation in the development of the plan of care;

(((~~e~~))) (g) A statement providing that the ((~~person~~)) individual or representative is entitled to information regarding access to the department's ((~~registry~~)) listing of providers and to select any licensee to provide care, subject to the ((~~patient's~~)) individual's reimbursement mechanism or other relevant contractual obligations;

(((~~f~~))) (h) Be treated with courtesy, respect, privacy, and freedom from abuse and discrimination;

(((~~g~~))) (i) Refuse treatment or services;

(((~~(h) Have patient records be confidential; and~~

~~(i) Have~~)) (j) Have property treated with respect;

(k) Privacy of personal information and confidentiality of health care records;

(l) Be cared for by properly trained staff ((~~and~~)) with coordination of services;

(m) A fully itemized billing statement upon request, including the date of each service and the charge. Licensees providing services through a managed care plan shall not be required to provide itemized billing statements; and

(n) Be informed about advanced directives and the agency's responsibility to implement them.

(2) ((~~Upon request, a licensee shall provide each person or designated representative with a fully itemized billing statement at least monthly, including the date of each service and the charge. Licensees providing services through a managed care plan shall not be required to provide itemized billing statements.~~)) An in-home services agency shall ensure rights under this section are implemented and updated as appropriate.

Sec. 13. RCW 70.127.150 and 1988 c 245 s 16 are each amended to read as follows:

No licensee, contractee, or employee may hold a durable power of attorney on behalf of any ((~~person~~)) individual who is receiving care from the licensee.

Sec. 14. RCW 70.127.170 and 1988 c 245 s 18 are each amended to read as follows:

Pursuant to chapter 34.05 RCW and RCW 70.127.180(3), the department may deny, restrict, condition, modify, suspend, or revoke a license under this chapter or, in lieu thereof or in addition thereto, assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, or require a refund of any amounts billed to, and collected from, the consumer or third-party payor in any case in which it finds that the licensee, or any applicant, officer, director, partner, managing employee, or owner of ten percent or more of the applicant's or licensee's assets:

(1) Failed or refused to comply with the requirements of this chapter or the standards or rules adopted under this chapter;

(2) Was the holder of a license issued pursuant to this chapter that was revoked for cause and never reissued by the department, or that was suspended for cause and the terms of the suspension have not been fulfilled and the licensee has continued to operate;

(3) Has knowingly or with reason to know made a misrepresentation of, false statement of, or failed to disclose, a material fact to the department in ((~~the~~)) an application for the license or any data attached thereto or in any record required by this chapter or matter under investigation by the department, or during a survey, or concerning information requested by the department;

(4) Refused to allow representatives of the department to inspect any book, record, or file required by this chapter to be maintained or any portion of the licensee's premises;

(5) Willfully prevented, interfered with, or attempted to impede in any way the work of any representative of the department and the lawful enforcement of any provision of this chapter. This includes but is not limited to: Willful misrepresentation of facts during a survey, investigation, or administrative proceeding or any other legal action; or use of threats or harassment against any patient, client, or witness, or use of financial inducements to any patient, client, or witness to prevent or attempt to prevent him or her from providing evidence during a survey or investigation, in an administrative proceeding, or any other legal action involving the department;

(6) Willfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of this chapter or the rules adopted under this chapter;

(7) Failed to pay any civil monetary penalty assessed by the department pursuant to this chapter within ten days after the assessment becomes final;

(8) Used advertising that is false, fraudulent, or misleading;

(9) Has repeated incidents of personnel performing services beyond their authorized scope of practice; ((~~or~~))

(10) Misrepresented or was fraudulent in any aspect of the conduct of the licensee's business;

(11) Within the last five years, has been found in a civil or criminal proceeding to have committed any act that reasonably relates to the person's fitness to establish, maintain, or administer an agency or to provide care in the home of another;

(12) Was the holder of a license to provide care or treatment to ill, disabled, infirm, or vulnerable individuals that was denied, restricted, not renewed, surrendered, suspended, or revoked by a competent authority in any state, federal, or foreign jurisdiction. A certified copy of the order, stipulation, or agreement is conclusive evidence of the denial, restriction, nonrenewal, surrender, suspension, or revocation;

(13) Violated any state or federal statute, or administrative rule regulating the operation of the agency;

(14) Failed to comply with an order issued by the secretary or designee;

(15) Aided or abetted the unlicensed operation of an in-home services agency;

(16) Operated beyond the scope of the in-home services agency license;

(17) Failed to adequately supervise staff to the extent that the health or safety of a patient or client was at risk;

(18) Compromised the health or safety of a patient or client, including, but not limited to, the individual performing services beyond their authorized scope of practice;

(19) Continued to operate after license revocation, suspension, or expiration, or operating outside the parameters of a modified, conditioned, or restricted license;

(20) Failed or refused to comply with chapter 70.02 RCW;

(21) Abused, neglected, abandoned, or financially exploited a patient or client as these terms are defined in RCW 74.34.020;

(22) Misappropriated the property of an individual;

(23) Is unqualified or unable to operate or direct the operation of the agency according to this chapter and the rules adopted under this chapter;

(24) Obtained or attempted to obtain a license by fraudulent means or misrepresentation; or

(25) Failed to report abuse or neglect of a patient or client in violation of chapter 74.34 RCW.

Sec. 15. RCW 70.127.180 and 1988 c 245 s 19 are each amended to read as follows:

(1) The department may at any time conduct ((~~an on-site review~~)) a survey of all records and operations of a licensee ((~~or conduct in-home visits~~)) in order to determine compliance with this chapter. The department may ((~~also examine and audit records~~

~~necessary to determine compliance with this chapter~~)) conduct in-home visits to observe patient/client care and services. The right to conduct ((~~an on-site review and audit and examination of records~~)) a survey shall extend to any premises and records of persons whom the department has reason to believe are providing home health, hospice, or home care services without a license.

(2) Following ((~~an on-site review, in-home visit, or audit~~)) a survey, the department shall give written notice of any violation of this chapter or the rules adopted under this chapter. The notice shall describe the reasons for noncompliance ((~~and inform the licensee that it must comply within a specified reasonable time, not to exceed sixty days. If the licensee fails to comply, the licensee is subject to disciplinary action under RCW 70.127.170~~)).

(3) The licensee may be subject to formal enforcement action under RCW 70.127.170 if the department determines: (a) The licensee has previously been subject to a formal enforcement action for the same or similar type of violation of the same statute or rule, or has been given previous notice of the same or similar type of violation of the same statute or rule; (b) the licensee failed to achieve compliance with a statute, rule, or order by the date established in a previously issued notice or order; (c) the violation resulted in actual serious physical or emotional harm or immediate threat to the health, safety, welfare, or rights of one or more individuals; or (d) the violation has a potential for serious physical or emotional harm or immediate threat to the health, safety, welfare, or rights of one or more individuals.

Sec. 16. RCW 70.127.190 and 1988 c 245 s 20 are each amended to read as follows:

All information received by the department through filed reports, ((~~audits, on-site reviews,~~)) surveys, and in-home visits((~~, or as otherwise authorized~~)) conducted under this chapter shall not be disclosed publicly in any manner that would identify ((~~persons~~)) individuals receiving care under this chapter.

Sec. 17. RCW 70.127.200 and 1988 c 245 s 21 are each amended to read as follows:

(1) Notwithstanding the existence or use of any other remedy, the department may, in the manner provided by law and upon the advice of the attorney general, who shall represent the department in the proceedings, maintain an action in the name of the state for an injunction or other process against any person to restrain or prevent the advertising, operating, maintaining, managing, or opening of a home health, hospice, hospice care center, or home care agency without ((~~a~~)) an in-home services agency license under this chapter.

(2) The injunction shall not relieve the person operating an in-home services agency without a license from criminal prosecution, or the imposition of a civil fine under section 19(2) of this act, but the remedy by injunction shall be in addition to any criminal liability or civil fine. A person that violates an injunction issued under this chapter shall pay a civil penalty, as determined by the court, of not more than twenty-five thousand dollars, which shall be deposited in the department's local fee account. For the purpose of this section, the superior court issuing any injunction shall retain jurisdiction and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties. All fines, forfeitures, and penalties collected or assessed by a court because of a violation of RCW 70.127.020 shall be deposited in the department's local fee account.

Sec. 18. RCW 70.127.210 and 1988 c 245 s 22 are each amended to read as follows:

(1) Any person violating RCW 70.127.020 is guilty of a misdemeanor. Each day of a continuing violation is a separate violation.

(2) If any corporation conducts any activity for which a license is required by this chapter without the required license, it may be punished by forfeiture of its corporate charter. All fines, forfeitures, and penalties collected or assessed by a court because of a violation of RCW 70.127.020 shall be deposited in the department's local fee account.

NEW SECTION. **Sec. 19.** A new section is added to chapter 70.127 RCW to read as follows:

(1) The department may issue a notice of intention to issue a cease and desist order to any person whom the department has reason to believe is engaged in the unlicensed operation of an in-home services agency. The person to whom the notice of intent is issued may request an adjudicative proceeding to contest the charges. The request for hearing must be filed within twenty days after service of the notice of intent to issue a cease and desist order. The failure to request a hearing constitutes a default, whereupon the department may enter a permanent cease and desist order, which may include a civil fine. All proceedings shall be conducted in accordance with chapter 34.05 RCW.

(2) If the department makes a final determination that a person has engaged or is engaging in unlicensed operation of an in-home services agency, the department may issue a cease and desist order. In addition, the department may impose a civil fine in an amount not exceeding one thousand dollars for each day upon which the person engaged in unlicensed operation of an in-home services agency. The proceeds of such fines shall be deposited in the department's local fee account.

(3) If the department makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the department may issue a temporary cease and desist order. The person receiving a temporary cease and desist order shall be provided an opportunity for a prompt hearing. The temporary cease and desist order shall remain in effect until further order of the department. The failure to request a prompt or regularly scheduled hearing constitutes a default, whereupon the department may enter a permanent cease and desist order, which may include a civil fine.

(4) Neither the issuance of a cease and desist order nor payment of a civil fine shall relieve the person so operating an in-home services agency without a license from criminal prosecution, but the remedy of a cease and desist order or civil fine shall be in addition to any criminal liability. The cease and desist order is conclusive proof of unlicensed operation and may be enforced under RCW 7.21.060. This method of enforcement of the cease and desist order or civil fine may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders set out in chapter 34.05 RCW.

NEW SECTION. **Sec. 20.** A new section is added to chapter 70.127 RCW to read as follows:

The legislature finds that the operation of an in-home services agency without a license in violation of this chapter is a matter vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Operation of an in-home services agency without a license in violation of this chapter is not reasonable in relation to the development and preservation of business. Such a violation is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. **Sec. 21.** A new section is added to chapter 70.127 RCW to read as follows:

(1) Applicants desiring to operate a hospice care center are subject to the following:

(a) The application may only be made by a licensed hospice agency. The agency shall list which of the following service categories will be provided:

(i) General inpatient care;

(ii) Continuous home care;

(iii) Routine home care; or

(iv) Inpatient respite care;

(b) A certificate of need is required under chapter 70.38 RCW;

(c) A hospice agency may operate more than one hospice care center in its service area;

(d) For hospice agencies that operate a hospice care center, no more than forty-nine percent of patient care days, in the aggregate on a biennial basis, may be provided in the hospice care center;

(e) The maximum number of beds in a hospice care center is twenty;

(f) The maximum number of individuals per room is one, unless the individual requests a roommate;

(g) A hospice care center may either be owned or leased by a hospice agency. If the agency leases space, all delivery of interdisciplinary services, to include staffing and management, shall be done by the hospice agency; and

(h) A hospice care center may either be freestanding or a separate portion of another building.

(2) The department is authorized to develop rules to implement this section. The rules shall be specific to each hospice care center service category provided. The rules shall at least specifically address the following:

(a) Adequate space for family members to visit, meet, cook, share meals, and stay overnight with patients or clients;

(b) A separate external entrance, clearly identifiable to the public when part of an existing structure;

(c) Construction, maintenance, and operation of a hospice care center;

(d) Means to inform the public which hospice care center service categories are provided; and

(e) A registered nurse present twenty-four hours a day, seven days a week for hospice care centers delivering general inpatient services.

(3) Hospice agencies which as of January 1, 2000, operate the functional equivalent of a hospice care center through licensure as a hospital, under chapter 70.41 RCW, shall be exempt from the certificate of need requirement for hospice care centers if they apply for and receive a license as an in-home services agency to operate a hospice home care center by July 1, 2002.

Sec. 22. RCW 70.38.025 and 1997 c 210 s 2 are each amended to read as follows:

When used in this chapter, the terms defined in this section shall have the meanings indicated.

(1) "Board of health" means the state board of health created pursuant to chapter 43.20 RCW.

(2) "Capital expenditure" is an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a nursing home facility as its own contractor) which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required review if the acquisition had been made by purchase, such expenditure shall be deemed a capital expenditure. Capital expenditures include donations of equipment or facilities to a nursing home facility which if acquired directly by such facility would be subject to certificate of need review under the provisions of this chapter and transfer of equipment or facilities for less than fair market value if a transfer of the equipment or facilities at fair market value would be subject to such review. The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which such expenditure is made shall be included in determining the amount of the expenditure.

(3) "Continuing care retirement community" means an entity which provides shelter and services under continuing care contracts with its members and which sponsors or includes a health care facility or a health service. A "continuing care contract"

means a contract to provide a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services, which is conditioned upon the transfer of property, the payment of an entrance fee to the provider of such services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

(4) "Department" means the department of health.

(5) "Expenditure minimum" means, for the purposes of the certificate of need program, one million dollars adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule.

(6) "Health care facility" means hospices, hospice care centers, hospitals, psychiatric hospitals, nursing homes, kidney disease treatment centers, ambulatory surgical facilities, and home health agencies, and includes such facilities when owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include any health facility or institution conducted by and for those who rely exclusively upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination, or any health facility or institution operated for the exclusive care of members of a convent as defined in RCW 84.36.800 or rectory, monastery, or other institution operated for the care of members of the clergy. In addition, the term does not include any nonprofit hospital: (a) Which is operated exclusively to provide health care services for children; (b) which does not charge fees for such services; and (c) if not contrary to federal law as necessary to the receipt of federal funds by the state.

(7) "Health maintenance organization" means a public or private organization, organized under the laws of the state, which:

(a) Is a qualified health maintenance organization under Title XIII, section 1310(d) of the Public Health Services Act; or

(b)(i) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency, and preventive services, and out-of-area coverage; (ii) is compensated (except for copayments) for the provision of the basic health care services listed in (b)(i) to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and (iii) provides physicians' services primarily (A) directly through physicians who are either employees or partners of such organization, or (B) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(8) "Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services and as defined in federal law.

(9) "Health service area" means a geographic region appropriate for effective health planning which includes a broad range of health services.

(10) "Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

(11) "Provider" generally means a health care professional or an organization, institution, or other entity providing health care but the precise definition for this term shall be established by rule of the department, consistent with federal law.

(12) "Public health" means the level of well-being of the general population; those actions in a community necessary to preserve, protect, and promote the health of the people for which government is responsible; and the governmental system developed to guarantee the preservation of the health of the people.

(13) "Secretary" means the secretary of health or the secretary's designee.

(14) "Tertiary health service" means a specialized service that meets complicated medical needs of people and requires sufficient patient volume to optimize provider effectiveness, quality of service, and improved outcomes of care.

(15) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW.

NEW SECTION. **Sec. 23.** A new section is added to chapter 70.38 RCW to read as follows:

All certificate of need applications submitted by hospice agencies for the construction, development, or other establishment of a facility to be licensed as either a hospital under chapter 70.41 RCW or as a nursing home under chapter 18.51 RCW, for the purpose of operating the functional equivalent of a hospice care center shall not require a separate certificate of need for a hospice care center provided the certificate of need application was declared complete prior to July 1, 2001, the applicant has been issued a certificate of need, and has applied for and received an in-home services agency license by July 1, 2002.

NEW SECTION. **Sec. 24.** This act takes effect January 1, 2002.

NEW SECTION. **Sec. 25.** The following acts or parts of acts are each repealed:

(1) RCW 70.127.060 (Nursing homes--Application of chapter) and 1988 c 245 s 7;

(2) RCW 70.127.070 (Hospitals--Application of chapter) and 1988 c 245 s 8;

(3) RCW 70.127.110 (Licenses--Combination--Rules--Fees) and 1999 c 190 s 4 & 1988 c 245 s 12;

(4) RCW 70.127.220 (Agency registry) and 1988 c 245 s 23;

(5) RCW 70.127.230 (Hospice agencies--Exemption for certain activities) and 1988 c 245 s 24;

(6) RCW 70.127.240 (Home health or hospice agencies--Exemption for certain activities) and 1988 c 245 s 27;

(7) RCW 70.127.250 (Home health agencies--Patient care and treatment--Rules--Definitions) and 1994 sp.s. c 9 s 745, 1993 c 42 s 10, & 1988 c 245 s 25;

(8) RCW 70.127.260 (Hospice agencies--Rules) and 1988 c 245 s 26; and

(9) RCW 70.127.270 (Home care agencies--Rules) and 1988 c 245 s 28."

MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 70.127.010, 70.127.020, 70.127.030, 70.127.040, 70.127.050, 70.127.080, 70.127.085, 70.127.090, 70.127.100, 70.127.120, 70.127.125, 70.127.140, 70.127.150, 70.127.170, 70.127.180, 70.127.190, 70.127.200, 70.127.210, and 70.38.025; adding new sections to chapter 70.127 RCW; adding a new section to chapter 70.38 RCW; repealing RCW 70.127.060, 70.127.070, 70.127.110, 70.127.220, 70.127.230, 70.127.240, 70.127.250, 70.127.260, and 70.127.270; prescribing penalties; and providing an effective date."

On motion of Senator Thibaudeau, the rules were suspended, House Bill 2510, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2510, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2510, as amended by the Senate under suspension of the rules, and the bill passed Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Sellar and West - 2.

HOUSE BILL NO. 2510, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Bauer, the following resolution was adopted:

SENATE RESOLUTION 2000-8762

By Senators Bauer, Winsley, Wojahn, McAuliffe, Fraser, Rasmussen and Franklin

WHEREAS, Fred T. Haley, a native son of Washington, was born in Tacoma in 1912, graduated from Stadium High School, earned a Bachelor's Degree at Dartmouth College, and returned to Tacoma during the Great Depression to work at his father's company, now Brown & Haley, perhaps best known for Almond Roca; and

WHEREAS, In 1942, shortly after the United States entered World War II, Fred T. Haley left Washington to serve with the United States Navy in the Pacific on Bora Bora and on the cruiser, U.S.S. Tuscaloosa; and

WHEREAS, After the War, Fred married Dorothy Geyer of Saginaw, Michigan, and returned with her to Tacoma where they raised their four children, Susan, Mark, Evan, and Mimi; and

WHEREAS, Fred T. Haley soon displayed his civic leadership as a member and Chair of the Tacoma School Board, where he played a key role in the board which refused to fire an employee who invoked his Fifth Amendment Rights before the House Un-American Activities Committee and encouraged the hiring of minority teachers and staff in Tacoma Schools; and

WHEREAS, Fred T. Haley chaired the State Citizens Committee for Civil Rights Legislation, and participated in the Martin Luther King's mammoth 1963 march on Washington for jobs and freedom, an event that he later described as a "supreme moment in the peacetime history of the nation"; and

WHEREAS, In subsequent years, while continuing to serve as Chairman and Chief Executive Officer of Brown & Haley, Mr. Haley's public career included, but was not limited to, membership on the Board of Advisors for the United States Department of Education's Fund for the Improvement of Post Secondary Education, the National Committee for Support of Public Schools, the National Task Force on Higher Education and the Public Interest, and the Boards of Trustees of The Evergreen State College, Linfield College, and Prometheus College. He assumed an active role in the development of the University of Washington's Tacoma Branch Campus, served on the board of the Center for the Study of Capable Youth, and was advisor to the College of Arts and Sciences, the History Department, and the School of Social Work on the University of Washington's Seattle Campus. In 1982, he was appointed Chair of the Washington State Temporary Committee on Educational Policies, Structure and Management, which was created by the Legislature to recommend educational changes from preschool to graduate school, and which he guided through an intensive work and study program for three years; and

WHEREAS, In recognition of his exemplary service and civic activities, Fred T. Haley has received Honorary Doctorates from the University of Puget Sound and Prometheus College, the William O. Douglas Award from the Washington Chapter of the American Civil Liberties Union, and the Good In Government Award from the League of Women Voters Washington Chapter. In 1985, the Citizens Education Center Northwest, of which he was a founding member, established the Frederick T. Haley Award in his honor; and

WHEREAS, For more than half a century, Fred T. Haley has lived and continues to live by the highest ideals of duty and service by steadfastly devoting his time, his resources, and his boundless energies to education, civil rights, social justice, and the public interest in a career that combined his business and public service principles in a rich blend of integrity and dedication. In so doing, Fred T. Haley stands as an example of committed and enlightened citizenship for all of us throughout the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the contributions Fred T. Haley has made towards social justice and to public education in Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Fred T. Haley and his family, the Executive Director of the Higher Education Coordinating Board, the Superintendent of Public Instruction, and the President of The Evergreen State College.

Senators Bauer, Winsley, Jacobsen, Franklin, Rasmussen, McCaslin, and Betti Sheldon spoke to Senate Resolution 2000-8762.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Fred T. Haley and his family and friends, who were seated in the gallery.

MOTION

On motion of Senator Goings, the Senate reverted to the fourth order of business.

MOTION

On motion of Senator Franklin, Senators Bauer, Eide and Patterson were excused.

MOTION

On motion of Senator Sheahan, Senator Honeyford was excused.

MESSAGE FROM THE HOUSE

March 5, 2000

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to House Bill No. 2595 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Heavey, the Senate receded from the Senate amendment(s) to House Bill No. 2595.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2595, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2595, without the Senate amendment(s), and the bill passed Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Bauer, Eide, Honeyford, Patterson and Sellar - 5.

HOUSE BILL NO. 2595, without the Senate amendment(s), having received the constitutional majority, was declared passed . There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2000

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6431 with the following amendment(s):

On page 1, line 10, after "chapter." strike all material to the end of the section and insert "Dissemination or use of nonconviction data for purposes other than that authorized in this section is prohibited."

On page 1, after line 12, insert the following:

NEW SECTION. **Sec. 2.** This act expires June 30, 2003.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Heavey moved that the Senate concur in the House amendments to Senate Bill No. 6431.

POINT OF INQUIRY

Senator Hargrove: "Senator Heavey, what are we talking about with nonconviction data? Maybe you could explain that to me."

Senator Heavey: "Thank you, Senator Hargrove. What we are talking about and what I know specifically as a horse racing commissioner. We have had cases where we have had jockeys that have been accused in other states of rigging races. The information and the complaints were made and it may be a criminal complaint pending, but no conviction. Or it may be just an instance that we should know about or maybe ten instances of charges of fixing a race that we should know about before the jockey is licensed to ride horses in the state of Washington. Very key individuals--as are owners and trainers on keeping this board honest and straight forward and keeping the public support of it."

Senator Hargrove: "Well, I have one more question. Would it not also include people that have been charged and not convicted ? Would it not also include the investigation into those charges, even if they were exonerated?"

Senator Heavey: "I do not know."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Heavey to concur in the House amendments to Senate Bill No. 6431.

The motion by Senator Heavey carried and the Senate concurred in the House amendments to Senate Bill No. 6431.

The President Pro Tempore declared the question before the Senate to be roll call on the final passage of Senate Bill No. 6431, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6431, as amended by the House, and the bill passed Senate by the following vote: Yeas, 38; Nays, 8; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Costa, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Thibaudeau, West, Winsley and Wojahn - 38.

Voting nay: Senators Benton, Hargrove, Hochstatter, Johnson, Snyder, Stevens, Swecker and Zarelli - 8.

Excused: Senators Bauer, Eide and Sellar - 3.

SENATE BILL NO. 6431, as amended by the House, having received the constitutional majority was declared passed . There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair

MOTION

On motion of Senator Costa, Senator Goings was excused.

MESSAGE FROM THE HOUSE

March 2, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6454 with the following amendment(s):

On page 1, line 15, after "account", insert "--recreation", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Jacobsen, the Senate concurred in the House amendment to Substitute Senate Bill No. 6454.

The President declared the question before the Senate to be roll call on the final passage of Substitute Senate Bill No. 6454, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6454, as amended by the House, and the bill passed Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Deccio - 1.

Excused: Senators Goings and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 6454, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

DS

MOTION

On motion of Senator Franklin, Senator Brown was excused.

MOTION

On motion of Senator Honeyford, Senator Deccio was excused.

MESSAGE FROM THE HOUSE

March 3, 2000

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6455 with the following amendment(s):

On page 7, at the beginning of line 16, strike "four" and insert "five"

On page 7, line 21, after "that" strike "up to"

On page 8, at the beginning of line 4, strike "four" and insert "five"

On page 8, line 9, after "that" strike "up to"

On page 9, line 26, after "minimum of" strike "four" and insert "five"

On page 9, line 35, after "minimum" strike "four" and insert "of five"

On page 17, beginning on line 14, after "the" strike all material through "geologists" on line 15 and insert "state department of licensing be authorized to levy fees on geologists sufficient to pay for their licensure", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Gardner moved that the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. No. 6455.

Debate ensued.

POINT OF INQUIRY

Senator Franklin: "Senator Gardner, under Engrossed Substitute Senate Bill No. 6455, I notice in reading that we do have a fee and we do have 695. I have some questions; can you give some clarity on that?"

Senator Gardner: "The information that we have is that this will have to go on the ballot and be approved by the voters."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Benton: "A parliamentary inquiry, Mr. President. The good Senator from Blaine has said the information she has received says that this would need to go on the ballot, if I heard her correctly. Is that right? So, my question to you, Mr. President, does the measure include a referendum clause and if not, should one be included and if it is not included, is the measure properly before the Senate?"

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, normally an inquiry as to what is in a bill is not appropriate for the President, but in this case, the President is sure that there is a referendum clause in the bill."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Gardner that the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 6455.

The motion by Senator Gardner carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6455.

The President declared the question before the Senate to be roll call on the final passage of Engrossed Substitute Senate Bill No. 6455, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6455, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 12; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 33.

Voting nay: Senators Benton, Finkbeiner, Hargrove, Hochstatter, Honeyford, Johnson, McCaslin, Morton, Oke, Roach, Stevens and Zarelli - 12.

Excused: Senators Brown, Deccio, Goings and Sellar - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6455, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Heavey, the following resolution was adopted:

SENATE RESOLUTION 2000-8761

By Senators Heavey, Bauer, Fraser and Snyder

WHEREAS, R. R. "Bob" Grieve was originally trained as a commercial artist at Cornish Art School in Seattle; and

WHEREAS, Bob Grieve received his law degree from the University of Miami in Florida and a Ph.D in Government from Claremont Graduate School; and

WHEREAS, Bob Grieve was elected to the State Senate in 1947 from the Thirty-fourth District in West Seattle and continued to serve as State Senator until 1975; and

WHEREAS, Senator Bob Grieve was elected Majority Leader of the State Senate for eighteen of the twenty-eight years he served; and

WHEREAS, Senator Bob Grieve had an ability to work with legislators on both sides of the aisle and was widely recognized for his leadership ability; and

WHEREAS, Senator Bob Grieve was recognized as a premier parliamentarian who memorized the Senate Rules, Joint Rules, and most of Reeds Rules; and

WHEREAS, Former Senator Ray Moore remarked in his oral history that Bob Grieve "had as many moves as Michael Jordan"; and

WHEREAS, In the late 50's and throughout the 60's and 70's, Bob Grieve was known as "Mr. Redistricting"; and

WHEREAS, After an intense day of legislative work, Bob Grieve loved to dance well into the night and was widely known for his dancing abilities; and

WHEREAS, Bob Grieve went on to ably serve the citizens of King County as King County Councilman for twelve years following his service in the Senate; and

WHEREAS, Bob Grieve continues to practice law today in West Seattle;

NOW, THEREFORE, BE IT RESOLVED, that the Washington State Senate honor Bob Grieve's many years of service, his great contributions to the citizens of the Puget Sound region and citizens throughout the state, and his commitment and integrity in furthering the legislative process; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to R.R. Bob Grieve and his children: Thomas Grieve, Raymond Grieve, James Grieve, Bernadette Lucas, Kathleen Deakins, and Mary Long.

Senators Heavey, Snyder, Prentice, Fraser and Deccio spoke to Senate Resolution 2000-8761.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced former Senator Bob Grieve, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit former Senator Grieve to address the Senate.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the family of Senator Grieve, who were seated in the gallery.

MOTION

On motion of Senator Betti Sheldon, Rule 15 was suspended for the day.

EDITOR'S NOTE: Rule 15 states: 'The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day the senate shall recess ninety minutes for dinner.'

MOTION

At 12:00 noon, on motion of Senator Betti Sheldon, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:07 p.m. by President Owen.

MOTION

On motion of Senator Heavey, the following resolution was adopted:

SENATE RESOLUTION 2000-8768

By Senator Heavey

WHEREAS, The people of Washington have lost Kay Douglas, a wonderful daughter and sister, a faithful and loving wife, a proud and devoted mother and grandmother, a true friend, a respected colleague, and an outstanding teacher; and

WHEREAS, Kay Douglas graduated from Mills College where she majored in Art History. She earned a Teaching Certificate, Special Education credentials, and a Master of Education degree; and

WHEREAS, Kay Douglas worked at the Oregon Women's Penitentiary, the Seattle Juvenile Center, Madison Middle School, and Sealth High School where she was the Head of the Department of Special Education; and

WHEREAS, Kay Douglas gave twenty-eight years of her life serving her community as a teacher and role model for all who knew her; and

WHEREAS, Kay Douglas continually focused on her vision for students with disabilities to succeed to the best of their abilities; and

WHEREAS, Kay Douglas was gifted with her ability to instruct and relate effectively as a positive role model to students with significant behavioral deficits, and was effective in maximizing their success, enabling them to achieve their potential; and

WHEREAS, Kay Douglas has been instrumental in program development, demanding high expectations of herself, her co-workers, and her students while recognizing and valuing the unique qualities of each; and

WHEREAS, Kay Douglas was a master of creative teaching techniques and was able to develop an individualized program for every student and then give them individual attention, creating the best opportunities for her students; and

WHEREAS, Kay Douglas tirelessly served as an advocate for her students as she helped school administration and staff to understand them and build support systems for them at school and in the community, and by going beyond the classroom for her students, she pioneered efforts to connect young adults with disabilities with the community and adult service agencies; and

WHEREAS, Kay Douglas successfully recognized the potential in people and pulled the best from all of us, often helping lift our sights to see that our best was more than we believed it was as she encouraged and supported us in achieving our goals and celebrated with us; and

WHEREAS, Kay Douglas has been successful in raising the expectations and opportunities of students with disabilities beyond those that society and community would otherwise have offered; and

WHEREAS, the contributions of Kay Douglas will be on going; and

WHEREAS, Kay Douglas was an inspiration to all in her courage during her last eighteen months, showing determination, grace, and dignity;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby recognizes the life accomplishments of Kay Douglas and her contribution to the countless number of people who came in contact with her and have changed for the better; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to the family of Kay Douglas.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5518,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5610,
SENATE BILL NO. 6010,
SUBSTITUTE SENATE BILL NO. 6071,
SENATE BILL NO. 6154,
SENATE BILL NO. 6190,
SECOND SUBSTITUTE SENATE BILL NO. 6199,
SUBSTITUTE SENATE BILL NO. 6210,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6217,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6218,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6220,
ENGROSSED SENATE BILL NO. 6236,

SUBSTITUTE SENATE BILL NO. 6244,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6264,
SUBSTITUTE SENATE BILL NO. 6450,
SUBSTITUTE SENATE BILL NO. 6459,
SUBSTITUTE SENATE BILL NO. 6467,
SUBSTITUTE SENATE BILL NO. 6502,
SUBSTITUTE SENATE BILL NO. 6720.

MOTION

On motion of Senator Costa, the following resolution was adopted:

SENATE RESOLUTION 2000-8760

By Senators Costa and Shin

WHEREAS, It has been the policy of the Washington State Senate to recognize and honor citizens who have made significant contributions to their fellow citizens and the state of Washington; and

WHEREAS, Hazel Clark was one who took on the role of promoting literacy and preserving the history of the great Northwest, with passion and dedication, both in her paid and volunteer careers; and

WHEREAS, Born in 1906, the Seattle native graduated from the University of Washington with a degree in education and returned later to complete a library degree; and

WHEREAS, This marked the beginning of a forty-year career at the Everett Public Library; and

WHEREAS, Hazel Clark later turned her passion for other people's books toward writing several local history books of her own, including the "History of the Everett Public Library," "Lowell Remembered," and "A History of Sunnydale"; and

WHEREAS, She also possessed impressive artistic talents, demonstrated by her illustration of a children's book recollecting the naughty bears escape from Forest Park, and her travel memoirs throughout the Northwest United States and British Columbia; and

WHEREAS, Even after her retirement, Hazel Clark continued on as a library volunteer until 1999; and

WHEREAS, she was responsible for indexing the *Everett Herald* the "old fashioned" way until it went on electronic catalog in 1992; and

WHEREAS, Hazel Clark's recognition of the importance of education greatly influenced many, including her granddaughter, who is now pursuing a master's degree at Oxford, England; and

WHEREAS, In addition to her many other activities, she served as the self-taught church organist at the Lowell Community Church for nearly half a century; and

WHEREAS, She also devoted many more volunteer hours as a member of the Snohomish County Museum, the UW Alumni Association, the Bethany Home, and the Public Employees Retirement Association; and

WHEREAS, On February 14, 2000, Hazel Clark died in Everett, at age ninety-three, after living an incredibly rich and full life devoted to others;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and honor Hazel Clark and her life-long devotion to books, libraries, and learning, and for preserving and passing on Northwest history to future generations; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Hazel Clark's daughter, Roxanne Hunter of Everett, her granddaughter, Tracy Lynne Stover, and Margaret Riddle, a history specialist at the Everett Public Library.

Senators Costa and Shin spoke to Senate Resolution 2000-8760.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Roxanne Hunter, the daughter of Hazel Clark, who was seated in the gallery.

MOTION

On motion of Senator Franklin, the following resolution was adopted:

SENATE RESOLUTION 2000-8754

By Senators Franklin, Fairley, Swecker, McAuliffe, Wojahn, Rasmussen, Stevens, Snyder, Sheldon, B., Goings, Winsley, Thibaudeau, Shin, Jacobsen, Kline, Long, Patterson, Brown, Eide, Prentice, Haugen, Spanel, Kohl-Welles, Sheldon, T., Gardner, Loveland, Heavey, Bauer, Costa, Fraser, Roach and Sheahan

WHEREAS, In 1839, fifty-three Africans from modern-day Sierra Leone were kidnapped and illegally sold into the Spanish slave trade; and

WHEREAS, After enduring an horrific voyage to Cuba, the Africans mutinied and took over the ship known as Amistad; and

WHEREAS, Amistad then set sail for Africa, but ended up off the coast of New England; and

WHEREAS, A group of abolitionists took up the Africans' cause and there ensued a lengthy court battle for the Africans' freedom; and

WHEREAS, The case was ultimately argued before the United States Supreme Court; and

WHEREAS, The Supreme Court agreed with the plaintiffs, the Africans won their case in 1841, and were remanded their freedom; and

WHEREAS, The Amistad affair unified the abolitionists and advanced their cause, and civil libertarians increasingly used the judicial system to press their case, laying the groundwork for the abolition of slavery and the subsequent modern Civil Rights movement; and

WHEREAS, A nonprofit educational foundation, Amistad America, is dedicated to maintaining the legacy of the Amistad incident and teaching the lessons of history, leadership, and cooperation through the building and sailing of a replica of Amistad; and

WHEREAS, Timber from the Pacific Northwest was essential for the completion of the new Amistad's masts; and

WHEREAS, Commissioner of Public Lands Jennifer Belcher and the Department of Natural Resources Diversity Committee took it upon themselves to help the new Amistad's builders locate the appropriate timber on the Olympic Peninsula near Quilcene; and

WHEREAS, The DNR Diversity Committee also raised more than $1,000 in donations to help pay for construction of the Amistad replica; and

WHEREAS, Many more donations to the Amistad project totaling more than $500 came from people in Tacoma; and

WHEREAS, The new freedom schooner Amistad is scheduled to be christened and launched on March 25, 2000, at Mystic Seaport, Connecticut; and

WHEREAS, Launch ceremonies will be led by ship sponsors Ruby Dee and her husband, Ossie Davis, the renowned couple of the theater and arts; and

WHEREAS, Amistad will sail as an educational ambassador, teaching lessons of history, cooperation, and leadership to Americans of all ages, interests, and cultural backgrounds in the many ports she will visit;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby commend all those who have worked to build the freedom schooner Amistad, and honor the goals they share of teaching all Americans that justice must precede any true freedom; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate do hereby immediately transmit copies of this resolution to Public Lands Commissioner Jennifer Belcher, the Diversity Committee at the Department of Natural Resources, and to the Amistad America organization.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Jennifer Belcher, Commission of Public Lands, and members of the Diversity Committee, who were seated in the gallery.

MOTION

On motion of Senator Spanel, the following resolution was adopted:

SENATE RESOLUTION 2000-8767

By Senators Spanel, Haugen, Fraser and Snyder

WHEREAS, Meritorious service and excellence in all fields of endeavor on the part of Washingtonians are worthy of recognition by the Washington State Senate; and

WHEREAS, The fifth and sixth grade students of Lincoln Elementary School in Mount Vernon embarked upon an ambitious environmental research project, studying and documenting damage the noxious weed, *Spartina*, has done to the Padilla Bay estuary northwest of Mount Vernon; and

WHEREAS, The project, one of thousands judged in a national contest, won the *Time For Kid*s Environmental Challenge; and

WHEREAS, The students with their student leaders Anna Hansen, Michael Marsh, Michael Bazan, Kayla King, Seth Morris, Kyle Brown, Allison Hamburg, and Eboni Washington, and their teachers, Michael Guelker-Cone and Teresa Vaughn, will be recognized for their hard work in the special April "Kid Heroes for the Planet" issue of *Time For Kid*s magazine;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate, on behalf of the people of our state, do hereby recognize and acknowledge the outstanding leadership and commitment to improving the environment demonstrated by the fifth and sixth graders at Lincoln Elementary School; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Lincoln Elementary School.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the fifth and sixth grade students and their teachers from Lincoln Elementary School in Mount Vernon, who were seated in the gallery.

MOTION

At 1:33 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 2:26 p.m. by President Owen.

There being no objection, the President returned the Senate to the fourth order of business.

MOTION

On motion of Senator Franklin, Senators Fairley, Loveland and Patterson were excused.

MESSAGE FROM HOUSE

March 1, 2000

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6487 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** It is the intent of the legislature to enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A RCW by authorizing access to, and release or disclosure of, necessary information related to mental health services. This includes accessing and releasing or disclosing information of persons who received mental health services as a minor. The legislature does not intend this act to readdress access to information and records regarding continuity of care.

The legislature recognizes that persons with mental illness have a right to the confidentiality of information related to mental health services, including the fact of their receiving such services, unless there is a state interest that supersedes this right. It is the intent of the legislature to balance that right of the individual with the state interest to enhance public safety.

NEW SECTION. **Sec. 2.** A new section is added to chapter 71.34 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.05 or 10.77 RCW, or somatic health care information.

(b) "Mental health service provider" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.34.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.34.020, community mental health service delivery systems, or community mental health programs, as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(2) Information related to mental health services delivered to a person subject to chapter 9.94A RCW shall be released, upon request, by a mental health service provider to department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office. The information must be provided only for the purpose of completing presentence investigations, supervision of an incarcerated person, planning for and provision of supervision of a person, or assessment of a person's risk to the community. The request shall be in writing and shall not require the consent of the subject of the records.

(3) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties, including those records and reports identified in subsection (2) of this section.

(4) The department and the department of corrections, in consultation with regional support networks, mental health service providers as defined in subsection (1) of this section, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

(5) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in RCW 71.34.200, except as provided in section 4 of this act.

(6) No mental health service provider or individual employed by a mental health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section.

(7) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(8) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

NEW SECTION. **Sec. 3.** A new section is added to chapter 71.05 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information.

(b) "Mental health service provider" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.05.020, community mental health service delivery systems, or community mental health programs as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(2) Information related to mental health services delivered to a person subject to chapter 9.94A RCW shall be released, upon request, by a mental health service provider to department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office. The information must be provided only for the purpose of completing presentence investigations, supervision of an incarcerated person, planning for and provision of supervision of a person, or assessment of a person's risk to the community. The request shall be in writing and shall not require the consent of the subject of the records.

(3) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties, including those records and reports identified in subsection (2) of this section.

(4) The department and the department of corrections, in consultation with regional support networks, mental health service providers as defined in subsection (1) of this section, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

(5) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in chapter 71.05 RCW, except as provided in section 4 of this act.

(6) No mental health service provider or individual employed by a mental health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section except under RCW 71.05.670 and 71.05.440.

(7) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(8) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

NEW SECTION. **Sec. 4.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The information received by the department under section 2 or 3 of this act may be released to the indeterminate sentence review board as relevant to carry out its responsibility of planning and ensuring community protection with respect to persons under its jurisdiction. Further disclosure by the indeterminate sentence review board is subject to the limitations set forth in subsections (3) and (4) of this section and must be consistent with the written policy of the indeterminate sentence review board. The decision to disclose or not shall not result in civil liability for the indeterminate sentence review board or its employees provided that the decision was reached in good faith and without gross negligence.

(2) The information received by the department under section 2 or 3 of this act may be used to meet the statutory duties of the department to provide evidence or report to the court. Disclosure to the public of information provided to the court by the department related to mental health services shall be limited in accordance with RCW 9.94A.110 or this section.

(3) The information received by the department under section 2 or 3 of this act may be disclosed by the department to other state and local agencies as relevant to plan for and provide offenders transition, treatment, and supervision services, or as relevant and necessary to protect the public and counteract the danger created by a particular offender, and in a manner consistent with the written policy established by the secretary. The decision to disclose or not shall not result in civil liability for the department or its employees so long as the decision was reached in good faith and without gross negligence. The information received by a state or local agency from the department shall remain confidential and subject to the limitations on disclosure set forth in chapters 70.02, 71.05, and 71.34 RCW and, subject to these limitations, may be released only as relevant and necessary to counteract the danger created by a particular offender.

(4) The information received by the department under section 2 or 3 of this act may be disclosed by the department to individuals only with respect to offenders who have been determined by the department to have a high risk of reoffending by a risk assessment, as defined in RCW 9.94A.030, only as relevant and necessary for those individuals to take reasonable steps for the purpose of self-protection, or as provided in RCW 72.09.370(2). The information may not be disclosed for the purpose of engaging the public in a system of supervision, monitoring, and reporting offender behavior to the department. The department must limit the disclosure of information related to mental health services to the public to descriptions of an offender's behavior, risk he or she may present to the community, and need for mental health treatment, including medications, and shall not disclose or release to the public copies of treatment documents or records, except as otherwise provided by law. All disclosure of information to the public must be done in a manner consistent with the written policy established by the secretary. The decision to disclose or not shall not result in civil liability for the department or its employees so long as the decision was reached in good faith and without gross negligence. Nothing in this subsection prevents any person from reporting to law enforcement or the department behavior that he or she believes creates a public safety risk.

Sec. 5. RCW 71.05.630 and 1989 c 205 s 13 are each amended to read as follows:

(1) Except as otherwise provided by law, all treatment records shall remain confidential. Treatment records may be released only to the persons designated in this section, or to other persons designated in an informed written consent of the patient.

(2) Treatment records of an individual may be released without informed written consent in the following circumstances:

(a) To an individual, organization, or agency as necessary for management or financial audits, or program monitoring and evaluation. Information obtained under this subsection shall remain confidential and may not be used in a manner that discloses the name or other identifying information about the individual whose records are being released.

(b) To the department, the director of regional support networks, or a qualified staff member designated by the director only when necessary to be used for billing or collection purposes. The information shall remain confidential.

(c) For purposes of research as permitted in chapter 42.48 RCW.

(d) Pursuant to lawful order of a court.

(e) To qualified staff members of the department, to the director of regional support networks, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility. The information shall remain confidential.

(f) Within the treatment facility where the patient is receiving treatment, confidential information may be disclosed to individuals employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties.

(g) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of individuals who are under the supervision of the department.

(h) To a licensed physician who has determined that the life or health of the individual is in danger and that treatment without the information contained in the treatment records could be injurious to the patient's health. Disclosure shall be limited to the portions of the records necessary to meet the medical emergency.

(i) To a facility that is to receive an individual who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the individual from one treatment facility to another. The release of records under this subsection shall be limited to the treatment records required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record.

(j) Notwithstanding the provisions of RCW 71.05.390(7), to a correctional facility or a corrections officer who is responsible for the supervision of an individual who is receiving inpatient or outpatient evaluation or treatment. ((~~Every person who is under the supervision of the department of corrections who receives evaluation or treatment under chapter 9.94A RCW shall be notified of the provisions of this section by the individual's corrections officer.~~)) Except as provided in sections 2 and 3 of this act, release of records under this section is limited to:

(i) An evaluation report provided pursuant to a written supervision plan.

(ii) The discharge summary, including a record or summary of all somatic treatments, at the termination of any treatment provided as part of the supervision plan.

(iii) When an individual is returned from a treatment facility to a correctional facility, the information provided under (j)(iv) of this subsection.

(iv) Any information necessary to establish or implement changes in the individual's treatment plan or the level or kind of supervision as determined by resource management services. In cases involving a person transferred back to a correctional facility, disclosure shall be made to clinical staff only. ((~~In cases involving a person under supervision of the department of corrections, disclosure shall be made to the supervising corrections officer only.~~))

(k) To the individual's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW.

(l) ((~~To a corrections officer of the department who has custody of or is responsible for the supervision of an individual who is transferred or discharged from a treatment facility.~~

~~(m)~~)) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental illness or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information shall notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information.

(3) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

Sec. 6. RCW 71.05.390 and 1999 c 12 s 1 are each amended to read as follows:

Except as provided in this section, the fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the patient, or his or her guardian, shall be obtained before information or records may be disclosed by a professional person employed by a facility unless provided to a professional person: (a) Employed by the facility; (b) who has medical responsibility for the patient's care; (c) who is a county designated mental health professional; (d) who is providing services under chapter 71.24 RCW; (e) who is employed by a state or local correctional facility where the person is confined; or (f) who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing outpatient services to the operator of a care facility in which the patient resides.

(3) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such designation.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(5) For either program evaluation or research, or both: PROVIDED, That the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, ..., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/

"

(6) To the courts as necessary to the administration of this chapter.

(7) To law enforcement officers, public health officers, or personnel of the department of corrections or the indeterminate sentence review board for persons who are the subject of the records and who are committed to the custody of the department of corrections or indeterminate sentence review board which information or records are necessary to carry out the responsibilities of their office. Except for dissemination of information released pursuant to RCW 71.05.425 and 4.24.550, regarding persons committed under this chapter under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary admission, the fact and date of discharge, and the last known address shall be disclosed upon request; and

(b) The law enforcement and public health officers or personnel of the department of corrections or indeterminate sentence review board shall be obligated to keep such information confidential in accordance with this chapter; and

(c) Additional information shall be disclosed only after giving notice to said person and his or her counsel and upon a showing of clear, cogent, and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained. However, in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence.

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only after giving notice to the committed person and the person's counsel.

(10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(11) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence.

(12) To the persons designated in RCW 71.05.425 for the purposes described in that section.

(((~~(12)~~))) (13) Civil liability and immunity for the release of information about a particular person who is committed to the department under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(((~~(13)~~))) (14) To a patient's next of kin, guardian, or conservator, if any, in the event of death, as provided in RCW 71.05.400.

(((~~(14)~~))) (15) To the department of health ((~~of~~)) for the purposes of determining compliance with state or federal licensure, certification, or registration rules or laws. However, the information and records obtained under this subsection are exempt from public inspection and copying pursuant to chapter 42.17 RCW.

The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the

subject of the proceeding except in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(2)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial or in a civil commitment proceeding pursuant to chapter 71.09 RCW. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

Sec. 7. RCW 71.34.200 and 1985 c 354 s 18 are each amended to read as follows:

The fact of admission and all information obtained through treatment under this chapter is confidential. Confidential information may be disclosed only:

(1) In communications between mental health professionals to meet the requirements of this chapter, in the provision of services to the minor, or in making appropriate referrals;

(2) In the course of guardianship or dependency proceedings;

(3) To persons with medical responsibility for the minor's care;

(4) To the minor, the minor's parent, and the minor's attorney, subject to RCW 13.50.100;

(5) When the minor or the minor's parent ((~~designate[s]~~)) designates in writing the persons to whom information or records may be released;

(6) To the extent necessary to make a claim for financial aid, insurance, or medical assistance to which the minor may be entitled or for the collection of fees or costs due to providers for services rendered under this chapter;

(7) To the courts as necessary to the administration of this chapter;

(8) To law enforcement officers or public health officers as necessary to carry out the responsibilities of their office. However, only the fact and date of admission, and the date of discharge, the name and address of the treatment provider, if any, and the last known address shall be disclosed upon request;

(9) To law enforcement officers, public health officers, relatives, and other governmental law enforcement agencies, if a minor has escaped from custody, disappeared from an evaluation and treatment facility, violated conditions of a less restrictive treatment order, or failed to return from an authorized leave, and then only such information as may be necessary to provide for public safety or to assist in the apprehension of the minor. The officers are obligated to keep the information confidential in accordance with this chapter;

(10) To the secretary for assistance in data collection and program evaluation or research, provided that the secretary adopts rules for the conduct of such evaluation and research. The rules shall include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, ..., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding minors who have received services in a manner such that the minor is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under state law.

/s/

"

(11) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence;

(12) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence;

(((~~12~~))) (13) To a minor's next of kin, attorney, guardian, or conservator, if any, the information that the minor is presently in the facility or that the minor is seriously physically ill and a statement evaluating the mental and physical condition of the minor as well as a statement of the probable duration of the minor's confinement;

(((~~13~~))) (14) Upon the death of a minor, to the minor's next of kin;

(((~~14~~))) (15) To a facility in which the minor resides or will reside.

This section shall not be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary. The fact of admission and all

information obtained pursuant to this chapter are not admissible as evidence in any legal proceeding outside this chapter, except guardianship or dependency, without the written consent of the minor or the minor's parent.

Sec. 8. RCW 9.94A.110 and 1999 c 197 s 3 and 1999 c 196 s 4 are each reenacted and amended to read as follows:

(1) Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing.

Except in cases where the defendant shall be sentenced to a term of total confinement for life without the possibility of release or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, the court may order the department to complete a risk assessment report. If available before sentencing, the report shall be provided to the court.

Unless specifically waived by the court, the court shall order the department to complete a chemical dependency screening report before imposing a sentence upon a defendant who has been convicted of a violation of the uniform controlled substances act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW where the court finds that the offender has a chemical dependency that has contributed to his or her offense. In addition, the court shall, at the time of plea or conviction, order the department to complete a presentence report before imposing a sentence upon a defendant who has been convicted of a felony sexual offense. The department of corrections shall give priority to presentence investigations for sexual offenders. If the court determines that the defendant may be a mentally ill person as defined in RCW 71.24.025, although the defendant has not established that at the time of the crime he or she lacked the capacity to commit the crime, was incompetent to commit the crime, or was insane at the time of the crime, the court shall order the department to complete a presentence report before imposing a sentence.

The court shall consider the risk assessment report and presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed.

If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all risk assessment reports and presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.

(2) To prevent wrongful disclosure of information related to mental health services, as defined in sections 2 and 3 of this act, a court may take only those steps necessary during a sentencing hearing or any hearing in which the department presents information related to mental health services to the court. The steps may be taken on motion of the defendant, the prosecuting attorney, or on the court's own motion. The court may seal the portion of the record relating to information relating to mental health services, exclude the public from the hearing during presentation or discussion of information relating to mental health services, or grant other relief to achieve the result intended by this subsection, but nothing in this subsection shall be construed to prevent the subsequent release of information related to mental health services as authorized by sections 2 through 4 of this act. Any person who otherwise is permitted to attend any hearing pursuant to chapter 7.69 or 7.69A RCW shall not be excluded from the hearing solely because the department intends to disclose or discloses information related to mental health services."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

Senator Costa moved that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 6487.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Costa that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 6487.

The motion by Senator Costa carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6487.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6487, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6487, as amended by the House, and the bill passed Senate by the following vote: Yeas, 39; Nays, 4; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Costa, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 39.

Voting nay: Senators Brown, Heavey, Kohl-Welles and Thibaudeau - 4.

Absent: Senator Bauer - 1.

Excused: Senators Deccio, Fairley, Loveland, Patterson and Sellar - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6487, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, Senator Bauer was excused.

MESSAGE FROM HOUSE

February 29, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6557 with the following amendment(s):

On page 2, line 32, after "law." insert "All revenue less prizes and expenses received from raffles conducted by credit unions must be devoted to purposes authorized under this section for charitable and nonprofit organizations.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Prentice, the Senate concurred in the House amendment to Substitute Senate Bill No. 6557.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6557, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6557, as amended by the House, and the bill passed Senate by the following vote: Yeas, 32; Nays, 13; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Zarelli - 32.

Voting nay: Senators Deccio, Eide, Hargrove, Haugen, Hochstatter, Long, McCaslin, McDonald, Morton, Oke, Stevens, Swecker and Wojahn - 13.

Excused: Senators Bauer, Fairley, Loveland and Sellar - 4.

SUBSTITUTE SENATE BILL NO. 6557, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM HOUSE

March 1, 2000

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6559 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) Beginning with the 2000-01 school year, the superintendent of public instruction shall notify senior high schools and any other public school that includes ninth grade of the names and contact information of public and private entities offering programs leading to college credit, including information about online advanced placement classes, if the superintendent has knowledge of such entities and if the cost of reporting these entities is minimal.

(2) Beginning with the 2000-01 school year, each senior high school and any other public school that includes ninth grade shall publish annually and deliver to each parent with children enrolled in ninth through twelfth grades, information concerning the entrance requirements and the availability of programs in the local area that lead to college credit, including classes such as advanced placement, running start, tech-prep, skill centers, college in the high school, and international baccalaureate programs. The information may be included with other information the school regularly mails to parents. In addition, each senior high school and any other public school that includes ninth grade shall enclose information of the names and contact information of other public or private entities offering such programs, including online advanced placement programs, to its ninth through twelfth grade students if the school has knowledge of such entities."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 6559.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 6559.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6559.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6559, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6559, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Bauer and Sellar - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6559, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM HOUSE

February 29, 2000

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6570 with the following amendment(s):

On page 2, line 20, after "alcohol" insert "and adhere to the recommendations of the drug assessment at no expense to the school", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Costa, the Senate concurred in the House amendment to Senate Bill No. 6570.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6570, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6570, as amended by the House, and the bill passed Senate by the following vote: Yeas, 43; Nays, 1; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senator Swecker - 1.

Absent: Senator Deccio - 1.

Excused: Senators Bauer, Loveland, Sellar and Spanel - 4.

SENATE BILL NO. 6570, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5243, deferred on second reading March 6, 2000.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order by Senator Goings concerning whether consideration of Second Substitute Senate Bill No. 5243 is in order, the President notes that the Senate is beyond the cutoff date established in Senate Concurrent Resolution No. 8421 to consider Senate Bills. The issue is therefore whether Second Substitute Senate Bill No.5243 is 'necessary to implement' the budget and exempt from the cutoff. The President notes that the exemption does not apply to a measure solely because it might be 'referenced in the budget.' The President has to assume that 'necessary' means 'necessary.'

"The President finds that the appropriation to the state treasurer in the Senate budget remains the same regardless of the passage of Second Substitute Senate Bill No. 5243. Therefore, the President rules that the measure is not necessary to implement the budget and may not properly be considered under Senate Concurrent Resolution No. 8421."

The President ruled that Second Substitute Senate Bill No. 5243 is not properly before the Senate.

MOTION

Senator Betti Sheldon moved that further consideration of Second Substitute Senate Bill No 5243 be deferred and that the bill hold its place on the second reading calendar.

POINT OF ORDER

Senator Johnson: "A point of order, Mr. President. I would like a ruling from the President. I think this bill ought to be referred to the Committee on Rules. It has twice been ruled by the President that it is not properly before the Senate. The Second Reading Calendar is before the Senate. This should be referred to the Rules Committee."

REPLY BY THE PRESIDENT

President Owen: "Senator Johnson, it has been the practice to refer a bill to Rules under such circumstances, but there is no rule that requires that to happen. Therefore, where the bill languishes is up to the body and so Senator Sheldon's motion would be in order."

Senator Johnson: "I think if there is an objection, there will be a vote on that motion."

President Owen: "That would be absolutely correct."

The President declared the question before the Senate to be the motion by Senator Betti Sheldon to defer consideration of Second Substitute Senate Bill No. 5243 and to have the bill hold its place on the second reading calendar.

The motion by Senator Betti Sheldon carried and further consideration of Second Substitute Senate Bill No. 5243 was deferred and the bill will hold its place on the second reading calendar.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MOTION

On motion of Senator Eide, Senator Spanel was excused.

MESSAGE FROM HOUSE

March 3, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6663 with the following amendments(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 59.28.020 and 1989 c 188 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Federally assisted housing" means any multifamily housing that is insured, financed, assisted, or held by the secretary of housing and urban development or the secretary of agriculture under:

(a) Section 8 of the United States housing act of 1937, as amended (42 U.S.C. Sec. 1437f);

(b) Section 101 of the housing and urban development act of 1965, as amended (12 U.S.C. Sec. 1701s);

(c) The following sections of the national housing act:

(i) Section 202 (12 U.S.C. Sec. 1701q);

(ii) Section 213 (12 U.S.C. Sec. 1715e);

(iii) Section 221(d) (3) and (4) (12 U.S.C. Sec. 17151(d) (3) and (4));

(iv) Section 223(f) (12 U.S.C. Sec. 1715n(f));

(v) Section 231 (12 U.S.C. Sec. 1715v); or

(vi) Section 236 (12 U.S.C. Sec. 1715z-1); and

(d) The following sections of the housing act of 1949, as amended:

(i) Section 514 (42 U.S.C. Sec. 1484);

(ii) Section 515 (42 U.S.C. Sec. 1485);

(iii) Section 516 (42 U.S.C. Sec. 1486);

(iv) Section 521(a)(1)(B) (42 U.S.C. Sec. 1490a(a)(1)); or

(v) Section 521(a)(2) (42 U.S.C. Sec. 1490a(a)(2)).

(2) "Rental agreement" means any agreement that establishes or modifies the terms, conditions, rules, regulations, or any other provision concerning the use and occupancy of a federally assisted housing unit.

(3) "Owner" means the current or subsequent owner or owners of federally assisted housing.

(4) "Low-income use restrictions" means any federal, state, or local statute, rule, regulation, ordinance, or contract which, as a condition of receipt of any federal, state, or local financial assistance, establishes maximum limitations on tenant income as a condition of eligibility for occupancy of the units within a development, imposes any restrictions on the maximum rents that could be charged for any of the units within a development, or requires that rent for any of the units within a development be reviewed by any governmental body or agency before the rents are implemented.

(5) "Prepayment" means the payment in full or refinancing of the federally insured or federally held mortgage or loan prior to its original maturity date, or the voluntary cancellation of mortgage insurance, if that would have the effect of terminating any low-income use restrictions.

(6) "Public housing agency" means any state or local agency or nonprofit entity that is authorized to administer tenant-based rental assistance under federal, state, or local law.

Sec. 2. RCW 59.28.030 and 1989 c 188 s 3 are each amended to read as follows:

(1) This chapter shall not apply to the expiration or termination of a housing assistance contract between a public housing agency and an owner of existing housing participating in either the section 8 certificate or voucher program (42 U.S.C. Sec. 1437f).

(2) An owner of federally assisted housing shall not be required to give notice of a prepayment under this chapter, if the owner has: (a) Entered into an agreement with a federal, state, or local agency continuing existing, or imposing new, low-income use restrictions for at least twenty years that ensure that the tenants residing in the development at the time of prepayment are not involuntarily displaced except for good cause and that the housing will continue to serve very low and low-income families and persons in need of affordable housing; and (b) served notice of the agreement on the clerk of the city, or county if in an unincorporated area, in which the property is located, on any public housing agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from this housing, and on the department of community, trade, and economic development by regular and certified mail and posted a copy of the agreement in a conspicuous place at the development where it is likely to be seen by the tenants. The posted agreement shall be maintained intact and in legible form for the life of the agreement.

(3) An owner of federally assisted housing is not required to give notice that a rental assistance contract is expiring if: (a) The owner has entered into an agreement with the United States department of housing and urban development or other federal, state, or local agency to renew the rental assistance contract for a minimum of five years subject to the availability of adequate appropriations; (b) the agreement itself does not expire in less than twelve months; and (c) the owner has served written notice of the agreement on the clerk of the city, or county if in an unincorporated area, in which the property is located, on any public housing agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from this housing, and on the department of community, trade, and economic development, by regular and certified mail and posted these notices in a conspicuous place at the development where they are likely to be seen by the tenants. The posted notices shall be maintained intact and in legible form for the life of the agreement to renew the rental assistance contract.

Sec. 3. RCW 59.28.040 and 1995 c 399 s 160 are each amended to read as follows:

Except as provided in RCW 59.28.030, all owners of federally assisted housing shall, at least twelve months before the expiration of the rental assistance contract or prepayment of a mortgage or loan, serve a written notice of the anticipated expiration or prepayment date on each tenant household residing in the housing, on the clerk of the city, or county if in an unincorporated area, in which the property is located, on any public housing agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from this housing, and on the department of community, trade, and economic development, by regular and certified mail. All owners of federally assisted housing shall also serve written notice of the anticipated expiration or prepayment date on each tenant household that moves into the housing after the initial notice has been given, but before the expiration of the rental assistance contract or prepayment of the mortgage or loan. This notice shall be given before a new tenant is asked to execute a rental agreement or required to pay any deposits.

Sec. 4. RCW 59.28.060 and 1995 c 399 s 162 are each amended to read as follows:

(1) The notice to tenants required by RCW 59.28.040 shall state ((~~the date of expiration or prepayment and the effect, if any, that the expiration or prepayment will have upon the tenants' rent and other terms of their rental agreement.~~)):

(a) Whether the owner (i) intends to prepay the mortgage or loan or allow the rental assistance contract to expire in order to operate the housing without any low-income use restrictions, (ii) plans on renewing the rental assistance contract subject to the availability of adequate appropriations, or (iii) is seeking additional financial incentives or higher rents as a condition of remaining in the federal program; (b) the reason the owner plans on taking this action; (c) the owner's plans for the project, including any timetables or deadlines for actions to be taken by the owner and any specific federal, state, or local agency approvals that the owner is required to obtain; (d) the anticipated date of the prepayment of the mortgage or loan or expiration of the rental assistance contract; (e) the effect, if any, that prepayment of the mortgage or loan or expiration of the rental assistance contract will have upon the tenants' rent and other terms of their rental agreement; and (f) that additional information will be served on the city or county, on the local public housing agency, and on the department of community, trade, and economic development and will be posted at the development. The owner shall also include with the notice written information, prepared by the department of community, trade, and economic development under section 7(1) of this act, concerning the legal rights, responsibilities, and options of owners and tenants when an owner intends to prepay a mortgage or loan or terminate a rental assistance contract.

(2) The notice to the city or county clerk and to the department of community, trade, and economic development required by RCW 59.28.040 shall state: (((~~(1)~~))) (a) The name, location, and project number of the federally assisted housing and the type of assistance received from the federal government; (((~~(2)~~))) (b) the number and size of units; (((~~(3)~~))) (c) the age, race, family size, and estimated incomes of the tenants who will be affected by the prepayment of the loan or mortgage or expiration of the federal assistance contract; (((~~(4) the~~)) (d) the current rents and projected rent increases for each affected tenant((~~; and (5) the anticipated date of prepayment of the loan or mortgage or expiration of the federal assistance contract.~~)) after the prepayment of the mortgage or loan or expiration of the rental assistance contract without disclosing the

identities of the affected tenants; (e) the availability and type, if any, of rental assistance after the prepayment of the mortgage or loan or expiration of the rental assistance contract; and (f) the age, race, family size, and estimated incomes of any applicants on the project's waiting list without disclosing the identities of the applicants. The owner shall attach to this notice a copy of the notice the owner sends to the tenants under this chapter.

(3) All owners of federally assisted housing shall immediately post a copy of any notices they send the city or county clerk, any public housing agency, and the department of community, trade, and economic development, under RCW 59.28.040, in a conspicuous place at the development where they are likely to be seen by current and prospective tenants. The notices shall be maintained intact and in legible form for twelve months from the date they are posted.

All owners of federally assisted housing shall, upon request of any state or local agency, provide the agency with a copy of any rent comparability study, market analysis, or projected budget that they submit to the United States department of housing and urban development or other federal agency in conjunction with the prepayment of their mortgage or loan or in anticipation of the expiration of their rental assistance contract, together with any physical inspection reports or capital needs assessments completed by the owner or federal agency within the last three years.

Sec. 5. RCW 59.28.080 and 1989 c 188 s 8 are each amended to read as follows:

From the date of service of the notice under RCW 59.28.040 until either twelve months have elapsed or expiration or prepayment of the rental assistance contract, mortgage, or loan, whichever is later, no owner of federally assisted housing may increase the rent of a federally assisted housing unit, or the share of the rent paid by the tenant, above the amount authorized by the federal assistance program applicable to the project prior to expiration or prepayment of the rental assistance contract or mortgage or loan.

Sec. 6. RCW 59.28.100 and 1989 c 188 s 10 are each amended to read as follows:

Any party who is entitled to receive notice under this chapter may bring a civil action to enjoin or recover actual damages for any violation of this chapter, together with the costs of the suit including reasonable attorneys' fees. Any tenant who is entitled to receive notice under this chapter shall also recover statutory damages of fifty dollars.

NEW SECTION. **Sec. 7.** A new section is added to chapter 59.28 RCW to read as follows:

The department of community, trade, and economic development shall within ninety days after the effective date of this act, consult with all interested stakeholders and develop and provide to owners and tenants of federally assisted housing, state and local agencies, and other interested persons all of the following:

(1) Written information concerning the legal rights, responsibilities, and options of owners and tenants when an owner intends to prepay a mortgage or loan or terminate a rental assistance contract. This information shall include the name and telephone number of any qualified legal aid program that provides civil legal services to indigent persons and of any other state, regional, or local organization that can be contacted to request additional information about an owner's responsibilities and the rights and options of an affected tenant;

(2) Written information sufficient to enable an owner of federally assisted housing to comply with the notification requirements of this chapter, including the name and address of any public housing agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from federally assisted housing; and

(3) Any other information or technical assistance the department determines will further the purposes of this chapter.

NEW SECTION. **Sec. 8.** A new section is added to chapter 59.28 RCW to read as follows:

An owner of federally assisted housing who prepays the mortgage or loan or whose rental assistance contract expires and who continues to operate the property as residential housing within the scope of this chapter shall not evict a tenant residing in the dwelling unit when the mortgage or loan is prepaid or the rental assistance contract expires, except as authorized by the federal assistance program applicable to the project prior to prepayment of the mortgage or loan, or expiration of the rental assistance contract.

Sec. 9. RCW 43.185A.010 and 1995 c 399 s 102 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affordable housing" means residential housing for rental ((~~or private individual ownership~~)) occupancy which, as long as the same is occupied by low-income households, requires payment of monthly housing costs, including utilities other than telephone, of no more than thirty percent of the family's income. The department shall adopt policies for residential homeownership housing, occupied by low-income households, which specify the percentage of family income that may be spent on monthly housing costs, including utilities other than telephone, to qualify as affordable housing.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of the department of community, trade, and economic development.

(4) "First-time home buyer" means an individual or his or her spouse who have not owned a home during the three-year period prior to purchase of a home.

(5) "Low-income household" means a single person, family or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the project is located.

NEW SECTION. **Sec. 10.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 11.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Prentice, the Senate concurred in the House amendment to Substitute Senate Bill No. 6663.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6663, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6663, as amended by the House, and the bill passed Senate by the following vote: Yeas, 32; Nays, 14; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Shin, Snyder, Swecker, Thibaudeau, Winsley and Wojahn - 32.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hochstatter, Honeyford, Johnson, McDonald, Morton, Roach, Rossi, Sheldon, T., Stevens, West and Zarelli - 14.

Excused: Senators Bauer, Sellar and Spanel - 3.

SUBSTITUTE SENATE BILL NO. 6663, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM HOUSE

March 2, 2000

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6775 with the following amendment(s):

On page 2, line 27, beginning with "for at" strike all the matter through "commission" on line 33, and insert "((~~for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040, at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer or such other place as may be authorized by the commission~~)) in the same manner as provided for candidates and other political committees in RCW 42.17.080(5)"

On page 4, line 33, beginning with "on" strike all the matter through "42.17.040" on line 36, and insert "between 8:00 a.m. and 8:00 p.m. on the eighth day immediately before the election, ((~~between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040~~)) except when it is a legal holiday, in which case on the seventh day immediately before the election"

On page 6, beginning on line 13, strike all of section 4 and insert the following:

"**Sec. 4.** RCW 42.17.3691 and 1999 c 401 s 12 are each amended to read as follows:

(1) Beginning January 1, ((~~2001~~)) 2002, each ((~~continuing~~)) candidate or political committee((~~,~~)) that expended ((~~ten~~)) twenty-five thousand dollars or more in the preceding year or expects to expend ((~~ten~~)) twenty-five thousand dollars or more ((~~in expenditures~~)) in the current year((~~,~~)) shall file all contribution reports and expenditure reports required by this chapter ((~~electronically by diskette or via modem, satellite, or the Internet~~)) by the electronic alternative provided by the commission under RCW 42.17.369. HOWEVER, the commission may make exceptions on a case-by-case basis for candidates whose authorized committees lack the technological ability to file reports using the electronic alternative provided by the commission.

(2) Beginning January 1, 2004, each candidate or political committee that expended ten thousand dollars or more in the preceding year or expects to expend ten thousand dollars or more in the current year shall file all contribution reports and expenditure reports required by this chapter by the electronic alternative provided by the commission under RCW 42.17.369. HOWEVER, the commission may make exceptions on

a case-by-case basis for candidates whose authorized committees lack the technological ability to file reports using the electronic alternative provided by the commission.

(3) Failure by a ((~~continuing~~)) candidate or political committee to comply with this section is a violation of this chapter."

On page 8, after line 13, insert the following:

Sec. 7. RCW 42.52.180 and 1995 c 397 s 30 are each amended to read as follows:

(1) No state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the state officer or state employee using public resources in violation of this section constitutes a violation of this section. Facilities of an agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency.

(2) This section shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition as long as (i) required notice of the meeting includes the title and number of the ballot proposition, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry. For the purposes of this subsection, it is not a violation of this section for an elected official to respond to an inquiry regarding a ballot proposition, to make incidental remarks concerning a ballot proposition in an official communication, or otherwise comment on a ballot proposition without an actual, measurable expenditure of public funds. The ethics boards shall adopt by rule a definition of measurable expenditure;

(c) Activities that are part of the normal and regular conduct of the office or agency; ((~~and~~))

(d) Creation of an electronic link from a web site operated by a state officer or state employee to a web site operated by the state; and

(e) De minimis use of public facilities by state-wide elected officials and legislators incidental to the preparation or delivery of permissible communications, including written and verbal communications initiated by them of their views on ballot propositions that foreseeably may affect a matter that falls within their constitutional or statutory responsibilities.

(3) As to state officers and employees, this section operates to the exclusion of RCW 42.17.130.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

POINT OF ORDER

Senator Goings: "Mr. President, a point of order. I believe the House amendment on page 8, after line 13, changes the scope and object of the bill as passed by the Senate."

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order by Senator Goings to the scope and object of the House amendment on page 8, line 13, to Senate Bill No. 6775, the President finds that Senate Bill No. 6775 is a measure which relates only to filings with the public disclosure commission. The House amendment on page 8, after line 13, would amend the state ethics law to permit links from computers of state officers and employees to sites operated by the state. The amendment does not relate to PDC filings.

"The President, therefore, finds that the House amendment on page 8, after line 13, does change the scope and object of the bill, and the point of order is well taken."

The President ruled the House amendment on page 8, after line 13, to Senate Bill No. 6775 to be out of order.

MOTIONS

On motion of Senator Goings, the Senate refuses to concur in the House amendment on page 8, line 13, to Senate Bill No. 6775 and asks the House to recede therefrom.

On motion of Senator Goings, the Senate concurred in the remaining three House amendments on page 2, line 27; page 4, line 33; and page 6, beginning on line 13; to Senate Bill No. 6775.

MOTION

On motion of Senator Franklin, Senators Loveland and Kline were excused.

MESSAGE FROM HOUSE

March 1, 2000

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6676 with the following amendments(s):

Strike everything after page 1, line 6 of the amendment, and insert the following:

"NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Cable television service" means the one-way transmission to subscribers of video programming and other programming service and subscriber interaction, if any, that is required for the selection or use of the video programming or other programming service.

(2) "Facilities" means all of the plant, equipment, fixtures, appurtenances, antennas, and other facilities necessary to furnish and deliver telecommunications services and cable television services, including but not limited to poles with crossarms, poles without crossarms, wires, lines, conduits, cables, communication and signal lines and equipment, braces, guys, anchors, vaults, and all attachments, appurtenances, and appliances necessary or incidental to the distribution and use of telecommunications services and cable television services.

(3) "Master permit" means the agreement in whatever form whereby a city or town may grant general permission to a service provider to enter, use, and occupy the right of way for the purpose of locating facilities. This definition is not intended to limit, alter, or change the extent of the existing authority of a city or town to require a franchise nor does it change the status of a service provider asserting an existing state-wide grant based on a predecessor telephone or telegraph company's existence at the time of the adoption of the Washington state Constitution to occupy the right of way. For the purposes of this subsection, a franchise, except for a cable television franchise, is a master permit. A master permit does not include cable television franchises.

(4) "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

(5) "Right of way" means land acquired or dedicated for public roads and streets, but does not include:

(a) State highways;

(b) Land dedicated for roads, streets, and highways not opened and not improved for motor vehicle use by the public;

(c) Structures, including poles and conduits, located within the right of way;

(d) Federally granted trust lands or forest board trust lands;

(e) Lands owned or managed by the state parks and recreation commission; or

(f) Federally granted railroad rights of way acquired under 43 U.S.C. Sec. 912 and related provisions of federal law that are not open for motor vehicle use.

(6) "Service provider" means every corporation, company, association, joint stock association, firm, partnership, person, city, or town owning, operating, or managing any facilities used to provide and providing telecommunications or cable television service for hire, sale, or resale to the general public. Service provider includes the legal successor to any such corporation, company, association, joint stock association, firm, partnership, person, city, or town.

(7) "Telecommunications service" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means for hire, sale, or resale to the general public. For the purpose of this subsection, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. For the purpose of this chapter, telecommunications service excludes the over-the-air transmission of broadcast television or broadcast radio signals.

(8) "Use permit" means the authorization in whatever form whereby a city or town may grant permission to a service provider to enter and use the specified right of way for the purpose of installing, maintaining, repairing, or removing identified facilities.

NEW SECTION. **Sec. 2.** A city or town may grant, issue, or deny permits for the use of the right of way by a service provider for installing, maintaining, repairing, or removing facilities for telecommunications services or cable television services pursuant to ordinances, consistent with this act.

NEW SECTION. **Sec. 3.** (1) Cities and towns may require a service provider to obtain a master permit. A city or town may request, but not require, that a service provider with an existing state-wide grant to occupy the right of way obtain a master permit for wireline facilities.

(a) The procedures for the approval of a master permit and the requirements for a complete application for a master permit shall be available in written form.

(b) Where a city or town requires a master permit, the city or town shall act upon a complete application within one hundred twenty days from the date a service provider files the complete application for the master permit to use the right of way, except:

(i) With the agreement of the applicant; or

(ii) Where the master permit requires action of the legislative body of the city or town and such action cannot reasonably be obtained within the one hundred twenty day period.

(2) A city or town may require that a service provider obtain a use permit. A city or town must act on a request for a use permit by a service provider within thirty days of receipt of a completed application, unless a service provider consents to a different time period or the service provider has not obtained a master permit requested by the city or town.

(a) For the purpose of this section, "act" means that the city makes the decision to grant, condition, or deny the use permit, which may be subject to administrative appeal, or notifies the applicant in writing of the amount of time that will be required to make the decision and the reasons for this time period.

(b) Requirements otherwise applicable to holders of master permits shall be deemed satisfied by a holder of a cable franchise in good standing.

(c) Where the master permit does not contain procedures to expedite approvals and the service provider requires action in less than thirty days, the service provider shall advise the city or town in writing of the reasons why a shortened time period is necessary and the time period within which action by the city or town is requested. The city or town shall reasonably cooperate to meet the request where practicable.

(d) A city or town may not deny a use permit to a service provider with an existing state-wide grant to occupy the right of way for wireline facilities on the basis of failure to obtain a master permit.

(3) The reasons for a denial of a master permit shall be supported by substantial evidence contained in a written record. A service provider adversely affected by the final action denying a master permit, or by an unreasonable failure to act on a master permit as set forth in subsection (1) of this section, may commence an action within thirty days to seek relief, which shall be limited to injunctive relief.

(4) A service provider adversely affected by the final action denying a use permit may commence an action within thirty days to seek relief, which shall be limited to injunctive relief. In any appeal of the final action denying a use permit, the standard for review and burden of proof shall be as set forth in RCW 36.70C.130.

(5) A city or town shall:

(a) In order to facilitate the scheduling and coordination of work in the right of way, provide as much advance notice as reasonable of plans to open the right of way to those service providers who are current users of the right of way or who have filed notice with the clerk of the city or town within the past twelve months of their intent to place facilities in the city or town. A city is not liable for damages for failure to provide this notice. Where the city has failed to provide notice of plans to open the right of way consistent with this subsection, a city may not deny a use permit to a service provider on the basis that the service provider failed to coordinate with another project.

(b) Have the authority to require that facilities are installed and maintained within the right of way in such a manner and at such points so as not to inconvenience the public use of the right of way or to adversely affect the public, health, safety, and welfare.

(6) A service provider shall:

(a) Obtain all permits required by the city or town for the installation, maintenance, repair, or removal of facilities in the right of way;

(b) Comply with applicable ordinances, construction codes, regulations, and standards subject to verification by the city or town of such compliance;

(c) Cooperate with the city or town in ensuring that facilities are installed, maintained, repaired, and removed within the right of way in such a manner and at such points so as not to inconvenience the public use of the right of way or to adversely affect the public health, safety, and welfare;

(d) Provide information and plans as reasonably necessary to enable a city or town to comply with subsection (5) of this section, including, when notified by the city or town, the provision of advance planning information pursuant to the procedures established by the city or town;

(e) Obtain the written approval of the facility or structure owner, if the service provider does not own it, prior to attaching to or otherwise using a facility or structure in the right of way;

(f) Construct, install, operate, and maintain its facilities at its expense; and

(g) Comply with applicable federal and state safety laws and standards.

(7) Nothing in this section shall be construed as:

(a) Creating a new duty upon city or towns to be responsible for construction of facilities for service providers or to modify the right of way to accommodate such facilities;

(b) Creating, expanding, or extending any liability of a city or town to any third-party user of facilities or third-party beneficiary; or

(c) Limiting the right of a city or town to require an indemnification agreement as a condition of a service provider's facilities occupying the right of way.

(8) Nothing in this section creates, modifies, expands, or diminishes a priority of use of the right of way by a service provider or other utility, either in relation to other service providers or in relation to other users of the right of way for other purposes.

NEW SECTION. **Sec. 4.** (1) A city or town shall not adopt or enforce regulations or ordinances specifically relating to use of the right of way by a service provider that:

(a) Impose requirements that regulate the services or business operations of the service provider, except where otherwise authorized in state or federal law;

(b) Conflict with federal or state laws, rules, or regulations that specifically apply to the design, construction, and operation of facilities or with federal or state worker safety or public safety laws, rules, or regulations;

(c) Regulate the services provided based upon the content or kind of signals that are carried or are capable of being carried over the facilities, except where otherwise authorized in state or federal law; or

(d) Unreasonably deny the use of the right of way by a service provider for installing, maintaining, repairing, or removing facilities for telecommunications services or cable television services.

(2) Nothing in this chapter, including but not limited to the provisions of subsection (1)(d) of this section, limits the authority of a city or town to regulate the placement of facilities through its local zoning or police power, if the regulations do not otherwise:

(a) Prohibit the placement of all wireless or of all wireline facilities within the city or town;

(b) Prohibit the placement of all wireless or of all wireline facilities within city or town rights of way, unless the city or town is less than five square miles in size and has no commercial areas, in which case the city or town may make available land other than city or town rights of way for the placement of wireless facilities; or

(c) Violate section 253 of the telecommunications act of 1996, P.L. 104-104 (110 Stat. 56).

(3) This section does not amend, limit, repeal, or otherwise modify the authority of cities or towns to regulate cable television services pursuant to federal law.

NEW SECTION. **Sec. 5.** (1) A city or town shall not place or extend a moratorium on the acceptance and processing of applications, permitting, construction, maintenance, repair, replacement, extension, operation, or use of any facilities for personal wireless services, except as consistent with the guidelines for facilities siting implementation, as agreed to on August 5, 1998, by the federal communications commission's local and state government advisory committee, the cellular telecommunications industry association, the personal communications industry association, and the American mobile telecommunications association. Any city or town implementing such a moratorium shall, at the request of a service provider impacted by the moratorium, participate with the service provider in the informal dispute resolution process included with the guidelines for facilities siting implementation.

NEW SECTION. **Sec. 6.** (1) Cities and towns may require service providers to relocate authorized facilities within the right of way when reasonably necessary for construction, alteration, repair, or improvement of the right of way for purposes of public welfare, health, or safety.

(2) Cities shall notify service providers as soon as practicable of the need for relocation and shall specify the date by which relocation shall be completed. In calculating the date that relocation must be completed, cities shall consult with affected service providers and consider the extent of facilities to be relocated, the services requirements, and the construction sequence for the relocation, within the city's overall project construction sequence and constraints, to safely complete the relocation. Service providers shall complete the relocation by the date specified, unless the city, or a reviewing court, establishes a later date for completion, after a showing by the service provider that the relocation cannot be completed by the date specified using best efforts and meeting safety and service requirements.

(3) Service providers may not seek reimbursement for their relocation expenses from the city or town requesting relocation under subsection (1) of this section except:

(a) Where the service provider had paid for the relocation cost of the same facilities at the request of the city or town within the past five years, the service provider's share of the cost of relocation will be paid by the city or town requesting relocation;

(b) Where aerial to underground relocation of authorized facilities is required by the city or town under subsection (1) of this section, for service providers with an ownership share of the aerial supporting structures, the additional incremental cost of underground compared to aerial relocation, or as provided for in the approved tariff if less, will be paid by the city or town requiring relocation; and

(c) Where the city or town requests relocation under subsection (1) of this section solely for aesthetic purposes, unless otherwise agreed to by the parties.

(4) Where a project in subsection (1) of this section is primarily for private benefit, the private party or parties shall reimburse the cost of relocation in the same proportion to their contribution to the costs of the project. Service providers will not be precluded from recovering their costs associated with relocation required under subsection (1) of this section, provided that the recovery is consistent with subsection (3) of this section and other applicable laws.

(5) A city or town may require the relocation of facilities at the service provider's expense in the event of an unforeseen emergency that creates an immediate threat to the public safety, health, or welfare.

NEW SECTION. **Sec. 7.** A city or town may require that a service provider that is constructing, relocating, or placing ducts or conduits in public rights of way provide the city or town with additional duct or conduit and related structures necessary to access the conduit, provided that:

(1) The city or town enters into a contract with the service provider consistent with RCW 80.36.150. The contract rates to be charged should recover the incremental costs of the service provider. If the city or town makes the additional duct or conduit and related access structures available to any other entity for the purposes of providing telecommunications or cable television service for hire, sale, or resale to the general public, the rates to be charged, as set forth in the contract with the entity that constructed the conduit or duct, shall recover at least the fully allocated costs of the service provider. The service provider shall state both contract rates in the contract. The city or town shall inform the service provider of the use, and any change in use, of the requested duct or conduit and related access structures to determine the applicable rate to be paid by the city or town.

(2) Except as otherwise agreed by the service provider and the city or town, the city or town shall agree that the requested additional duct or conduit space and related access structures will not be used by the city or town to provide telecommunications or cable television service for hire, sale, or resale to the general public.

(3) The city or town shall not require that the additional duct or conduit space be connected to the access structures and vaults of the service provider.

(4) The value of the additional duct or conduit requested by a city or town shall not be considered a public works construction contract.

(5) This section shall not affect the provision of an institutional network by a cable television provider under federal law.

Sec. 8. RCW 35.21.860 and 1983 2nd ex.s. c 3 s 39 are each amended to read as follows:

(1) No city or town may impose a franchise fee or any other fee or charge of whatever nature or description upon the light and power, or gas distribution businesses, as defined in RCW 82.16.010, or telephone business, as defined in RCW 82.04.065, or service provider for use of the right of way, except ((~~that~~)):

(a) A tax authorized by RCW 35.21.865 may be imposed ((~~and~~));

(b) A fee may be charged to such businesses or service providers that recovers actual administrative expenses incurred by a city or town that are directly related to receiving and approving a permit, license, and franchise, to inspecting plans and construction, or to the preparation of a detailed statement pursuant to chapter 43.21C RCW;

(c) Taxes permitted by state law on service providers;

(d) Franchise requirements and fees for cable television services as allowed by federal law; and

(e) A site-specific charge pursuant to an agreement between the city or town and a service provider of personal wireless services acceptable to the parties for:

(i) The placement of new structures in the right of way regardless of height, unless the new structure is the result of a mandated relocation in which case no charge will be imposed if the previous location was not charged;

(ii) The placement of replacement structures when the replacement is necessary for the installation or attachment of wireless facilities, and the overall height of the replacement structure and the wireless facility is more than sixty feet; or

(iii) The placement of personal wireless facilities on structures owned by the city or town located in the right of way. However, a site-specific charge shall not apply to the placement of personal wireless facilities on existing structures, unless the structure is owned by the city or town.

A city or town is not required to approve the use permit for the placement of a facility for personal wireless services that meets one of the criteria in this subsection absent such an agreement. If the parties are unable to agree on the amount of the charge, the service provider may submit the amount of the charge to binding arbitration by serving notice on the city or town. Within thirty days of receipt of the initial notice, each party shall furnish a list of acceptable arbitrators. The parties shall select an arbitrator; failing to agree on an arbitrator, each party shall select one arbitrator and the two arbitrators shall select a third arbitrator for an arbitration panel. The arbitrator or arbitrators shall determine the charge based on comparable siting agreements involving public land and rights of way. The arbitrator or arbitrators shall not decide any other disputed issues, including but not limited to size, location, and zoning requirements. Costs of the arbitration, including compensation for the arbitrator's services, must be borne equally by the parties participating in the arbitration and each party shall bear its own costs and expenses, including legal fees and witness expenses, in connection with the arbitration proceeding.

(2) Subsection (1) of this section does not prohibit franchise fees imposed on an electrical energy, natural gas, or telephone business, by contract existing on April 20, 1982, with a city or town, for the duration of the contract, but the franchise fees shall be considered taxes for the purposes of the limitations established in RCW 35.21.865 and 35.21.870 to the extent the fees exceed the costs allowable under subsection (1) of this section.

NEW SECTION. **Sec. 9.** This act shall not preempt specific provisions in existing franchises or contracts between cities or towns and service providers.

NEW SECTION. **Sec. 10.** A new section is added to chapter 35A.21 RCW to read as follows:

Each code city is subject to the requirements and restrictions regarding facilities and rights of way under this chapter.

NEW SECTION. **Sec. 11.** Sections 1 through 7 and 9 of this act constitute a new chapter in Title 35 RCW."

On page 17, beginning on line 28 of the title amendment, after "35.21.860;" strike "reenacting and amending RCW 42.17.310;", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Brown moved that the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 6676.

POINT OF INQUIRY

Senator Goings: "Senator Brown, the bill refers to statewide grants for some service providers. Does the bill intend to settle the issue of whether statewide franchises arising before statehood actually exist?"

Senator Brown: "No, nothing in this bill is intended to establish or deny the existence of such statewide franchises."

The President declared the question before the Senate to be the motion by Senator Brown that the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 6676.

The motion by Senator Brown carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6676. The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6676, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6676, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl-Welles, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 41.

Voting nay: Senators Deccio, Honeyford, Long and Wojahn - 4.

Excused: Senators Kline, Loveland, Sellar and Spanel - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6676, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Snyder, the following resolution was adopted:

SENATE RESOLUTION 2000-8765

By Senators Snyder, Spanel, West, Hale, Wojahn, Roach, Horn, Hargrove, Jacobsen, Prentice, Eide, Rasmussen, Morton, Haugen, Shin, Goings, McAuliffe, Thibaudeau, Swecker, Gardner, Bauer, Sheldon, T., Franklin, Costa, Kline, Stevens, Honeyford, Heavey, Long, Oke, Winsley, Sheldon, B., Kohl-Welles, Benton, and Fairley

WHEREAS, All state employees eventually reach the age when it is time to retire to live off of their wealthy pensions; and

WHEREAS, Even employees who are an integral part of their agency must depart to enjoy the golden years; and

WHEREAS, Kandy Bruesch is about to retire from the Washington State Senate after twenty-six years of service; and

WHEREAS, Kandy is considered an "institution within the institution"; and

WHEREAS, Kandy has often expressed her desire to indefinitely remain a full time Senate employee, but a recent opportunity to accompany Al on their "return to the soil" by moving to a quaint but somewhat remote ranch in southeastern Idaho, has captured her zeal, imagination and enthusiasm to the point she has decided to leave us for a bonnet, a calico dress and rising with the chickens; and

WHEREAS, Kandy Bruesch is easily the most popular Senate staff person on the tenth and twenty-fifth of each month; and

WHEREAS, Kandy is greeted every morning with "where is my expense check?" or "why did you deny that expense?" or "why did you take out all this tax?"; and

WHEREAS, There has never been a merchandise catalogue printed that Kandy could not (or did not) buy from; especially if Tom Selleck was on the cover; and

WHEREAS, Kandy is past President, current President, future President, and a member-for-life of the Tom Selleck fan club; and

WHEREAS, The infectious laughter of Kandy Bruesch has brightened the hallways of the Legislative Building for over a quarter of a century;

NOW, THEREFORE, BE IT RESOLVED, That the Senate, and the colleagues and friends of Kandy Bruesch extend their heartfelt thanks for her service and her friendship; and

BE IT FURTHER RESOLVED, That we wish Kandy much happiness in her retirement; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately given to Kandy asking that she not forget us.

Senators Snyder, McCaslin, Benton and Stevens spoke to Senate Resolution 2000-8765.

The President welcomed and introduced Kandy Bruesch, who was seated on the rostrum.

With permission of the Senate, business was suspended and Kandy addressed the Senate.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Kandy Bruesch family, who were seated in the gallery.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

February 29, 2000

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6811 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.50 RCW to read as follows:

(1) Part-time academic employees of community and technical colleges shall receive sick leave to be used for the same illnesses, injuries, bereavement, and emergencies as full-time academic employees at the college in proportion to the individual's teaching commitment at the college.

(2) The provisions of RCW 41.04.665 shall apply to leave sharing for part-time academic employees who accrue sick leave under subsection (1) of this section.

(3) The provisions of RCW 28B.50.553 shall apply to remuneration for unused sick leave for part-time academic employees who accrue sick leave under subsection (1) of this section.

Sec. 2. RCW 28B.50.489 and 1996 c 120 s 1 are each amended to read as follows:

For the purposes of determining eligibility of state-mandated insurance ((~~and~~)), retirement benefits under RCW 28B.10.400, and sick leave for part-time academic employees in community and technical colleges, the following definitions shall be used:

(1) "Full-time academic workload" means the number of in-class teaching hours that a full-time instructor must teach to fulfill his or her employment obligations in a given discipline in a given college. If full-time academic workload is defined in a contract adopted through the collective bargaining process, that definition shall prevail. If the full-time workload bargained in a contract includes more than in-class teaching hours, only that portion that is in-class teaching hours may be considered academic workload.

(2) "In-class teaching hours" means contact classroom and lab hours in which full or part-time academic employees are performing contractually assigned teaching duties. The in-class teaching hours shall not include any duties performed in support of, or in addition to, those contractually assigned in-class teaching hours.

(3) "Academic employee" in a community or technical college means any teacher, counselor, librarian, or department head who is employed by a college district, whether full or part-time, with the exception of the chief administrative officer of, and any administrator in, each college district.

(4) "Part-time academic workload" means any percentage of a full-time academic workload for which the part-time academic employee is not paid on the full-time academic salary schedule.

Sec. 3. RCW 28B.50.551 and 1995 c 119 s 1 are each amended to read as follows:

The board of trustees of each college district shall adopt for each community and technical college under its jurisdiction written policies on granting leaves to employees of the district and those colleges, including but not limited to leaves for attendance at official or private institutions and conferences; professional leaves for personnel consistent with the provisions of RCW 28B.10.650; leaves for illness, injury, bereavement, and emergencies, consistent with section 1 of this act, and except as otherwise in this section provided, all with such compensation as the board of trustees may prescribe, except that the board shall grant to all such persons leave with full compensation for illness, injury, bereavement and emergencies as follows:

(1) For persons under contract to be employed, or otherwise employed, for at least three quarters, not more than twelve days per year, commencing with the first day on which work is to be performed; provisions of any contract in force on June 12, 1980, which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;

(2)(a) Such leave entitlement may be accumulated after the first three-quarter period of employment for full-time employees, and may be taken at any time;

(b) For part-time academic employees, such leave entitlement may be accumulated after the first quarter of employment by a college district or the first quarter after the effective date of this section, whichever is later, and may be taken at any time;

(3) Leave for illness, injury, bereavement and emergencies heretofore accumulated pursuant to law, rule, regulation or policy by persons presently employed by college districts and community and technical colleges shall be added to such leave accumulated under this section;

(4) Except as otherwise provided in this section or other law, accumulated leave under this section not taken at the time such person retires or ceases to be employed by college districts or community and technical colleges shall not be compensable;

(5) Accumulated leave for illness, injury, bereavement and emergencies shall be transferred from one college district to another or between a college district and the following: Any state agency, any educational service district, any school district, or any other institution of higher education as defined in RCW 28B.10.016;

(6) Leave accumulated by a person in a college district or community and technical college prior to leaving that district or college may, under the policy of the board of trustees, be granted to such person when he or she returns to the employment of that district or college; and

(7) Employees of the Seattle Vocational Institute are exempt from this section until July 1, 1993.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.52 RCW to read as follows:

With respect to the community and technical colleges part-time academic employees, the permissible scope of collective bargaining under this chapter shall be governed by section 1 of this act and RCW 28B.50.489.

NEW SECTION. **Sec. 5.** Nothing contained in this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Kohl-Welles, the Senate concurred in the House amendment to Second Substitute Senate Bill No. 6811.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6811, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6811, as amended by the House, and the bill passed Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SECOND SUBSTITUTE SENATE BILL NO. 6811, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6812 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.04.010 and 1997 c 321 § 37 are each amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term "alcohol" does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

(2) "Beer" means any malt beverage or malt liquor as these terms are defined in this chapter.

(3) "Beer distributor" means a person who buys beer from a brewer or brewery located either within or beyond the boundaries of the state, beer importers, or foreign produced beer from a source outside the state of Washington, for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

(4) "Beer importer" means a person or business within Washington who purchases beer from a United States brewery holding a certificate of approval (B5) or foreign produced beer from a source outside the state of Washington for the purpose of selling the same pursuant to this title.

(5) "Brewer" means any person engaged in the business of manufacturing beer and malt liquor. Brewer includes a brand owner of malt beverages who holds a brewer's notice with the federal bureau of alcohol, tobacco, and firearms at a location outside the state and whose malt beverage is contract-produced by a licensed in-state brewery, and who may exercise within the state, under a domestic brewery license, only the privileges of storing, selling to licensed beer distributors, and exporting beer from the state.

(6) "Board" means the liquor control board, constituted under this title.

(7) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic or social purposes, and not for pecuniary gain.

(8) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

(9) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.32 RCW.

(10) "Distiller" means a person engaged in the business of distilling spirits.

(11) "Domestic brewery" means a place where beer and malt liquor are manufactured or produced by a brewer within the state.

(12) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

(((~~(12)~~)))(13) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to chapter 18.64 RCW.

(((~~(13)~~)))(14) "Drug store" means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

(((~~(14)~~)))(15) "Employee" means any person employed by the board, including a vendor, as hereinafter in this section defined.

(((~~(15)~~)))(16) "Fund" means 'liquor revolving fund.'

(((~~(16)~~)))(17) "Hotel" means every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building and buildings, in connection therewith, and such structure or

structures being provided, in the judgment of the board, with adequate and sanitary kitchen and dining room equipment and capacity, for preparing, cooking and serving suitable food for its guests: PROVIDED FURTHER, That in cities and towns of less than five thousand population, the board shall have authority to waive the provisions requiring twenty or more rooms.

(((~~17~~)))(18) "Importer" means a person who buys distilled spirits from a distillery outside the state of Washington and imports such spirituous liquor into the state for sale to the board or for export.

(((~~18~~)))(19) "Imprisonment" means confinement in the county jail.

(((~~19~~)))(20) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

(((~~20~~)))(21) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

(((~~21~~)))(22) "Malt beverage" or "malt liquor" means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as "strong beer."

(((~~22~~)))(23) "Package" means any container or receptacle used for holding liquor.

(((~~23~~)))(24) "Permit" means a permit for the purchase of liquor under this title.

(((~~24~~)))(25) "Person" means an individual, copartnership, association, or corporation.

(((~~25~~)))(26) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.71 RCW.

(((~~26~~)))(27) "Prescription" means a memorandum signed by a physician and given by him to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

(((~~27~~)))(28) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

(((~~28~~)))(29) "Regulations" means regulations made by the board under the powers conferred by this title.

(((~~29~~)))(30) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

(((~~30~~)))(31) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his agent in the state. "Sale" and "sell" shall not include the giving, at no charge, of a reasonable amount of liquor by a person not licensed by the board to a person not licensed by the board, for personal use only. "Sale" and "sell" also does not include a raffle authorized under RCW 9.46.0315: PROVIDED, That the nonprofit organization conducting the raffle has obtained the appropriate permit from the board.

(((~~31~~)))(32) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

(((~~32~~)))(33) "Spirits" means any beverage which contains alcohol obtained by distillation, including wines exceeding twenty-four percent of alcohol by volume.

(((~~33~~)))(34) "Store" means a state liquor store established under this title.

(((~~34~~)))(35) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

(((~~35~~)))(36) "Vendor" means a person employed by the board as a store manager under this title.

(((~~36~~)))(37) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

(((~~37~~)))(38) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and

containing not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding twenty-four percent of alcohol by volume and not less than one-half of one percent of alcohol by volume. For purposes of this title, any beverage containing no more than fourteen percent of alcohol by volume when bottled or packaged by the manufacturer shall be referred to as "table wine," and any beverage containing alcohol in an amount more than fourteen percent by volume when bottled or packaged by the manufacturer shall be referred to as "fortified wine." However, "fortified wine" shall not include: (a) Wines that are both sealed or capped by cork closure and aged two years or more; and (b) wines that contain more than fourteen percent alcohol by volume solely as a result of the natural fermentation process and that have not been produced with the addition of wine spirits, brandy, or alcohol.

This subsection shall not be interpreted to require that any wine be labeled with the designation "table wine" or "fortified wine."

(((~~(38)~~)))(39) "Wine distributor" means a person who buys wine from a vintner or winery located either within or beyond the boundaries of the state for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

(((~~(39)~~)))(40) "Wine importer" means a person or business within Washington who purchases wine from a United States winery holding a certificate of approval (W7) or foreign produced wine from a source outside the state of Washington for the purpose of selling the same pursuant to this title.

Sec. 2. RCW 66.24.240 and 1997 c 321 § 11 are each amended to read as follows:

(1) There shall be a license for domestic breweries; fee to be two thousand dollars for production of sixty thousand barrels or more of malt liquor per year.

(2) Any domestic brewery, except for a brand owner of malt beverages under RCW 66.04.010(5), licensed under this section may also act as a distributor and/or retailer for beer of its own production. Any domestic brewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers.

(3) Any domestic brewery licensed under this section may contract-produce beer for a brand owner of malt beverages defined under RCW 66.04.010(5), and this contract-production is not a sale for the purposes of RCW 66.28.170 and 66.28.180."

Correct internal references accordingly. Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Prentice, the Senate concurred in the House amendment to Substitute Senate Bill No. 6812.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6812, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6812, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Voting nay: Senator Hargrove - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6812, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2000

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 2378,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2588,

SUBSTITUTE HOUSE BILL NO. 2604,
SUBSTITUTE HOUSE BILL NO. 2670,
HOUSE JOINT MEMORIAL NO. 4026.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5924,
SUBSTITUTE SENATE BILL NO. 6294,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6305,
SUBSTITUTE SENATE BILL NO. 6361,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6400,
SENATE BILL NO. 6431,
SUBSTITUTE SENATE BILL NO. 6454,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6455,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6731.

MOTION

On motion of Senator Eide, Senators Gardner and Betti Sheldon were excused.

MOTION

On motion of Senator Honeyford, Senators Johnson, Stevens and Swecker were excused.

MESSAGE FROM THE HOUSE

March 5, 2000

MR. PRESIDENT:
The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2648 and asks the Senate to recede therefrom., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Patterson, the Senate receded from it amendment(s) to Engrossed House Bill No. 2648.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2648, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2648, without the Senate amendment(s), and the bill passed Senate by the following vote: Yeas, 41; Nays, 1; Absent, 1; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 41.

Voting nay: Senator Zarelli - 1.

Absent: Senator Fraser - 1.

Excused: Senators Gardner, Johnson, Sellar, Sheldon, B., Stevens and Swecker - 6.

ENGROSSED HOUSE BILL NO. 2648, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2000

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 2807 and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Hargrove, the Senate receded from it amendment(s) to House Bill No. 2807.

MOTIONS

On motion of Senator Hargrove, the rules were suspended, House Bill No. 2807 was returned to second reading and read the second time.

On motion of Senator Hargrove, the following striking amendment by Senators Hargrove, Long and Costa was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.14A.020 and 1994 sp.s. c 7 s 102 are each amended to read as follows:

State efforts shall address the needs of children and their families, including emotionally disturbed and mentally ill children, potentially dependent children, and families-in-conflict by:

(1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;

(2) Ensuring that appropriate social and health services are provided to the family unit both prior to and during the removal of a child from the home and after family reunification;

(3) Ensuring that the safety and best interests of the child are the paramount considerations when making placement and service delivery decisions;

(4) Recognizing the interdependent and changing nature of families and communities, building upon their inherent strengths, maintaining their dignity and respect, and tailoring programs to their specific circumstances;

(5) Developing and implementing comprehensive, preventive, and early intervention social and health services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic or severe;

(6) Authorizing and facilitating blended funding for children who require services and residential treatment from multiple services systems; including child welfare services, mental health, alcohol and drug, and juvenile rehabilitation;

(7) Being sensitive to the family and community culture, norms, values, and expectations, ensuring that all services are provided in a culturally appropriate and relevant manner, and ensuring participation of racial and ethnic minorities at all levels of planning, delivery, and evaluation efforts;

(((~~(7)~~))) (8)(a) Developing coordinated social and health services which:

(i) Identify problems experienced by children and their families early and provide services which are adequate in availability, appropriate to the situation, and effective;

(ii) Seek to bring about meaningful change before family situations become irreversibly destructive and before disturbed psychological behavioral patterns and health problems become severe or permanent;

(iii) Serve children and families in their own homes thus preventing unnecessary out-of-home placement or institutionalization;

(iv) Focus resources on social and health problems as they begin to manifest themselves rather than waiting for chronic and severe patterns of illness, criminality, and dependency to develop which require long-term treatment, maintenance, or custody;

(v) Reduce duplication of and gaps in service delivery;

(vi) Improve planning, budgeting, and communication among all units of the department and among all agencies that serve children and families; and

(vii) Utilize outcome standards for measuring the effectiveness of social and health services for children and families.

(b) In developing services under this subsection, local communities must be involved in planning and developing community networks that are tailored to their unique needs.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.14A RCW to read as follows:

The secretary of the department of social and health services shall charge appropriated funds to support blended funding projects for youth subject to any current or future waiver the department receives to the requirements of IV-E funding. To be eligible for blended funding a child must be eligible for services designed to address a behavioral, mental, emotional, or substance abuse issue from the department of social and health services and require services from more than one categorical service delivery system. Before any blended funding project is established by the secretary, any entity or person proposing the project shall seek input from the public health and safety network or networks established in the catchment area of the project. The network or networks shall submit recommendations on the blended funding project to the family policy council. The family policy council shall advise the secretary whether to approve the proposed blended funding project. The network shall review the proposed blended funding project pursuant to its authority to examine the decategorization of program funds under RCW 70.190.110, within the current appropriation level. The department shall document the number of children who participate in blended funding projects, the total blended funding amounts per child, the amount charged to each appropriation by program, and services provided to each child through each blended funding project and report this information to the appropriate committees of the legislature by December 1st of each year, beginning in December 1, 2000.

NEW SECTION. **Sec. 3.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 4.** This act takes effect July 1, 2000."

MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "youth;" strike the remainder of the title and insert "amending RCW 74.14A.020; adding a new section to chapter 74.14A RCW; and providing an effective date."

On motion of Senator Hargrove, the rules were suspended, House Bill No. 2807, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2807, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2807, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Absent: Senators Loveland and Snyder - 2.

Excused: Senators Gardner, Sellar, Sheldon, B., Stevens and Swecker - 5.

HOUSE BILL NO. 2807, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, Senator Loveland was excused.

MESSAGE FROM THE HOUSE

March 5, 2000

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2912 and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Hargrove, the Senate receded from it amendment(s) to Substitute House Bill No. 2912.

MOTIONS

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2912 was returned to second reading and read the second time.

On motion of Senator Hargrove, the following striking amendment by Senators Hargrove, Long, Zarelli and Costa was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The department of social and health services shall report to the legislature the following information regarding children in out-of-home care who remained in out-of-home care longer than ninety days for at least one placement episode and received "fee for service" medical assistance during fiscal year 1999:

(a) The number of children who were prescribed medication during an out-of-home care episode;

(b) The medical diagnosis for all children on prescribed medications;

(c) The number, types, and frequency of medications prescribed to children;

(d) The number of children receiving multiple medications;

(e) The number of children prescribed Ritalin; and

(f) The total number of children in out-of-home care episodes exceeding ninety days during fiscal year 1999, and the number of those children receiving medication.

(2) For purposes of this section, "medication" means psychotropic medication or other medication prescribed to address psychiatric or other behavioral issues.

(3) The report is due to the legislature on or before December 15, 2000."

MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 2 of the title, after "custody;" strike the remainder of the title and insert "and creating a new section."

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2912, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2912, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2912, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43. Excused: Senators Loveland, Sellar, Sheldon, B., Shin, Snyder and Swecker - 6. SUBSTITUTE HOUSE BILL NO. 2912, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2000

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5001 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.16.360 and 1997 c 1 s 1 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 77.12.240 ((~~and 77.12.265~~)), 77.36.020, 77.36.030, or any other provisions of law, it is unlawful to take, hunt, or attract black bear with the aid of bait.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear with the aid of bait by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety.

(b) Nothing in this subsection shall be construed to prevent the establishment and operation of feeding stations for black bear in order to prevent damage to commercial timberland.

(c) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of bait to attract black bear for scientific purposes.

(d) As used in this subsection, "bait" means a substance placed, exposed, deposited, distributed, scattered, or otherwise used for the purpose of attracting black bears to an area where one or more persons hunt or intend to hunt them.

(2) Notwithstanding RCW 77.12.240, 77.36.020, 77.36.030, or any other provisions of law, it is unlawful to hunt or pursue black bear, cougar, bobcat, or lynx with the aid of a dog or dogs.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear, cougar, bobcat, or lynx with the aid of a dog or dogs by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety. A dog or dogs may be used by the owner or tenant of real property consistent with a permit issued and conditioned by the director ((~~under RCW 77.12.265~~)).

(b) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of a dog or dogs for the pursuit, capture and relocation, of black bear, cougar, bobcat, or lynx for scientific purposes.

(c) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of a dog or dogs for the killing of black bear, cougar, or bobcat, for the protection of a state and/or federally listed threatened or endangered species.

(3) Notwithstanding subsection (2) of this section, the commission shall authorize the use of dogs only in selected areas within a game management unit to address a public safety need presented by one or more cougar. This authority may only be exercised after the commission has determined that no other practical alternative to the use of dogs exists, and after the commission has adopted rules describing the conditions in which dogs may be used. Conditions that may warrant the use of dogs within a game management unit include, but are not limited to, confirmed cougar/human safety incidents, confirmed cougar/livestock and cougar/pet depredations, and the number of cougar capture attempts and relocations.

(4) A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor. In addition to appropriate criminal penalties, the director shall revoke the hunting license of a person who violates subsection (1) or (2) of this section and a hunting license shall not be issued for a period of five years following the revocation. Following a subsequent violation of subsection (1) or (2) of this section by the same person, a hunting license shall not be issued to the person at any time.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Jacobsen, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5001.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5001, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5001, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 10; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Long, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 35.

Voting nay: Senators Eide, Fairley, Fraser, Haugen, Heavey, Kline, Kohl-Welles, McAuliffe, Patterson and Thibaudeau - 10.

Excused: Senators Loveland, Sellar, Sheldon, B. and Snyder - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5001, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2000

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6277 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** INTENT. It is the intent of the legislature to allow applicants for environmental permits for complex projects to compensate permitting agencies for providing environmental review through the voluntary negotiation of cost-reimbursement agreements with the permitting agency. It is the further intent of the legislature that cost-reimbursement agreements for complex projects free permitting agency resources to focus on the review of small projects permits.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21A RCW to read as follows:

COST-REIMBURSEMENT AGREEMENT BY THE DEPARTMENT OF ECOLOGY. (1) The department may enter into a written cost-reimbursement agreement with a permit applicant for a complex project to recover from the applicant the reasonable costs incurred by the department in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing. The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. For purposes of this section, a complex project is a project for which an environmental impact statement is required under chapter 43.21C RCW.

(2) The written cost-reimbursement agreement shall be negotiated with the permit applicant. Under the provisions of a cost-reimbursement agreement, funds from the applicant shall be used by the department to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The department may also use funds provided under a cost-reimbursement agreement to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit. The department shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant. The department shall make an estimate of the number of permanent staff hours to process the permits, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits not covered by cost-reimbursement agreements. The department may not use any funds under a cost-reimbursement agreement to replace or supplant existing funding. The restrictions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement.

(3) The department may not enter into any new cost-reimbursement agreements on or after July 1, 2005. The department may continue to administer any cost-reimbursement agreement which was entered into before July 1, 2005, until the project is completed.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.30 RCW to read as follows:

COST-REIMBURSEMENT AGREEMENT BY THE DEPARTMENT OF NATURAL RESOURCES. (1) The department may enter into a written cost-reimbursement agreement with a permit or lease applicant for a complex project to recover from the applicant the reasonable costs incurred by the department in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit or lease processing. The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. For purposes of this section, a complex project is a project for which an environmental impact statement is required under chapter 43.21C RCW. An applicant for a lease issued under chapter 79.90 RCW may not enter into a cost-reimbursement agreement under this section for projects conducted under the lease.

(2) The written cost-reimbursement agreement shall be negotiated with the permit or lease applicant. Under the provisions of a cost-reimbursement agreement, funds from the applicant shall be used by the department to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The department may also use funds provided under a cost-reimbursement agreement to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit or lease. The department shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant. The department shall make an estimate of the number of permanent staff hours to process the permits or leases, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits or leases not covered by cost-reimbursement agreements. The department may not use any funds under a cost-reimbursement agreement to replace or supplant existing funding. The restrictions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement.

(3) The department may not enter into any new cost-reimbursement agreements on or after July 1, 2005. The department may continue to administer any cost-reimbursement agreement which was entered into before July 1, 2005, until the project is completed.

(4)(a) Until July 1, 2003, the use of state-owned aquatic lands for local public utility lines owned by a nongovernmental entity shall be granted by lease if the use is consistent with the purpose of RCW 79.90.450 through 79.90.460 and does not obstruct navigation or other public uses. The total charge for the term of the lease shall be the larger of (i) an amount equal to the diminution in the property value caused by locating the utility lines on the aquatic land, based on the appraised value of the land in its current use at the time of application for the lease, or (ii) five thousand dollars. The charge shall be paid in advance upon grant of the lease. The term of the lease shall be thirty years. In addition to the charge for the lease, the department may charge a fee that recovers its actual administrative expenses directly incurred in receiving an application for the lease, approving the lease, and reviewing plans for and construction of the utility lines. A final decision on existing applications for leases shall be made within one hundred twenty days. The department shall process and come to a final decision on a maximum of five new applications submitted by each nongovernmental entity per year. Upon request of the applicant, the department may reach a decision on an application within sixty days and charge an additional fee for such an expedited processing in the amount of ten percent of the total rent.

(b) The utilities and aquatic lands task force is created. The task force is composed of the following: Two members of the house of representatives, one from each major caucus, appointed by the co-speakers of the house of representatives; two members of the senate, one from each major caucus, appointed by the president of the senate; two members from the department of natural resources; one member from nonprofit electric utilities; and one member from investor-owned electric utilities. The utilities and aquatic lands task force shall study charges made for the lease or easement of aquatic lands for local public utility lines, and, by July 1, 2001, must recommend to the legislature any changes from current practice found appropriate.

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.70 RCW to read as follows:

COST-REIMBURSEMENT AGREEMENT BY THE DEPARTMENT OF HEALTH. (1) The department may enter into a written cost-reimbursement agreement with a permit applicant for a complex project to recover from the applicant the reasonable costs incurred by the department in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing.

The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. For purposes of this section, a complex project is a project for which an environmental impact statement is required under chapter 43.21C RCW.

(2) The written cost-reimbursement agreement shall be negotiated with the permit applicant. Under the provisions of a cost-reimbursement agreement, funds from the applicant shall be used by the department to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The department may also use funds provided under a cost-reimbursement agreement to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit. The department shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant. The department shall make an estimate of the number of permanent staff hours to process the permits, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits not covered by cost-reimbursement agreements. The department may not use any funds under a cost-reimbursement agreement to replace or supplant existing funding. The restrictions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement.

(3) The department may not enter into any new cost-reimbursement agreements on or after July 1, 2005. The department may continue to administer any cost-reimbursement agreement which was entered into before July 1, 2005, until the project is completed.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.300 RCW to read as follows:

COST-REIMBURSEMENT AGREEMENT BY THE DEPARTMENT OF FISH AND WILDLIFE. (1) The department may enter into a written cost-reimbursement agreement with a permit applicant for a complex project to recover from the applicant the reasonable costs incurred by the department in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing. The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. For purposes of this section, a complex project is a project for which an environmental impact statement is required under chapter 43.21C RCW.

(2) The written cost-reimbursement agreement shall be negotiated with the permit applicant. Under the provisions of a cost-reimbursement agreement, funds from the applicant shall be used by the department to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The department may also use funds provided under a cost-reimbursement agreement to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit. The department shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant. The department shall make an estimate of the number of permanent staff hours to process the permits, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits not covered by cost-reimbursement agreements. The department may not use any funds under a cost-reimbursement agreement to replace or supplant existing funding. The restrictions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement.

(3) The department may not enter into any new cost-reimbursement agreements on or after July 1, 2005. The department may continue to administer any cost-reimbursement agreement which was entered into before July 1, 2005, until the project is completed.

NEW SECTION. **Sec. 6.** A new section is added to chapter 70.94 RCW to read as follows:

COST-REIMBURSEMENT AGREEMENT BY AN AIR POLLUTION CONTROL AUTHORITY. (1) An authority may enter into a written cost-reimbursement agreement with a permit applicant for a complex project to recover from the applicant the reasonable costs incurred by the authority in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing. The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. For purposes of this section, a complex project is a project for which an environmental impact statement is required under chapter 43.21C RCW.

(2) The written cost-reimbursement agreement shall be negotiated with the permit applicant. Under the provisions of a cost-reimbursement agreement, funds from the applicant shall be used by the air pollution control authority to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The air pollution control authority may also use funds provided under a cost-reimbursement agreement to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit. The air pollution control authority shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant. The air pollution control authority shall make an estimate of the number of permanent staff hours to process the permits, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits not covered by cost-reimbursement agreements. The air pollution control authority may not use any funds under a cost-reimbursement agreement to replace or supplant existing funding. The provisions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement. Members of the air pollution control authority's board of directors shall be considered as state officers, and employees of the air pollution control authority shall be considered as state employees, for the sole purpose of applying the restrictions of chapter 42.52 RCW to this section.

(3) An air pollution control authority may not enter into any new cost-reimbursement agreements on or after July 1, 2005. The department may continue to administer any cost-reimbursement agreement which was entered into before July 1, 2005, until the project is completed.

NEW SECTION. **Sec. 7.** A new section is added to chapter 90.03 RCW to read as follows:

Any applicant for a new withdrawal or a change, transfer, or amendment of a water right pending before the department, may initiate a cost-reimbursement agreement with the department to provide expedited review of the application. A cost-reimbursement agreement may only be initiated under this section if the applicant agrees to pay for, or as part of a cooperative effort agrees to pay for, the cost of processing his or her application and all other applications from the same source of supply which must be acted upon before the applicant's request because they were filed prior to the date of when the applicant filed. The department shall use the process established under section 2 of this act for entering into cost-reimbursement agreements, except that it is not necessary for an environmental impact statement to be filed as a prerequisite for entering into a cost-reimbursement agreement under this section.

NEW SECTION. **Sec. 8.** Captions used in this act are not any part of the law.

NEW SECTION. **Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

POINT OF ORDER

Senator Fraser: "Mr. President, I rise to a point of order. I request a ruling from the President that the House amendment in Section 3, Subsection (4) to Engrossed Substitute Senate Bill No. 6277 is beyond the scope and object of the bill. The underlying bill is a measure that would provide the authority for four specific state agencies, the Department of Ecology, the Department of Fish and Wildlife, the Department of Health and the Department of Natural Resources and local air pollution control agencies to recover certain costs for processing environmental permits and leases. The bill, as it left the Senate dealt only with the matter of processing permits. It is voluntary and it allows the applicants to negotiate with one or more of these agencies

to enter into an agreement for the agency to recover these application processing costs in order to get expedited attention on the permit.

"The bill has identical authorizing language in the five chapters of the RCWs in which these four state agencies and the local air quality agencies are created. The amendment, I believe, goes far beyond the subject of processing and cost reimbursement, to amend substantive law relating to some of these permits and leases. Specifically, the Subsection in question amends the state's Aquatic Lands Act to establish standards for leases, including the cost of those leases and that would have implications for the prices to be paid for them and revenues to the Aquatic Land's Enhancement Account. It also establishes a thirty year term and it also creates a committee to study further lease price changes.

"So, this is beyond the scope and object, because it deals with the substance rather than the process. Further, by adding substantive lease of aquatic lands price to the bill. It brings into another category of government, namely port districts. I would also like to point out that there is a potential constitutional problem with the amendment because it attempts to amend portions of the Aquatic Lands Act by reference rather than setting out those references in full. I urge you to rule that this is beyond the scope and object of the bill."

Debate ensued.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Fraser to the scope and object of the House striking amendment to Engrossed Substitute Senate Bill No. 6277, the President finds that the measure relates only to cost reimbursement agreements for applicants for public land leases and environmental permits.

"The House striking amendment also concerns cost reimbursement agreements. However, the amendment would also do the following: (1) require the department of natural resources to grant utility easements under some circumstances; and (2) create a utilities and aquatic lands task force.

" Because the striking amendment contains these two provisions, the President finds that the amendment is outside the scope and object of the bill, and the point of order is well taken."

The President ruled that the House striking amendment to Engrossed Substitute Senate Bill No. 6277 to be out of order.

MOTION

Senator Fraser moved that the Senate refuse to concur in the House amendment to Engrossed Substitute Senate Bill No. 6277 and asks the House to recede therefrom.

POINT OF ORDER

Senator Heavey: "A point of order. Mr. President. I thought if the President had banged the gavel on the ruling that the bill went back to Rules and was dead essentially."

RULING BY THE PRESIDENT

President Owen: "Senator Heavey, in responding to your point or order, you are correct that the President did drop the gavel, but it did not refer the bill to committee as required in the rules. The dropping of the gavel was not in response to my referring the bill from this body to the Rules Committee. The practice has traditionally been to give the members the opportunity after the ruling to decide what the members would like to do with that measure.

"Therefore, the measure is appropriately before us and Senator Fraser's motion is appropriately before us as well."

The President declared the question before the Senate to be the motion by Senator Fraser that the Senate refuse to concur in the House amendment to Engrossed Substitute Senate Bill No. 6277.

The motion by Senator Fraser carried and the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 6277.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2380 and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Thibaudeau, the Senate receded from its amendment(s) to Engrossed Substitute House Bill No. 2380.

MOTIONS

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute House Bill No. 2380 was returned to second reading and read the second time.

Senator Thibaudeau moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.20.020 and 1998 c 272 s 14 are each amended to read as follows:

As used in this chapter:

(1) "Aged person" means a person of the age sixty-five years or more, or a person of less than sixty-five years who by reason of infirmity requires domiciliary care.

(2) "Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing board and domiciliary care to ((~~three~~)) seven or more aged persons not related by blood or marriage to the operator. ((~~It~~)) However, a boarding home that is licensed to provide board and domiciliary care to three to six persons on the effective date of this act may maintain its boarding home license as long as it is continually licensed as a boarding home. "Boarding home" shall not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the department of housing and urban development.

(3) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(4) "Secretary" means the secretary of social and health services.

(5) "Department" means the state department of social and health services.

(((~~(6) "Authorized department" means any city, county, city-county health department or health district authorized by the secretary to carry out the provisions of this chapter.~~)))

Sec. 2. RCW 18.20.040 and 1957 c 253 s 4 are each amended to read as follows:

An application for a license shall be made to the department ((~~or authorized department~~)) upon forms provided by ((~~either of said departments~~)) the department and shall contain such information as the department reasonably requires, which shall include affirmative evidence of ability to comply with such rules ((~~and regulations~~)) as are lawfully ((~~promulgated~~)) adopted by the ((~~board~~)) department.

Sec. 3. RCW 18.20.050 and 1987 c 75 s 3 are each amended to read as follows:

Upon receipt of an application for license, if the applicant and the boarding home facilities meet the requirements established under this chapter, the department ((~~or the department and the authorized health department jointly,~~)) shall issue a license. If there is a failure to comply with the provisions of this chapter or the standards((~~,~~)) and rules((~~, and regulations promulgated~~)) adopted pursuant thereto, the department((~~, or the department and authorized health department,~~)) may in its discretion issue to an applicant for a license, or for the renewal of a license, a provisional license which will permit the operation of the boarding home for a period to be determined by the department, ((~~or the department and authorized health department,~~)) but not to exceed twelve months, which provisional license shall not be subject to renewal. At the time of the application for or renewal of a license or provisional license the licensee shall pay a license fee as established by the department under RCW 43.20B.110. ((~~When the license or provisional license is issued jointly by the department and authorized health department, the license fee shall be paid to the authorized health department.~~)) All licenses issued under the provisions of this chapter shall expire on a date to be set by the department, but no license issued pursuant to this chapter shall exceed twelve months in duration((~~: PROVIDED, That~~)). However, when the annual license renewal date of a previously licensed boarding home is set by the department on a date less than twelve months prior to the expiration date of a license in effect at the time of reissuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the

first renewal of a license for any period of one month or more covered by the previous license. All applications for renewal of a license shall be made not later than thirty days prior to the date of expiration of the license. Each license shall be issued only for the premises and persons named in the application, and no license shall be transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

Sec. 4. RCW 18.20.110 and 1985 c 213 s 7 are each amended to read as follows:

The department ((~~or authorized health department~~)) shall make or cause to be made at least a yearly inspection and investigation of all boarding homes. Every inspection shall focus primarily on actual or potential resident outcomes, and may include an inspection of every part of the premises and an examination of all records (other than financial records), methods of administration, the general and special dietary, and the stores and methods of supply. Following such an inspection or inspections, written notice of any violation of this law or the rules ((~~and regulations promulgated~~)) adopted hereunder((~~,~~)) shall be given to the applicant or licensee and the department. The department may prescribe by ((~~regulations~~)) rule that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the ((~~department or to the authorized department~~)) agencies responsible for plan reviews for preliminary inspection and approval or recommendations with respect to compliance with the ((~~regulations~~)) rules and standards herein authorized.

Sec. 5. RCW 18.20.120 and 1994 c 214 s 25 are each amended to read as follows:

All information received by the department ((~~or authorized health department~~)) through filed reports, inspections, or as otherwise authorized under this chapter((~~,~~)) shall not be disclosed publicly in any manner as to identify individuals or boarding homes, except at the specific request of a member of the public and disclosure is consistent with RCW 42.17.260(1).

Sec. 6. RCW 18.20.130 and 1995 c 369 s 4 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all boarding homes to be licensed hereunder, shall be the responsibility of the chief of the Washington state patrol, through the director of fire protection, who shall adopt such recognized standards as may be applicable to boarding homes for the protection of life against the cause and spread of fire and fire hazards. The department, upon receipt of an application for a license, shall submit to the chief of the Washington state patrol, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make an inspection of the boarding home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire ((~~regulations~~)) rules as ((~~promulgated~~)) adopted by the chief of the Washington state patrol, through the director of fire protection, he or she shall promptly make a written report to the boarding home and the department ((~~or authorized department~~)) as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire ((~~regulations~~)) rules. The department, ((~~authorized department,~~)) applicant, or licensee shall notify the chief of the Washington state patrol, through the director of fire protection, upon completion of any requirements made by him or her, and the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the boarding home to be licensed meets with the approval of the chief of the Washington state patrol, through the director of fire protection, he or she shall submit to the department ((~~or authorized department,~~)) a written report approving same with respect to fire protection before a full license can be issued. The chief of the Washington state patrol, through the director of fire protection, shall make or cause to be made inspections of such homes at least annually.

In cities which have in force a comprehensive building code, the provisions of which are determined by the chief of the Washington state patrol, through the director of fire protection, to be equal to the minimum standards of the code for boarding homes adopted by the chief of the Washington state patrol, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, and they shall jointly approve the premises before a full license can be issued.

Sec. 7. RCW 18.20.190 and 1998 c 272 s 15 are each amended to read as follows:

(1) The department of social and health services is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that a boarding home provider has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated a boarding home without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions:

(a) Refuse to issue a license;

(b) Impose reasonable conditions on a license, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(c) Impose civil penalties of not more than one hundred dollars per day per violation;

(d) Suspend, revoke, or refuse to renew a license; or

(e) Suspend admissions to the boarding home by imposing stop placement.

(3) When the department orders stop placement, the facility shall not admit any new resident until the stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement. The department shall terminate the stop placement when: (a) The violations necessitating the stop placement have been corrected; and (b) the provider exhibits the capacity to maintain adequate care and service.

(4) RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification. Chapter 34.05 RCW applies to department actions under this section, except that orders of the department imposing license suspension, stop placement, or conditions for continuation of a license are effective immediately upon notice and shall continue pending any hearing.

NEW SECTION. **Sec. 8.** A new section is added to chapter 18.20 RCW to read as follows:

(1) In an effort to ensure a cooperative process among the department, boarding home provider representatives, and resident and family representatives on matters pertaining to the boarding home program, the secretary, or his or her designee, shall designate an advisory board. The advisory board must include representatives of the state-wide boarding home associations, the state long-term care ombudsman program, the state-wide resident council program, consumers, and family representatives. Depending on the topic to be discussed, the department may invite other representatives in addition to the named members of the advisory board. The secretary, or his or her designee, shall periodically, but not less than quarterly, convene a meeting of the advisory board to encourage open dialogue on matters affecting the boarding home program. It is, minimally, expected that the department will discuss with the advisory board the department's inspection, enforcement, and quality improvement activities, in addition to seeking their comments and recommendations on matters described under subsection (2) of this section.

(2) The secretary, or his or her designee, shall seek comments and recommendations from the advisory board prior to the adoption of rules and standards, implementation of boarding home provider programs, or development of methods and rates of payment.

(3) For the purpose of implementing this section, "department" means either the department of health or the department of social and health services, depending on which department has the licensing authority under this chapter.

Sec. 9. 1998 c 272 s 24 (uncodified) is amended to read as follows:

(1) Section((~~s~~)) 13 ((~~through 16~~)) of this act expires July 1, 2000((~~, unless reauthorized by the legislature~~)).

(2) Section 17 of this act expires December 12, 1999.

NEW SECTION. **Sec. 10.** The following acts or parts of acts are each repealed:

(1) RCW 18.20.060 (Actions against license) and 1991 c 3 s 35, 1989 c 175 s 60, 1985 c 213 s 5, & 1957 c 253 s 6; and

(2) RCW 18.20.100 (Enforcement by local authorities--Authorization) and 1979 c 141 s 26 & 1957 c 253 s 10.

NEW SECTION. **Sec. 11.** This act takes effect July 1, 2000."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Thibaudeau, under suspension of the rules.

The motion by Senator Thibaudeau carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Thibaudeau the following title amendment was adopted:

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 18.20.020, 18.20.040, 18.20.050, 18.20.110, 18.20.120, 18.20.130, and 18.20.190; amending 1998 c 272 s 24 (uncodified); adding a new section to chapter 18.20 RCW; repealing RCW 18.20.060 and 18.20.100; and providing an effective date."

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute House Bill No. 2380, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2380, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2380, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel,

Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46. Absent: Senators Finkbeiner and McDonald - 2. Excused: Senator Sellar - 1. ENGROSSED SUBSTITUTE HOUSE BILL NO. 2380, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Rossi was excused.

MOTION

On motion of Senator Franklin, Senator Wojahn was excused.

MESSAGE FROM THE HOUSE

March 6, 2000

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2647 and asks the Senate bo recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Fairley, the Senate receded from its amendment(s) to Engrossed Substitute House Bill No. 2647.

MOTIONS

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute House Bill No. 2647 was returned to second reading and read the second time.

On motion of Senator Fairley, the following striking amendment was adopted under suspension of the rules.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** EMERGENCY RULES. (1) The director of the department of labor and industries shall adopt emergency rules that take effect no later than June 1, 2000, revising any safety standards governing flaggers.

(2) The transportation commission shall adopt emergency rules that take effect no later than June 1, 2000, revising any safety standards governing flaggers.

(3) The utilities and transportation commission shall adopt emergency rules that take effect no later than June 1, 2000, revising any safety standards governing flaggers.

(4) Notwithstanding RCW 34.05.350, the emergency rules adopted pursuant to this section shall remain in effect or be adopted in sequence until March 1, 2001, or the effective date of the permanent rules adopted pursuant to section 2 of this act, whichever is earlier.

(5) The emergency rules adopted pursuant to this section shall be designed to improve options available to ensure the safety of flaggers, and ensure that flaggers have adequate visual warning of objects approaching from behind them.

(6) In developing emergency rules adopted pursuant to this section, state agencies and commissions shall consult with other persons with an interest in improving safety standards for flaggers. State agencies and commissions shall report, by September 15, 2000, to the senate labor and workforce development committee and the house of representatives commerce and labor committee on the emergency rules adopted pursuant to this section.

NEW SECTION. **Sec. 2.** PERMANENT RULES. (1) The director of the department of labor and industries shall adopt permanent rules that take effect no later than March 1, 2001, revising any safety standards governing flaggers.

(2) The transportation commission shall adopt permanent rules that take effect no later than March 1, 2001, revising any safety standards governing flaggers.

(3) The utilities and transportation commission shall adopt permanent rules that take effect no later than March 1, 2001, revising any safety standards and employment qualifications governing flaggers.

(4) The permanent rules adopted pursuant to this section shall be designed to improve options available to ensure the safety of flaggers, ensure that flaggers have adequate visual warning of objects approaching from behind them, and, with respect to the utilities and transportation commission rules, update employment qualifications for flaggers.

(5) In developing permanent rules adopted pursuant to this section, state agencies and commissions shall consult with other persons with an interest in improving safety standards and updating employment qualifications for flaggers. State agencies and commissions shall coordinate and make consistent, to the extent possible, permanent rules. State agencies and commissions shall report, by April 22, 2001, to the senate labor and workforce development committee and the house of representatives commerce and labor committee on the permanent rules adopted pursuant to this section.

Sec. 3. RCW 9.91.020 and 1915 c 165 s 2 are each amended to read as follows:

Every person who, being employed upon any railway, as engineer, motorman, gripman, conductor, switch tender, fireman, bridge tender, ((~~flagman~~)) flagger, or signalman, or having charge of stations, starting, regulating or running trains upon a railway, or being employed as captain, engineer or other officer of a vessel propelled by steam, or being the driver of any animal or vehicle upon any public highway, street, or other public place, ((~~shall be~~)) is intoxicated while engaged in the discharge of any such duties, shall be guilty of a gross misdemeanor.

Sec. 4. RCW 46.61.015 and 1995 c 50 s 1 are each amended to read as follows:

No person shall willfully fail or refuse to comply with any lawful order or direction of any duly authorized ((~~flagman~~)) flagger or any police officer or fire fighter invested by law with authority to direct, control, or regulate traffic.

A violation of this section is a misdemeanor.

Sec. 5. RCW 46.61.190 and 1975 c 62 s 27 are each amended to read as follows:

(1) Preferential right of way may be indicated by stop signs or yield signs as authorized in RCW 47.36.110.

(2) Except when directed to proceed by a duly authorized ((~~flagman~~)) flagger, or a police officer, or a fire fighter vested by law with authority to direct, control, or regulate traffic, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and after having stopped shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

(3) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and then after slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways: PROVIDED, That if such a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of ((~~his~~)) the driver's failure to yield right of way.

Sec. 6. RCW 46.61.340 and 1965 ex.s. c 155 s 46 are each amended to read as follows:

(1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until ((~~he can do so~~)) the crossing can be made safely. The foregoing requirements shall apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(b) A crossing gate is lowered or when a human ((~~flagman~~)) flagger gives or continues to give a signal of the approach or passage of a railroad train;

(c) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(2) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Sec. 7. RCW 46.61.355 and 1975 c 62 s 32 are each amended to read as follows:

(1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(2) Notice of any such intended crossing shall be given to the station agent of such railroad located nearest the intended crossing sufficiently in advance to allow such railroad a reasonable time to prescribe proper protection for such crossing.

(3) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(4) No such crossing shall be made when warning is given by automatic signal or crossing gates or a ((~~flagman~~)) flagger or otherwise of the immediate approach of a railroad train or car. If a ((~~flagman~~)) flagger is provided by the railroad, movement over the crossing shall be under ((~~his~~)) the flagger's direction.

Sec. 8. RCW 47.36.220 and 1961 c 13 s 47.36.220 are each amended to read as follows:

Each driver of a motor vehicle used in connection with such construction, repair, or maintenance work shall obey traffic signs posted for, and ((~~flagman~~)) flaggers stationed at such location in the same manner and under the same restrictions as is required for the driver of any other vehicle.

NEW SECTION. **Sec. 9.** Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. **Sec. 10.** Sections 1 and 2 of this act may be known and cited as the "Kim Vendl Worker Safety Act."

NEW SECTION. **Sec. 11.** Captions used in this act are not any part of the law."

MOTIONS

On motion of Senator Fairley, the following title amendment was adopted:

On page 1, line 1 of the title, after "flaggers;" strike the remainder of the title and insert "amending RCW 9.91.020, 46.61.015, 46.61.190, 46.61.340, 46.61.355, and 47.36.220; adding a new section to chapter 49.17 RCW; creating new sections; and declaring an emergency."

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute House Bill No. 2647, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2647, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2647, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 41. Voting nay: Senators Benton, Hochstatter and Morton - 3. Absent: Senator Finkbeiner - 1. Excused: Senators Loveland, Rossi, Sellar and Wojahn - 4. ENGROSSED SUBSTITUTE HOUSE BILL NO. 2647, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2000

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2903 and asks the Senate bo recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Heavey, the Senate receded from its amendment(s) to Substitute House Bill No. 2903.

MOTIONS

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 2903 was returned to second reading and read the second time.

Senator Heavey moved that the following striking amendment by Senators Heavey and Stevens be adopted under suspension of the rules:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature intends, by the enactment of this act, to provide a very limited exception to the restrictions on disclosure of intercepted communications.

Sec. 2. RCW 9.73.090 and 1989 c 271 s 205 are each amended to read as follows:

(1) The provisions of RCW 9.73.030 through 9.73.080 shall not apply to police, fire, emergency medical service, emergency communication center, and poison center personnel in the following instances:

(a) Recording incoming telephone calls to police and fire stations, licensed emergency medical service providers, emergency communication centers, and poison centers;

(b) Video and/or sound recordings may be made of arrested persons by police officers responsible for making arrests or holding persons in custody before their first appearance in court. Such video and/or sound recordings shall conform strictly to the following:

(i) The arrested person shall be informed that such recording is being made and the statement so informing him shall be included in the recording;

(ii) The recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof;

(iii) At the commencement of the recording the arrested person shall be fully informed of his constitutional rights, and such statements informing him shall be included in the recording;

(iv) The recordings shall only be used for valid police or court activities;

(c) Sound recordings that correspond to video images recorded by video cameras mounted in law enforcement vehicles. All law enforcement officers wearing a sound recording device that makes recordings corresponding to videos recorded by video cameras mounted in law enforcement vehicles must be in uniform. A sound recording device which makes a recording pursuant to this subsection (1)(c) may only be operated simultaneously with the video camera. No sound recording device may be intentionally turned off by the law enforcement officer during the operation of the video camera.

No sound or video recording made under this subsection (1)(c) may be duplicated and made available to the public by a law enforcement agency subject to this section until final disposition of any criminal or civil litigation which arises from the incident or incidents which were recorded. Such sound recordings shall not be divulged or used by any law enforcement agency for any commercial purpose.

A law enforcement officer shall inform any person being recorded by sound under this subsection (1)(c) that a sound recording is being made and the statement so informing the person shall be included in the sound recording, except that the law enforcement officer is not required to inform the person being recorded if the person is being recorded under exigent circumstances. A law enforcement officer is not required to inform a person being recorded by video under this subsection (1)(c) that the person is being recorded by video.

(2) It shall not be unlawful for a law enforcement officer acting in the performance of the officer's official duties to intercept, record, or disclose an oral communication or conversation where the officer is a party to the communication or conversation or one of the parties to the communication or conversation has given prior consent to the interception, recording, or disclosure: PROVIDED, That prior to the interception, transmission, or recording the officer shall obtain written or telephonic authorization from a judge or magistrate, who shall approve the interception, recording, or disclosure of communications or conversations with a nonconsenting party for a reasonable and specified period of time, if there is probable cause to believe that the nonconsenting party has committed, is engaged in, or is about to commit a felony: PROVIDED HOWEVER, That if such authorization is given by telephone the authorization and officer's statement justifying such authorization must be electronically recorded by the judge or magistrate on a recording device in the custody of the judge or magistrate at the time transmitted and the recording shall be retained in the court records and reduced to writing as soon as possible thereafter.

Any recording or interception of a communication or conversation incident to a lawfully recorded or intercepted communication or conversation pursuant to this subsection shall be lawful and may be divulged.

All recordings of communications or conversations made pursuant to this subsection shall be retained for as long as any crime may be charged based on the events or communications or conversations recorded.

(3) Communications or conversations authorized to be intercepted, recorded, or disclosed by this section shall not be inadmissible under RCW 9.73.050.

(4) Authorizations issued under subsection (2) of this section shall be effective for not more than seven days, after which period the issuing authority may renew or continue the authorization for additional periods not to exceed seven days.

(5) If the judge or magistrate determines that there is probable cause to believe that the communication or conversation concerns the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW, the judge or magistrate may authorize the interception, transmission, recording, or disclosure of communications or conversations under subsection (2) of this section even though the true name of the nonconsenting party, or the particular time and place for the interception, transmission, recording, or disclosure, is not known at the time of the request, if the authorization describes the nonconsenting party and subject matter of the communication or conversation with reasonable certainty under the circumstances. Any such communication or conversation may be intercepted, transmitted, recorded, or disclosed as authorized notwithstanding a change in the time or location of the communication or conversation after the authorization has been obtained or the presence of or participation in the communication or conversation by any additional party not named in the authorization.

Authorizations issued under this subsection shall be effective for not more than fourteen days, after which period the issuing authority may renew or continue the authorization for an additional period not to exceed fourteen days.

Sec. 3. RCW 9.73.080 and 1989 c 271 s 209 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, any person who violates RCW 9.73.030 is guilty of a gross misdemeanor.

(2) Any person who knowingly alters, erases, or wrongfully discloses any recording in violation of RCW 9.73.090(1)(c) is guilty of a gross misdemeanor."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Heavey and Stevens to Substitute House Bill No. 2903, under suspension of the rules.

The motion by Senator Heavey carried and the striking amendment was adopted, under suspension of the rules.

MOTIONS

On motion of Senator Heavey, the following title amendment was adopted:

On page 1, line 1 of the title, after "recordings;" strike the remainder of the title and insert "amending RCW 9.73.090 and 9.73.080; creating a new section; and prescribing penalties."

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 2903, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2903, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2903, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44. Voting nay: Senators Brown and Fairley - 2. Excused: Senators Finkbeiner, Rossi and Sellar - 3. SUBSTITUTE HOUSE BILL NO. 2903, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 4:30 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, March 8, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-EIGHTH DAY, MARCH 7, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIFTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 8, 2000

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Costa, Deccio, Finkbeiner, Gardner, Honeyford, Horn, Loveland, McDonald, Patterson and Sellar. On motion of Senator McCaslin, Senators Benton, Deccio, Horn and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages Erin Murray and Shane Qualls, presented the Colors. Reverend Kathryn Everett, pastor o f the First United Methodist Church in Olympia, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 1, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Phillip Boshaw, appointed January 1, 2000, for a term ending September 30, 2004, as a member of the Board of Trustees for Lake Washington Technical College District No. 26.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Higher Education.

January 19, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Judith D. Hosea, appointed January 19, 2000, for a term ending September 30, 2004, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Higher Education.

February 16, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Katherine Kreiter, appointed March 13, 2000, for a term ending January 15, 2003, as a member of the Liquor Control Board.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Commerce, Trade, Housing and Financial Institutions.

MESSAGES FROM THE HOUSE

March 7, 2000

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE BILL No. 2686 and passed the bill as amended by the Senate.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

March 7, 2000

MR. PRESIDENT:

The House receded from its amendment(s) to SENATE BILL No. 5739 and passed the bill without the House amendment(s), and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5001,
SENATE BILL NO. 5739.

INTRODUCTION AND FIRST READING

SB 6863 by Senators Thibaudeau, Costa, Kohl-Welles and Deccio

AN ACT Relating to the omnibus credentialing act for counselors, social workers, mental health counselors, and marriage and family therapists; amending RCW 18.19.010, 18.19.020, 18.19.030, 18.19.090, 18.19.040, 18.19.050, 18.19.060, 18.19.070, 18.19.080, 18.19.100, 18.19.140, 18.19.150, 18.19.160, 18.19.170, 18.19.180, 18.19.190, 18.19.900, and 18.130.040; adding new sections to chapter 18.19 RCW; creating a new section; and repealing RCW 18.19.110, 18.19.120, and 18.19.130.

Referred to Committee on Health and Long-Term Care.

MOTION

On motion of Senator Eide, the following resolution was adopted:

SENATE RESOLUTION 2000-8755

By Senators Eide, Sheldon, B., Fairley, Kohl-Welles, Franklin, Brown, McAuliffe, Rasmussen, Patterson, Winsley, Loveland, Spanel, Wojahn, Haugen, Prentice, Gardner, Shin, Heavey, Thibaudeau, Kline, Costa and Goings

WHEREAS, Women of every age, race, ethnicity, religion, sexual orientation, economic status, occupation, and degree of ability or disability have made considerable contributions to the growth and development of our communities, states, country, and nations around the world; and

WHEREAS, Women have played a critical role in the social, cultural, and spiritual development of communities around the globe; and

WHEREAS, Women of all backgrounds have constituted significant portions of the labor force, whether working outside or inside the home, whether paid or as a volunteer, and have played a critical role in the nurturing of our children; and

WHEREAS, Women have served as leaders of progressive social movements to secure individual rights and freedoms, and continue to lead efforts to eliminate discrimination and violence against all people and to promote equality, security and peace; and

WHEREAS, Women have been largely unrecognized and undervalued for their historical and contemporary scientific, governmental, athletic, literary, and artistic accomplishments; and

WHEREAS, Women continue to experience day-to-day discrimination and continue to be victims of violence around the globe; and

WHEREAS, Washington State has been a champion of womens' rights and a national leader in promoting progress for women, having been one of the first states to grant suffrage to women, and having the highest proportion of women legislators of any State Legislature in the history of the United States; and

WHEREAS, 2000 is the ninetieth anniversary of womens' suffrage in Washington State and the eightieth anniversary of womens' suffrage in the United States; and

WHEREAS, The United States of America, as a world leader, recognized the critical role of women in America by establishing March as National Womens' History Month; and

WHEREAS, The United Nations has proclaimed March 8 to be International Womens' Day since 1975; and

WHEREAS, 2000 is the fifth anniversary of the 1995 World Conference on Women in Beijing which brought together over 47,000 women and men from one hundred eighty-nine countries who unanimously agreed that inequalities between women and men create serious consequences for all people.

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honors and celebrates the women of our state, country, and the world, and recognizes March 8 as International Womens' Day and that March is National Womens' History Month.

Senators Eide, Kohl-Welles and Brown spoke to Senate Resolution 2000-8755.

MOTION

On motion of Senator Snyder, the following resolution was adopted:

SENATE RESOLUTION 2000-8764

By Senators Snyder, Spanel, Goings, Wojahn, Oke, Hale, Kohl-Welles and Winsley

WHEREAS, The Boys and Girls Club has been an integral part of building the character of youth and changing young lives since 1860; and

WHEREAS, there are 2,500 Boys and Girls clubs and three million youth members nationally; and

WHEREAS, there are fifteen Boys and Girls Club Organizations, and seventy-seven individual Boys and Girls Club locations; and 52,000 youth members in Washington State; and

WHEREAS, involvement with the Boys and Girls Club gives children advantages that last a lifetime; and

WHEREAS, in every community, boys and girls are left to find their own recreation and companionship in the streets and many do not have any adult care or supervision.

WHEREAS, the Boys and Girls Club aims to let young people know that someone cares about them; and

WHEREAS, the Boys and Girls Clubs of America's national programs have taken members from the Clubhouse to the White House, from the games room to the corporate boardroom, and from the high school orchestra to Carnegie Hall; and

WHEREAS, the Boys and Girls Clubs of America has a lineup of nationally recognized programs that address today's most pressing youth issues, teaching young people the skills they need to succeed in life.

NOW, THEREFORE, BE IT RESOLVED, that the Washington State Senate applauds the effort and work of the fifteen Boys and Girls Club organizations in Washington State and the positive programs they provide for our youth; and

BE IT FURTHER RESOLVED, that the Washington State Senate encourages all alumni to "Come on Home" during Boys and Girls Club week of April 9 - 15, to their club, and help the future generations of kids in our state and nation; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Gary Locke, Governor of Washington; the Boys and Girls Club of America; and to the Boys and Girls Clubs serving Washington State.

Senators Snyder, Hale, Thibaudeau and Wojahn spoke to Senate Resolution 2000-8764.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Betti Sheldon, Gubernatorial Appointment No. 9146, Pat Lovett, as a member of the Western State Hospital Advisory Board, was confirmed.

APPOINTMENT OF PAT LOVETT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 8; Excused, 4.

Voting yea: Senators Brown, Eide, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 37.

Absent: Senators Bauer, Costa, Finkbeiner, Gardner, Honeyford, Loveland, McDonald and Patterson - 8.

Excused: Senators Benton, Deccio, Horn and Sellar - 4.

MOTION

On motion of Senator Franklin, Senators Bauer, Gardner, Patterson and Thibaudeau were excused.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9197, Michael Spearman, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF MICHAEL SPEARMAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 2; Excused, 9.

Voting yea: Senators Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 38.

Absent: Senators Honeyford and Snyder - 2.

Excused: Senators Bauer, Benton, Deccio, Gardner, Horn, Loveland, Patterson, Sellar and Thibaudeau - 9.

MOTION

On motion of Senator Eide, Senator Snyder was excused.

MOTION

On motion of Senator Hale, Senator Honeyford was excused.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9237, James R. Faulstich, as a member of the Higher Education Coordinating Board, was confirmed.

APPOINTMENT OF JAMES R. FAULSTICH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 40.

Excused: Senators Bauer, Benton, Deccio, Gardner, Honeyford, Horn, Loveland, Sellar and Snyder - 9.

PERSONAL PRIVILEGE

Senator Kohl-Welles: "A point of personal privilege, Mr. President. Yesterday when we had the floor resolution honoring President Jane Jervis from The Evergreen State College, I was actually very dismayed that the remarks were limited. I understood why; I understood the President's Ruling, because it was a resolution honoring President Jervis. However, I thought about it all day and it was very bothersome to me that some members of our body were not allowed to speak. I thought about it very much and this was not in keeping with the tradition of The Evergreen State College and President Jervis herself, who always has been one to stand up for everyone's ability to express her or his opinion. In fact, that dialogue and debate and a free open expression of different viewpoints is what Evergreen is about and what Jane Jervis, herself as an individual, has always stood for. So, I would like to express my regrets that what happened yesterday happened as it did. I value having every Senator's expression of opinions be able to be continued. Thank you."

PERSONAL PRIVILEGE

Senator Hochstatter: "A point of personal privilege, Mr. President. One of the things that I really like about this place and one of the things that really astounded me is to have my opinion changed by things that were said on this floor. I don't think there is a place on earth where we can push and shove at one another on different issues and put together constituencies that are so nebulous and on the very next issue make up a whole different constituency. I think that these kinds of things that we just passed through make us all tougher and more thankful. I am intensely honored to take my part in this body. Thank you very much."

MOTION

On motion of Senator Hochstatter, Senator Oke was excused.

MOTION

On motion of Senator Brown, Gubernatorial Appointment No. 9257, Steve Kolodney, as Director of the Department of Information Services, was confirmed.

APPOINTMENT OF STEVE KOLODNEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41.

Excused: Senators Bauer, Benton, Gardner, Horn, Loveland, Oke, Sellar and Sheldon, B. - 8.

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9266, Ruth M. Mahan, as a member of the Interagency Committee for Outdoor Recreation, was confirmed.

APPOINTMENT OF RUTH M. MAHAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Bauer, Benton, Gardner, Oke and Sellar - 5.

MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9272, Robert D. McVicars, as a member of the Housing Finance Commission, was confirmed.

APPOINTMENT OF ROBERT D. McVICARS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 3; Excused, 4.

Voting yea: Senators Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Absent: Senators McAuliffe, Patterson and Snyder - 3.

Excused: Senators Bauer, Benton, Gardner and Sellar - 4.

MOTION

On motion of Senator Eide, Senator Patterson was excused.

MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9274, Karen Miller, as Chair of the Housing Finance Commission, was confirmed.

Senators Prentice and Long spoke to the confirmation of Karen Miller as Chair of the Housing Finance Commission.

APPOINTMENT OF KAREN MILLER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Benton, Gardner, Patterson and Sellar - 4.

MOTION

On motion of Senator Honeyford, Senator Rossi was excused.

MOTION

On motion of Senator Franklin, Gubernatorial Appointment No. 9298, Marilyn Walton, as a member of the Board of Trustees for Tacoma Community College District No. 22, was confirmed.

APPOINTMENT OF MARILYN WALTON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Benton, Gardner, Patterson, Rossi and Sellar - 5.

MOTION

On motion of Senator Hargrove, Gubernatorial Appointment No. 9303, Vickie L. Wallen, as Director Ombudsman, Office of the Family and Children's Ombudsman, was confirmed.

Senators Hargrove, Long and Zarelli spoke to the confirmation of Vickie L. Wallen as a Director Ombudsman of the Office of the Family and Children's Ombudsman.

APPOINTMENT OF VICKIE L. WALLEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 43.

Absent: Senators Deccio and West - 2.

Excused: Senators Benton, Gardner, Rossi and Sellar - 4.

MOTION

On motion of Senator Goings, the Senate reverted to the fourth order of business.

MOTION

On motion of Senator Honeyford, Senator West was excused.

MOTION

On motion of Senator Eide, Senators Fairley and Loveland were excused.

MESSAGE FROM THE HOUSE

March 7, 2000

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 2353 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Prentice, the Senate receded from its amendment(s) to House Bill No. 2353.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2353, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2353, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 37; Nays, 7; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 37.

Voting nay: Senators Benton, Hargrove, Hochstatter, Long, Snyder, Stevens and Zarelli - 7.

Excused: Senators Fairley, Loveland, Rossi, Sellar and West - 5.

HOUSE BILL NO. 2353, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2000

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2491 and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTIONS

On motion of Senator Costa, the Senate receded from its amendment(s) to Substitute House Bill No 2491.

On motion of Senator Costa, the rules were suspended, Substitute House Bill No. 2491 was returned to second reading and read the second time.

MOTION

Senator Costa moved that the following striking amendment by Senators Costa, Long and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 10.73 RCW to read as follows:

(1) On or before December 31, 2002, a person in this state who has been sentenced to death or life imprisonment without possibility of release or parole and who has been denied postconviction DNA testing may submit a request to the county prosecutor in the county where the conviction was obtained for postconviction DNA testing, if DNA evidence was not admitted because the court ruled DNA testing did not meet acceptable scientific standards or DNA testing technology was not sufficiently developed to test the DNA evidence in the case. On and after January 1, 2003, a person must raise the DNA issues at trial or on appeal.

(2) The prosecutor shall screen the request. The request shall be reviewed based upon the likelihood that the DNA evidence would demonstrate innocence on a more probable than not basis. Upon determining that testing should occur and the evidence still exists, the prosecutor shall request DNA testing by the Washington state patrol crime laboratory. Contact with victims shall be handled through victim/witness divisions.

(3) A person denied a request made pursuant to subsections (1) and (2) of this section has a right to appeal his or her request within thirty days of denial of the request by the prosecutor. The appeal shall be to the attorney general's office. If the attorney general's office determines that it is likely that the DNA testing would demonstrate innocence on a more probable than not basis, then the attorney general's office shall request DNA testing by the Washington state patrol crime laboratory.

NEW SECTION. **Sec. 2.** By December 1, 2001, the office of public defense shall prepare a report detailing the following: (1) The number of postconviction DNA test requests approved by the respective prosecutor; (2) the number of postconviction DNA test requests denied by the respective prosecutor and a summary of the basis for the denials; (3) the number of appeals for postconviction DNA testing approved by the attorney general's office; (4) the number of appeals for postconviction DNA testing denied by the attorney general's office and a summary of the basis for the denials; and (5) a summary of the results of the postconviction DNA tests conducted pursuant to section 1 (2) and (3) of this act. The report shall also provide an estimate of the number of persons convicted of crimes where DNA evidence was not admitted because the court ruled DNA testing did not meet acceptable scientific standards or where DNA testing technology was not sufficiently developed to test the DNA evidence in the case.

Sec. 3. RCW 10.37.050 and 1891 c 28 s 29 are each amended to read as follows:

The indictment or information is sufficient if it can be understood therefrom--

(1) That it is entitled in a court having authority to receive ((~~[it.]~~)) it;

(2) That it was found by a grand jury or prosecuting attorney of the county in which the court was held;

(3) That the defendant is named, or if his name cannot be discovered, that he is described by a fictitious name or by reference to a unique genetic sequence of deoxyribonucleic acid, with the statement that his real name is ((~~to the jury~~)) unknown;

(4) That the crime was committed within the jurisdiction of the court, except where, as provided by law, the act, though done without the county in which the court is held, is triable therein;

(5) That the crime was committed at some time previous to the finding of the indictment or filing of the information, and within the time limited by law for the commencement of an action therefor;

(6) That the act or omission charged as the crime is clearly and distinctly set forth in ordinary and concise language, without repetition, and in such a manner as to enable a person of common understanding to know what is intended;

(7) The act or omission charged as the crime is stated with such a degree of certainty as to enable the court to pronounce judgment upon a conviction according to the right of the case.

NEW SECTION. **Sec. 4.** Nothing in this act is intended to create a legal right or cause of action. Nothing in this act is intended to deny or alter any existing legal right or cause of action. Nothing in this act should be interpreted to deny postconviction DNA testing requests under existing law by convicted and incarcerated persons who were sentenced to confinement for a term less than life or the death penalty."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Costa, Long and Hargrove, to Substitute House Bill No. 2491, under suspension of the rules.

The motion by Senator Costa carried and the striking amendment, under suspension of the rules, was adopted.

MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 1 of the title, after "evidence;" strike the remainder of the title and insert "amending RCW 10.37.050; adding a new section to chapter 10.73 RCW; and creating new sections."

On motion of Senator Costa, the rules were suspended, Substitute House Bill No. 2491, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2491, as amended by the Senate under suspension of the rules..

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2491, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Finkbeiner - 1.

Excused: Senators Brown, Fairley, Rossi and Sellar - 4.

SUBSTITUTE HOUSE BILL NO. 2491, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2000

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2392 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTIONS

On motion of Senator Patterson, the Senate receded from its amendment(s) to Substitute House Bill No 2392.

On motion of Senator Patterson, the rules were suspended and Substitute House Bill No. 2392 was returned to second reading and read the second time.

MOTION

Senator Patterson moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that while government services are provided to the citizens of the state of Washington through many mechanisms, the most prevalent delivery of services occurs through city, county, or state government

actions. Increased demand for these services and limited revenue to meet those services have led to unproductive competition between cities, counties, and the state for the revenue that is collected and shared between cities, counties, and the state.

Therefore, the legislature finds that there is a need to evaluate the delivery of government services, the allotment of revenues, and the collection and distribution of various fines and forfeitures through the establishment of a joint task force on local governments.

The legislature further finds that rules adopted by state agencies cause local governments to allocate funds to meet those rules that are not fully funded at the state level.

The legislature further finds that the state must recognize the costs to local governments of rules adopted by state agencies and mitigate the financial impacts of those rules for a significant period to allow local governments to develop strategies to comply with the requirements of Initiative Measure No. 695.

NEW SECTION. **Sec. 2.** (1) The joint task force on local governments is created, to consist of seventeen members including:

(a) The following four members of the house of representatives or their designees: (i) The chair and ranking minority member or the cochairs of the committee on appropriations; and (ii) the chair and ranking minority member or the cochairs of the committee on local government;

(b) The following four members of the senate or their designees: (i) The chair and the ranking minority member of the committee on ways and means; and (ii) the chair and ranking minority member of the committee on state and local government;

(c) One member from the office of the governor;

(d) Four members from the association of Washington cities;

(e) Two members from the Washington state association of counties; and

(f) Two members from the Washington association of county officials.

(2) The nonlegislative members of the task force shall serve without compensation, but will be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members of the task force will be reimbursed for travel expenses as provided in RCW
44.04.120. The staff of senate committee services and the office of program research of the house of representatives shall provide support to the task force.

(3) The task force must be cochaired by one senator, chosen by the task force, and one state representative, chosen by the task force, from opposite political parties. The cochairs shall appoint experts and advisors as nonvoting members of the task force to provide information on various subjects, including but not limited to special purpose districts and public employee unions. The task force shall establish rules of procedure at its first meeting.

NEW SECTION. **Sec. 3.** The joint task force on local governments shall:

(1) Complete a thorough study of the delivery of government services, allotment of revenues, and collection and distribution of various fines and forfeitures; and

(2) Commence the study by July 1, 2000, present an interim report of its findings and any recommendations to the legislature by January 30, 2001, and present a final report, including proposed legislation, addressing its recommendations to the legislature by January 1, 2002.

NEW SECTION. **Sec. 4.** This act expires March 30, 2002."

Debate ensued.

The President declared the question before the Senate to the adoption of the striking amendment by Senator Patterson to Substitute House Bill No. 2392, under suspension of the rules.

The motion by Senator Patterson carried and the striking amendment, under suspension of the rules, was adopted.

MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

On motion of Senator Patterson, Substitute House Bill No. 2392, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2392, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2392, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Brown, Fairley, Rossi and Sellar - 4.

SUBSTITUTE HOUSE BILL NO. 2392, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:25 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 1:22 p.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Deccio, Gubernatorial Appointment No. 9199, Cecilia Vogt, as a member of the Parks and Recreation Commission, was confirmed.

APPOINTMENT OF CECILIA VOGT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 7; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 41.

Absent: Senators Hargrove, Haugen, Heavey, McAuliffe, Prentice, Sheldon, B. and Thibaudeau - 7.

Excused: Senator Sellar - 1.

MOTION

On motion of Senator Franklin, Senators Prentice, Betti Sheldon and Spanel were excused.

MOTION

On motion of Senator Brown, Gubernatorial Appointment No. 9318, Mark Mays, as a member of the Board of Trustees for Eastern Washington University, was confirmed.

APPOINTMENT OF MARK MAYS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Prentice, Sellar, Sheldon, B. and Spanel - 4.

MOTION

On motion of Senator Jacobsen, Gubernatorial Appointment No. 9208, Eliot Scull, as a member of the Parks and Recreation Commission, was confirmed.

APPOINTMENT OF ELIOT SCULL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Hargrove - 1.

Excused: Senators Prentice, Sellar, Sheldon, B. and Spanel - 4.

MOTION

On motion of Senator Eide, Senator Hargrove was excused.

MOTION

On motion of Senator Jacobsen, Gubernatorial Appointment No. 9211, Gregory Costello, as a member of the Forest Practices Appeals Board, was confirmed.

APPOINTMENT OF GREGORY COSTELLO

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Hargrove, Prentice, Sellar, Sheldon, B. and Spanel - 5.

MOTION

On motion of Senator Franklin, Gubernatorial Appointment No. 9321, Lawrence Kenney, as a member of the Board of Directors for the Washington Public Power Supply System, was confirmed.

APPOINTMENT OF LAWRENCE KENNEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4. Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-

Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Prentice, Sellar, Sheldon, B. and Spanel - 4.

MOTION

On motion of Senator Brown, Gubernatorial Appointment No. 9323, Margaret Allen, as a member of the Board of Directors for the Washington Public Power Supply System, was confirmed.

APPOINTMENT OF MARGARET ALLEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Prentice, Sellar and Spanel - 3.

MOTION

On motion of Senator Goings, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

March 2, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6675 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature makes the following findings:

(1) Access to telecommunications facilities and services is essential to the economic well-being of both rural and urban areas.

(2) Many persons and entities, particularly in rural areas, do not have adequate access to telecommunications facilities and services.

(3) Public utility districts and rural port districts may be well-positioned to construct and operate telecommunications facilities.

NEW SECTION. **Sec. 2.** A new section is added to chapter 54.16 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the Washington utilities and transportation commission.

(2) "Telecommunications" has the same meaning as that contained in RCW 80.04.010.

(3) "Telecommunications facilities" means lines, conduits, ducts, poles, wires, cables, crossarms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property, and routes used, operated, owned, or controlled by any entity to facilitate the provision of telecommunications services.

(4) "Wholesale telecommunications services" means the provision of telecommunications services or facilities for resale by an entity authorized to provide telecommunications services to the general public and internet service providers.

NEW SECTION. **Sec. 3.** A new section is added to chapter 54.16 RCW to read as follows:

(1) A public utility district in existence on the effective date of this act may construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits for the following purposes:

(a) For the district's internal telecommunications needs; and

(b) For the provision of wholesale telecommunications services within the district and by contract with another public utility district.

Nothing in this subsection shall be construed to authorize public utility districts to provide telecommunications services to end users.

(2) A public utility district providing wholesale telecommunications services shall ensure that rates, terms, and conditions for such services are not unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a public utility district offering rates, terms, and conditions to an entity for wholesale telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) When a public utility district establishes a separate utility function for the provision of wholesale telecommunications services, it shall account for any and all revenues and expenditures related to its wholesale telecommunications facilities and services separately from revenues and expenditures related to its internal telecommunications operations. Any revenues received from the provision of wholesale telecommunications services must be dedicated to the utility function that includes the provision of wholesale telecommunications services for costs incurred to build and maintain the telecommunications facilities until such time as any bonds or other financing instruments executed after the effective date of this act and used to finance the telecommunications facilities are discharged or retired.

(4) When a public utility district establishes a separate utility function for the provision of wholesale telecommunications services, all telecommunications services rendered by the separate function to the district for the district's internal telecommunications needs shall be charged at its true and full value. A public utility district may not charge its nontelecommunications operations rates that are preferential or discriminatory compared to those it charges entities purchasing wholesale telecommunications services.

(5) A public utility district shall not exercise powers of eminent domain to acquire telecommunications facilities or contractual rights held by any other person or entity to telecommunications facilities.

(6) Except as otherwise specifically provided, a public utility district may exercise any of the powers granted to it under this title and other applicable laws in carrying out the powers authorized under this section. Nothing in this act limits any existing authority of a public utility district under this title.

NEW SECTION. **Sec. 4.** A new section is added to chapter 54.16 RCW to read as follows:

(1) Prior to financing or constructing telecommunications facilities for the provision of wholesale telecommunications services, a public utility district shall:

(a) Develop a written implementation plan stating the district's intent to provide wholesale telecommunications services which must include:

(i) A general description of how the district intends to engage in the provision of wholesale telecommunications services under section 3 of this act; and

(ii) A discussion of how the public interest shall be served by the provision of wholesale telecommunications services; and

(b) Present the implementation plan to the district's commission, and make the plan available to the general public. The commission shall conduct at least three public hearings throughout the district to take public comment on the implementation plan. At least two weeks prior to each public hearing, a notice that includes a general description of the implementation plan and the date and place of hearing shall be published in a newspaper of general circulation in the county in which the district is located.

(2) After the public hearings, the commission may adopt, alter, or reject the implementation plan by resolution. Within ninety days after the adoption of such resolution, a petition signed by at least ten percent of the registered voters in the district may be submitted to the commission requiring the subject of the resolution be put to a vote of the people in the district.

(3) If a petition meets the requirements of subsection (2) of this section, the commission shall submit the resolution to the legislative authority of the county in which the district is located. Upon receipt of the resolution, the legislative authority shall submit a proposal to the voters of the district at the next general election regarding the question of providing wholesale telecommunications services in the district in substantially the following terms:

Shall Public Utility District No. . . . . of . . . . . County be authorized to provide wholesale telecommunications services within the boundaries of the district?

Yes . . .

No . . .

Within ten days after such an election, the election board of the county shall canvass the returns, and if at such an election a majority of voters voting on the proposition shall vote in favor of such authority, the district shall have the authority to provide wholesale telecommunications services.

(4) A public utility district providing wholesale telecommunications services shall submit a report to the appropriate committees of the legislature by December 1st of the second year of each biennium. The report must include, at a minimum, a description of the following activities:

(a) All activities relating to the construction, acquisition, operation, marketing, and leasing of telecommunications facilities and wholesale telecommunications services; and

(b) The number of new locations connected to the telecommunications facilities resulting from the provision of wholesale telecommunications services to enhanced service providers and entities authorized to provide telecommunications services to the general public.

NEW SECTION. **Sec. 5.** A new section is added to chapter 54.16 RCW to read as follows:

(1) A person or entity that has requested wholesale telecommunications services from a public utility district providing wholesale telecommunications services under this chapter may petition the commission under the procedures set forth in RCW 80.04.110 (1) through (3) if it believes the district's rates, terms, and conditions are unduly or unreasonably discriminatory or preferential. The person or entity shall provide the public utility district notice of its intent to petition the commission and an opportunity to review within thirty days the rates, terms, and conditions as applied to it prior to submitting its petition. In determining whether a district is providing discriminatory or preferential rates, terms, and conditions, the commission may consider such matters as service quality, cost of service, technical feasibility of connection points on the district's facilities, time of response to service requests, system capacity, and other matters reasonably related to the provision of wholesale telecommunications services. If the commission, after notice and hearing, determines that a public utility district's rates, terms, and conditions are unduly or unreasonably discriminatory or preferential, it shall issue a final order finding noncompliance with this section and setting forth the specific areas of apparent noncompliance. An order imposed under this section shall be enforceable in any court of competent jurisdiction.

(2) The commission may order a public utility district to pay a share of the costs incurred by the commission in connection with adjudicating or enforcing the provisions of this section.

(3) Without limiting other remedies at law or equity, the commission and prevailing party may also seek injunctive relief to compel compliance with an order.

(4) Nothing in this section shall be construed to affect the commission's authority and jurisdiction with respect to actions, proceedings, or orders permitted or contemplated for a state commission under the federal telecommunications act of 1996, P.L. 104-104 (110 Stat. 56).

NEW SECTION. **Sec. 6.** A new section is added to chapter 53.08 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the Washington utilities and transportation commission.

(2) "Rural port district" means a port district formed under chapter 53.04 RCW and located in a county with an average population density of fewer than one hundred persons per square mile.

(3) "Telecommunications" has the same meaning as contained in RCW 80.04.010.

(4) "Telecommunications facilities" means lines, conduits, ducts, poles, wires, cables, crossarms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property, and routes used, operated, owned, or controlled by any entity to facilitate the provision of telecommunications services.

(5) "Wholesale telecommunications services" means the provision of telecommunications services or facilities for resale by an entity authorized to provide telecommunications services to the general public and internet service providers.

NEW SECTION. **Sec. 7.** A new section is added to chapter 53.08 RCW to read as follows:

(1) A rural port district in existence on the effective date of this act may construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits for the following purposes:

(a) For the district's own use; and

(b) For the provision of wholesale telecommunications services within the district's limits. Nothing in this subsection shall be construed to authorize rural port districts to provide telecommunications services to end users.

(2) A rural port district providing wholesale telecommunications services under this section shall ensure that rates, terms, and conditions for such services are not unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a rural port district offering such rates, terms, and conditions to an entity for wholesale telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) When a rural port district establishes a separate utility function for the provision of wholesale telecommunications services, it shall account for any and all revenues and expenditures related to its wholesale telecommunications facilities and services separately from revenues and expenditures related to its internal telecommunications operations. Any revenues received from the provision of wholesale telecommunications services must be dedicated to the utility function that includes the provision of

wholesale telecommunications services for costs incurred to build and maintain the telecommunications facilities until such time as any bonds or other financing instruments executed after the effective date of this act and used to finance the telecommunications facilities are discharged or retired.

(4) When a rural port district establishes a separate utility function for the provision of wholesale telecommunications services, all telecommunications services rendered by the separate function to the district for the district's internal telecommunications needs shall be charged at its true and full value. A rural port district may not charge its nontelecommunications operations rates that are preferential or discriminatory compared to those it charges entities purchasing wholesale telecommunications services.

(5) A rural port district shall not exercise powers of eminent domain to acquire telecommunications facilities or contractual rights held by any other person or entity to telecommunications facilities.

(6) Except as otherwise specifically provided, a rural port district may exercise any of the powers granted to it under this title and other applicable laws in carrying out the powers authorized under this section. Nothing in this act limits any existing authority of a rural port district under this title.

NEW SECTION. **Sec. 8.** A new section is added to chapter 53.08 RCW to read as follows:

(1) Prior to financing or constructing telecommunications facilities for the provision of wholesale telecommunications services, a rural port district shall:

(a) Develop a written implementation plan stating the district's intent to provide wholesale telecommunications services which must include:

(i) A general description of how the district intends to engage in the provision of wholesale telecommunications services under section 7 of this act; and

(ii) A discussion of how the public interest shall be served by the provision of wholesale telecommunications services; and

(b) Present the implementation plan to the district's commission, and make the plan available to the general public. The commission shall conduct at least three public hearings throughout the district to take public comment on the implementation plan. At least two weeks prior to each public hearing, a notice that includes a general description of the implementation plan and the date and place of hearing shall be published in a newspaper of general circulation in the county in which the district is located.

(2) After the public hearings, the commission may adopt, alter, or reject the implementation plan by resolution. Within ninety days after adoption of such resolution, a petition signed by at least ten percent of the registered voters in the district may be submitted to the commission requiring the subject of the resolution be put to a vote of the people in the district.

(3) If a petition meets the requirements of subsection (2) of this section, the commission shall submit the resolution to the legislative authority of the county in which the district is located. Upon receipt of the resolution, the legislative authority shall submit a proposal to the voters of the district at the next general election regarding the question of providing wholesale telecommunications services in the district in substantially the following terms:

Shall Port District No. . . . . of . . . . . County be authorized to provide wholesale telecommunications services within the boundaries of the district?

Yes . . .

No . . .

Within ten days after such an election, the election board of the county shall canvass the returns, and if at such an election a majority of voters voting on the proposition shall vote in favor of such authority, the district shall have the authority to provide wholesale telecommunications services.

(4) A rural port district providing wholesale telecommunications services shall submit a report to the appropriate committees of the legislature by December 1st of the second year of each biennium. The report must include, at a minimum, a description of the following activities:

(a) All activities relating to the construction, acquisition, operation, marketing, and leasing of telecommunications facilities and wholesale telecommunications services; and

(b) The number of new locations connected to the telecommunications facilities resulting from the provision of wholesale telecommunications services to enhanced service providers and entities authorized to provide telecommunications services to the general public.

NEW SECTION. **Sec. 9.** A new section is added to chapter 53.08 RCW to read as follows:

(1) A person or entity that has requested wholesale telecommunications services from a rural port district may petition the commission under the procedures set forth in RCW 80.04.110 (1) through (3) if it believes the district's rates, terms, and conditions are unduly or unreasonably discriminatory or preferential. The person or entity shall provide the district notice of its intent to petition the commission and an opportunity to review within thirty days the rates, terms, and conditions as applied to it prior to submitting its petition. In determining whether a district is providing discriminatory or preferential rates, terms, and

conditions, the commission may consider such matters as service quality, technical feasibility of connection points on the district's telecommunications facilities, time of response to service requests, system capacity, and other matters reasonably related to the provision of wholesale telecommunications services. If the commission, after notice and hearing, determines that a rural port district's rates, terms, and conditions are unduly or unreasonably discriminatory or preferential, it shall issue a final order finding noncompliance with this section and setting forth the specific areas of apparent noncompliance. An order imposed under this section shall be enforceable in any court of competent jurisdiction.

(2) The commission may order a rural port district to pay a share of the costs incurred by the commission in adjudicating or enforcing this section.

(3) Without limiting other remedies at law or equity, the commission and prevailing party may also seek injunctive relief to compel compliance with an order.

(4) Nothing in this section shall be construed to affect the commission's authority and jurisdiction with respect to actions, proceedings, or orders permitted or contemplated for a state commission under the federal telecommunications act of 1996, P.L. 104-104 (110 Stat. 56).

NEW SECTION. **Sec. 10.** A new section is added to chapter 80.01 RCW to read as follows:

The commission is authorized to perform the duties required by sections 5 and 9 of this act."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Brown moved that the Senate concur in the House amendment to Substitute Senate Bill No. 6675.

POINT OF INQUIRY

Senator Long: "Senator Brown, I see that the House amendment says, 'Clarification is added that the injunctive relief available through the WUTC remedial procedures are not exclusive remedies.' What does that mean?"

Senator Brown: "Thank you, Senator. That is a good question. Included in this bill is a limited amount of authority for the WUTC. If there is some concern about rates being charged that are preferential or discriminatory, an individual having that complaint must first go to their PUD Commission with the complaint. The complaint cannot be resolved at that level. They are allowed to take the complaint further to the WUTC."

Senator Long: "Thank you, Senator Brown."

Further debate ensued.

POINT OF INQUIRY

Senator Snyder: "Senator Brown, Public Utility Districts have historically used telecommunications as part of operating their electrical, water and sewer utilities, and for some time have made excess capacity in and on their facilities available to others for telecommunications purposes. Many PUDs have existing telecommunications projects which they undertook pursuant to authorities recognized at the time these activities were undertaken. Does this bill affect their authority to continue these projects?"

Senator Brown: "Thank you, Senator Snyder. No, this bill intends to preserve the existing authority of PUDs and ports, which is defined both in current statutes and through a long history of interpretive court decisions. Current law makes very clear that PUDs' authorities are to be construed broadly. The bill does not limit any current authorities, but clarifies new ones with regard to new wholesale telecommunications services.

"Neither the procedural requirements nor operational parameters nor UTC oversight in this bill are intended to apply to telecommunications or other services provided pursuant to any existing authority. For

example, the authority for the NOA Net project is not dependent on this legislation. Rather, this bill applies only to new wholesale telecommunications services that a PUD or rural port district may provide after the effective date of the act."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Brown to concur in the House amendment to Substitute Senate Bill No. 6675.

The motion by Senator Brown carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 6675. The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6675, as amended by the House

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6675, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Voting nay: Senator Long - 1.

Excused: Senators Prentice and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 6675, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced PUD Commissioners from around the state visiting the state capital today. The guests were seated in the gallery.

MOTION

On motion of Senator Betti Sheldon, Senator Loveland was excused.

MOTION

On motion of Senator Goings, the Senate advanced to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Jacobsen, Gubernatorial Appointment No. 9278, Robert L. Parlette, as a member of the Interagency Committee for Outdoor Recreation, was confirmed.

APPOINTMENT OF ROBERT L. PARLETTE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3. Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senators Kline and Snyder - 2.

Excused: Senators Loveland, Prentice and Sellar - 3.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9212, Jay Reich, as a member of the Board of Trustees for Central Washington University, was confirmed.

APPOINTMENT OF JAY REICH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Kline and Sellar - 2.

MOTION

On motion of Senator Goings, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

March 8, 2000

SB 5802 Prime Sponsor, Senator Fairley: Regulating telecommunications contractors and installations. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5802 be substituted therefor and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 2000

SHB 2460 Prime Sponsor, House Committee on Economic Development, Housing and Trade: Addressing economic revitalization. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Spanel, Thibaudeau, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 2000

SHB 2850 Prime Sponsor, House Committee on Finance: Modifying the tax treatment of line and uniform supply services. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Spanel, Thibaudeau, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

MOTION

At 2:17 p.m., on motion of Senator Goings, the Senate was declared to be at ease.

The Senate was called to order at 2:27 p.m. by President Owen.

MOTION

On motion of Senator Goings, the Senate advanced to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9213, Reverend Stephen V. Sundborg, as a member of the Higher Education Facilities Authority, was confirmed.

Senators Kohl-Welles and Deccio spoke to the confirmation of Reverend Stephen V. Sundborg as a member of the Higher Education Facilities Authority.

APPOINTMENT OF REVEREND STEPHEN V. SUNDBORG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senators Finkbeiner and Stevens - 2.

Excused: Senator Sellar - 1.

MOTION

On motion of Senator Costa, Gubernatorial Appointment No. 9218, Bob Bavasi, as a member of the State Board for Community and Technical Colleges, was confirmed.

Senators Costa and Shin spoke to the confirmation of Bob Bavasi as a member of the State Board for Community and Technical Colleges.

APPOINTMENT OF BOB BAVASI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senators Finkbeiner, Hargrove and McAuliffe - 3.

Excused: Senator Sellar - 1.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

APPOINTMENT OF COMMITTEE

The President appointed a Committee of Honor composed of Senators Snyder and West to escort Senator Lorraine Wojahn to the rostrum.

MOTION

On motion of Senator Snyder, the following resolution was adopted:

SENATE RESOLUTION 2000-8766

By Senators Snyder, Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli

WHEREAS, Lorraine Wojahn has served the Twenty-seventh District faithfully and well for thirty-two years by providing a strong voice in the Legislature for her constituents; and

WHEREAS, Lorraine Wojahn often spoke loudest for those least able to speak for themselves, especially the poor, the troubled and the disabled; and

WHEREAS, Her vigorous advocacy in behalf of these groups before her colleagues in the Legislature was a hallmark of her long career in public service; and

WHEREAS, Senator Wojahn was relentless in her support of issues affecting the lives of women; and

WHEREAS, Senator Wojahn was instrumental in the passage of the Equal Rights Amendment, as well as bills that allow women to obtain credit on their own and give displaced homemakers and their children a chance to start a new life; and

WHEREAS, The tragedy of domestic violence was a continuing and abiding concern of Senator Wojahn; and

WHEREAS, Senator Wojahn championed efforts to curb domestic violence as a member of the Pierce County Commission Against Domestic Violence and was honored by the commission in 1999, with special recognition for her dedication and courage; and

WHEREAS, Lorraine Wojahn was a pioneer in many ways during her distinguished career in the Legislature, being, among other things, the first woman and non-attorney appointed to the Washington State Judicial Council; and

WHEREAS, Her attention to budget matters has proved beneficial to the City of Tacoma and residents of the Twenty-seventh District, making it a better place to live and work thanks to the state's financial support of The Pantages Center for the Performing Arts, the Washington State History Museum and the University of Washington Branch Campus in Tacoma; and

WHEREAS, Lorraine Wojahn was vigilant in her efforts to protect public health, as evidenced by her sponsorship of the bill that created the Department of Health and her unflagging determination to raise public awareness to the preventable health threats posed by osteoporosis and fetal alcohol syndrome, as well as her efforts to highlight the need for childhood immunizations and mental health parity; and

WHEREAS, During her tenure as President Pro Tempore, Lorraine Wojahn became the first woman Senator to preside during sine die; and

WHEREAS, Her cat-like reflexes while presiding at the rostrum earned her the title of "Fastest Gavel in the West" among her colleagues; and

WHEREAS, Her longtime friend and former Senate colleague Ray Moore summed it up best, when, in his Oral History Moore stated, "There can never be too many Wojahns in any legislative body;" and

WHEREAS, It was Senator Moore who admiringly bestowed on Lorraine Wojahn the nickname for which she will best be remembered, "The Norse Goddess of Terror";

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington congratulate Lorraine Wojahn on a job well and faithfully done and wish her the best for the remainder of her term in the Senate and in her well deserved retirement; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Senator Lorraine Wojahn; her son, Mark Wojahn; her daughter-in-law, Sandra Wojahn; and her two grandsons, Rian and Grant Wojahn.

Senators Snyder, Deccio, Thibaudeau, Hargrove, Long, McDonald, McAuliffe, Winsley, Kohl-Welles, Prentice, Hochstatter, Franklin, Jacobsen, Hale, Oke, Rasmussen, Heavey, and Bauer spoke to Senate Resolution 2000-8766.

REMARKS BY GOVERNOR GARY LOCKE

Governor Locke: "Thank you, Mr. President, and members of the Senate. It is really an honor to be here. It is really an honor to pay tribute to Senator Wojahn, who has served thirty-two years in this great institution on behalf of the people of the state of Washington. I don't think any of us can ever claim that we could have had such an impact on the people of the state of Washington.

"As I heard the resolution and all the issues that you have worked on, a lot of those things are accepted as common-place now in our state of Washington. Yet, they were quite a struggle to even have them considered years and years ago.

"For any of us to have served that many years--for any of us to have actually touched as many people as you have, would be quite a legacy in and of itself. Just think, Senator Wojahn, you have made it possible for countless of thousands of women, the disabled, the sick, the poor, to reach higher limits which never could have been possible without your work. If any of us could even come close--not even to being one quarter of the woman you are, but even one-tenth of the person that you have been--one-tenth of the accomplishments that you have made, we would all be so very proud.

"On behalf of the great state of Washington, we just thank you for your dedicated service and we know that you will continue to be a trail blazer. We are blessed by your efforts and look forward to your continuing efforts. Thank you very much."

REMARKS BY SENATOR WOJAHN

Senator Wojahn: "You may wish that I am what Senator Snyder called the--the bulldog with lockjaw, because I couldn't talk that long.

I want to reminisce with you for a few minutes here and to lay out some hall marks in the legislative history in which I have either been a part or helped to pass. The first one done was in 1970, my second year here, which was the bacon bill. That was the bill that the meat packers reverse the bacon in the package, so that the people could see the lean content rather than all the fat. Everybody laughed at that bill. I put it in 1969, my first year here, and I didn't get it. I went back the next year and we got it and we changed federal law with that bill.

"I had been back to Washington D.C., when I worked for the State AFL/CIO, lobbying for the Wholesome Meat Act and I knew that the Wholesome Meat Act said that there should be no mislabeling of packages, but it was not being enforced. That bill was a little tiny bill--about a one-half pager--and it changed federal law throughout the nation--good.

"Don Moos, who was the Secretary of Agriculture, came to me when we started session--we gave them a year to do it, that was in 1971 that it was supposed to be in effect. He came to me and said, 'Would you mind extending that time a little bit by law?' He said that there were only two meat packers in the country and they can't keep up with this demand. So, yes, we did that.

"The next year it was the Equal Rights Amendment to the State's Constitution, which we did pass and our Attorney General's aide had to change one hundred thirty-two codes all at once. That was done in the next session. She almost had a nervous breakdown and she didn't think--she worked and worked and didn't get through until it was on the ballot and it didn't look like it would pass, so she had relaxed because she didn't think she was going to have to continue to work on this. Low and behold, the absentee ballots from Fort Lawton in Seattle, which was a military base, passed the Equal Rights Amendment. It was a Seattle group at Fort Lawton, of all places. So,

it did pass and she didn't have a nervous breakdown but we did get one hundred thirty-two changes to the state code at that point.

"The next one was the ERA, the federal, which we were one of the last states to ratify. It only had thirty-five states that had never been ratified. I remember it passing here and passing by a two-thirds vote in both houses of the Legislature.

"Then, the next one in 1974 came in sex in Education. That is when we tied into Title Nine, the federal act, to suggest that academic and sports should open to women, also. That is what the University has been doing the last twenty years adding fields for women.

"Next was the extension of credit to women. Before that, a woman could not get--didn't have to be notified if her husband encumbered the estate. He could charge anything or buy anything without her knowledge and he also owned all of her personal property that was acquired after the wedding. So, that got changed really fast.

"Anyway, I hope I have opened the doors and I want to thank you for this wonderful, wonderful occasion. I will treasure this all of my life and I am sure I have a few more years left. As Pat suggested, I may be down lobbying for my one percent for health."

The Committee of Honor escorted Senator Wojahn to her seat in the Senate Chamber.

The President requested the Committee of Honor composed of Senators Snyder and West to escort Senator Al Bauer to the rostrum.

MOTION

On motion of Senator Snyder, the following resolution was adopted:

SENATE RESOLUTION 2000-8763

By Senators Snyder, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, and Zarelli

WHEREAS, At the end of the 2000 Legislative Session, the Washington State Senate will bid farewell to a respected colleague and dear friend; and

WHEREAS, Senator Al Bauer will retire from this body marking a near-thirty-year career of dedicated elected public service, having served in the Legislature since 1971; and

WHEREAS, In those three decades, Al Bauer has been the Legislature's most tireless advocate and leader on behalf of public education; and

WHEREAS, His belief in its importance began as a child, as the son of German immigrants who instilled in Al a fierce pride and a deep commitment to education; and

WHEREAS, After dropping out of high school to serve his country in the Navy, he returned from the service after six years to receive his high school diploma, go on to college, and eventually begin his long career as a public school teacher in La Center and Vancouver; and

WHEREAS, Behind nearly every major piece of legislation that has shaped our system of public education in the last thirty years was Al Bauer. No governor, superintendent of public instruction or legislator has had more influence on the state's "paramount duty"; and

WHEREAS, Parents, teachers, and students alike can thank him for leading the charge on key education issues and programs such as: the Learning Assistance Program, smaller class sizes in the early grades, increasing parental involvement, bringing technology to smaller, rural communities, and defining basic education -- to name just a few; and

WHEREAS, His constituents in Clark County will be forever grateful for the work he has done to bring the Washington State University branch campus, attract new high-tech industries that pay good wages, and advocate tax benefits important to residents of the border county; and

WHEREAS, Bauer Hall, dedicated in 1988 at Clark College, will forever stand as a tribute to the good Senator from first the Seventeenth and then the Forty-ninth Legislative Districts; and

WHEREAS, The members of the Senate know that when Al Bauer sets his mind to something or as Al Bauer would say, "when he puts his pick in the ground," you had better get out of the way, for he is determined, committed, single-minded, and, more often than not, right; and

WHEREAS, Never known to have burned a bridge, Al Bauer has built his credibility and reputation as a gentleman by his true belief in cooperation and his willingness to step across the aisle to get things done; and

WHEREAS, He reminds us all why we're here in the first place: not to win, but to do good; not to gloat over victories, but to share the credit; and

WHEREAS, His humility, loyalty, integrity, and knowledge of this institution are qualities that will be truly missed upon his retirement; and

WHEREAS, We thank Al Bauer's wife of forty-seven years, Pat, and their three children, Sue, Jim and Nancy for sharing their husband and father for the past thirty years with the Washington State Legislature.

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate do hereby recognize and honor the extraordinary public service career of Senator Al Bauer, thank him on behalf of the nearly one million students in our public schools whom he has helped, and wish him the very best in his retirement; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to Senator Al Bauer, a good friend and an outstanding legislator.

Senators Snyder, McCaslin, Deccio, Kohl-Welles, Hargrove and Oke spoke to Senate Resolution 2000-8763.

REMARKS BY GOVERNOR GARY LOCKE

Governor Locke: "Thank you, Mr. President and members of the Senate. It is an equal pleasure to be here to hear the great remarks and the tributes paid to Senator Al Bauer. I think that both Senator Wojahn and Senator Bauer have engendered so many great friends all through the years and that is why we see so many former members of the State Senate here--Senator George Fleming, Senator Rick Bender, Senator Marc Gaspard and a former member of the House of Representatives from the Vancouver area, Denny Heck, now head of TVW.

"Senator Wojahn has had a great influence on so many people throughout our state, so has Senator Bauer. In the resolution that was read, it mentioned the million children, who are in our public schools today. When you think about the fact that Senator Bauer has worked on education for some thirty years, the number of school age children may not have been a million children strong thirty years ago, but it must be fairly close, because of the kids of the baby-boomers--in fact, just the baby-boomers generation itself. Think of it Senator Bauer, your policies in terms of education, in terms of the Learning Assistance Program, reducing class sizes, emphasis on reading, scholarship programs. You really touched close to thirty million--thirty million--residents--school aged children in the state of Washington. How many of us will ever have that legacy that we can point to--thirty million kids?

"I think, as Senator Oke indicated, you have a strong affection, an allegiance to the military of our great state, of our great country. You interrupted your high school career to join the military; then you pursued your education upon your returning from the military. I think that is why you have embraced so many policies that are akin to our version of the GI Bill, always trying to make sure that people can go back to school and finish their education--go on to college. You have first hand knowledge of the benefits of that education and what it does for our society. You just have done so much in a gentlemanly way, in such a soft-spoken way, and for that I appreciate it as a former member of the Legislature and as Governor and as a parent now.

"I thank you for what you have established in making education a paramount duty of our state. So much of what I am doing now is just trying to build on the foundation that you have established and to continue that legacy that you set forth in motion. Thank you in behalf of all the children and now the adults of our great state of Washington. Thank you very much."

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Senators Rossi, McAuliffe, Shin, Hochstatter, Heavey, Winsley, Haugen, Benton, Franklin, Wojahn and Thibaudeau continued to speak to Senate Resolution 2000-8763.

REMARKS BY SENATOR BAUER

Senator Al Bauer: "Thank you. I wonder if I could have an amendment to the resolution. My wife tells me that we have been married forty-seven years instead of forty-six. Thank you Mr. President, Governor, Senators, friends, citizens, family for the opportunity you gave me to serve you here in Olympia for thirty years. I would never have time here this evening, and you wouldn't allow me, to express all the gratitude I have for staff, for the House of Representatives, the Governor's office--all the people that we work with, including all those citizens that come here everyday to make the pitch that assist us in doing the right thing for them.

"Special thanks to my family, my wife. For thirty years--I didn't realize it until just recently that I had been gone thirty years--almost a half a year for all those thirty years away from home. In addition to that, at one time we had a little cattle ranch over in Eastern Washington, and when I left here, I would saddle up and go over there and spend all summer over there, while my family was in Vancouver. In October, we would move the cattle back to Pasco and then I would come home for a few months and then come back up here. It has been difficult for them and I apologize that I didn't take my daughters and my son and grandchildren to the mountains to ski, the ocean to dig clams, because I always had some other kind of priority. If it wasn't working on the farm, it was to get back here.

"When I say special thanks to the citizens of the state of Washington, you know they elected everyone of you. Your constituents decided you were the best person for this job. No matter what your politics are and how serious you are about that, and how you conduct yourself those citizens said, 'you are the best; we want you down there representing us.' Really, I think sometimes I feel guilty that I have not respected that other view as much as I should. Not that I had to agree with that view, but to respect that person that has been projecting that view. I can remember being so mad at some legislator for killing my bill or whatever and we got into some real battles--all of you have had that experience. But, the next day, you were together on a bill and you were the best of buddies and you couldn't say enough good things about that person.

"I want to mention the staff. In 1973, Lenny Sawyer in the House developed a new staffing system where the staff would be here the year round and helped us have some institutional memory. Where before, the staff went home and there was a void there and very little interim committee work and then we would all come back and we would all be starting over again, so to speak. He created that staff and implemented it also and those staff members are so important to all of us. I can't believe that we could all function now days without them--in the manner in the time it takes to study the issues to be prepared and all that.

"I want to mention just one staff member and there are so many that I would like to mention. But, I have to mention just one. At one time when I was doing some strawberries out there on the farm and I ran out of strawberry flats for the cannery, so I went over to the neighbors to get some flats. Here was about a fifteen year old boy on a truck loading strawberries like a grown man and I borrowed some flats. In later years, that fifteen year old boy was a student at Columbia River High School and later that boy went to the Army Academy and came to the Legislature and was a leader in the House-- majority leader--and later was Chief of Staff for the Governor and now he has created a major improvement for the people of the state of Washington in developing TVW. That is Denny Heck--my dear friend Denny Heck.

"With that I want to say thanks ever so much and with that I regret that I didn't have or take enough time to come around to each and every one of you and express my appreciation for your loving spirit, your dedication to the state of Washington and to the people of the state of Washington. God Bless You!"

INTRODUCTION OF SPECIAL GUESTS

The President introduced Mrs. Bauer, who was seated on the rostrum and the family of Senator Bauer, who were seated in gallery.

The Committee of Honor escorted Senator Bauer to his seat in the Senate Chamber.

MOTION

At 4:14 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 4:50 p.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Snyder, Gubernatorial Appointment No. 9324, Donna DeJarnatt, as a member of the Board of Trustees for Lower Columbia Community College District No. 13, was confirmed.

APPOINTMENT OF DONNA DeJARNATT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 4; Excused, 1.

Voting yea: Senators Benton, Brown, Costa, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senators Bauer, Eide, Hargrove and McCaslin - 4.

Excused: Senator Sellar - 1.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2460, by House Committee on Economic Development, Housing and Trade (originally sponsored by: Representatives Gombosky, D. Sommers, Veloria, Lovick, Kessler, Kenney, Conway, Ogden, Murray, Schual-Berke, Stensen, Edmonds, Santos, Lantz, Linville, Wood and Benson)

Addressing economic revitalization.

The bill was read the second time.

MOTION

On motion of Senator Brown, the following Committee on Ways and Means striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) There are geographic areas within communities that are characterized by a lack of employment opportunities, an average income level that is below the median income level for the surrounding community, a lack of affordable housing, deteriorating infrastructure, and a lack of facilities for community services, job training, and education;

(b) Strategies to encourage reinvestment in these areas by assisting local businesses to become stronger and area residents to gain economic power involve a variety of activities and partnerships;

(c) Reinvestment in these areas cannot be accomplished with only governmental resources and require a comprehensive approach that integrates various incentives, programs, and initiatives to meet the economic, physical, and social needs of the area;

(d) Successful reinvestment depends on a local government's ability to coordinate public resources in a cohesive, comprehensive strategy that is designed to leverage long-term private investment in an area;

(e) Reinvestment can strengthen the overall tax base through increased tax revenue from expanded and new business activities and physical property improvement;

(f) Local governments, in cooperation with area residents, can provide leadership as well as planning and coordination of resources and necessary supportive services to address reinvestment in the area; and

(g) It is in the public interest to adopt a targeted approach to revitalization and enlist the resources of all levels of government, the private sector, community-based organizations, and community residents to revitalize an area.

(2) The legislature declares that the purposes of the community empowerment zone act are to:

(a) Encourage reinvestment through strong partnerships and cooperation between all levels of government, community-based organizations, area residents, and the private sector;

(b) Involve the private sector and stimulate private reinvestment through the judicious use of public resources;

(c) Target governmental resources to those areas of greatest need; and

(d) Include all levels of government, community individuals, organizations, and the private sector in the policy-making process.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Area" means a geographic area within a local government that is described by a close perimeter boundary.

(2) "Community empowerment zone" means an area meeting the requirements of RCW 43.63A.700 (as recodified by this act) and officially designated by the director.

(3) "Department" means the department of community, trade, and economic development.

(4) "Director" means the director of the department of community, trade, and economic development.

(5) "Local government" means a city, code city, town, or county.

Sec. 3. RCW 43.63A.700 and 1994 sp.s. c 7 s 702 are each amended to read as follows:

(1) The department, in cooperation with the department of revenue, the employment security department, and the office of financial management, ((~~shall~~)) may approve applications submitted by local governments for an area's designation as a community empowerment zone under this ((~~section~~)) chapter. The application for designation shall be in the form and manner and contain such information as the department may prescribe, provided that the application ((~~for designation~~)) shall:

(a) Contain information sufficient for the director to determine if the criteria established in RCW 43.63A.710 (as recodified by this act) have been met((~~.~~));

(b) Be submitted on behalf of the local government by its chief elected official, or, if none, by the governing body of the local government((~~.~~));

(c) Contain a five-year community empowerment plan that ((~~describes the proposed designated community empowerment zone's community development needs and present a strategy for meeting those needs. The plan shall address the following categories: Housing needs; public infrastructure needs, such as transportation, water, sanitation, energy, and drainage/flood control; other public facilities needs, such as neighborhood facilities or facilities for provision of health, education, recreation, public safety, or other services; community economic development needs, such as commercial/industrial revitalization, job creation and retention considering the unemployment and underemployment of area residents, accessibility to financial resources by area residents and businesses, investment within the area, or other related components of community economic development; and social service needs.~~

~~The local government is required to provide a description of its strategy for meeting the needs identified in this subsection (1)(c). As part of the strategy, the local government is required to identify the needs for which specific plans are currently in place and the source of funds expected to be used. For the balance of the area's needs, the local government must identify the source of funds expected to become available during the next two-year period and actions the local government will take to acquire those funds.~~)) meets the requirements of section 5 of this act; and

(d) Certify that ((~~neighborhood~~)) area residents were given the opportunity to participate in the development of the five-year community empowerment strategy required under ((~~(c) of this subsection~~)) section 5 of this act.

(2) No local government shall submit more than two ((~~neighborhoods~~)) areas to the department for possible designation as a ((~~designated~~)) community empowerment zone under this ((~~section~~)) chapter.

(3)(a) ((~~Within ninety days after January 1, 1994,~~)) The director may designate up to six ((~~designated~~)) community empowerment zones, state-wide, from among the applications ((~~eligible~~)) submitted for designation as a ((~~designated~~)) community empowerment zone.

(b) The director shall make determinations of designated community empowerment zones on the basis of the following factors:

(i) The strength and quality of the local government commitments to meet the needs identified in the five-year community empowerment plan required under ((~~this~~)) section 5 of this act.

(ii) The level of private ((~~commitments by private entities~~)) sector commitment of additional resources and contribution to the ((~~designated~~)) community empowerment zone.

(iii) The potential for revitalization of the area as a result of designation as a ((~~designated~~)) community empowerment zone.

(iv) Other factors the director deems necessary.

(c) The determination of the director as to the areas designated as community empowerment zones shall be final.

(4) Except as provided in section 6 of this act, an area that was designated a community empowerment zone before January 1, 1996, under this section, automatically and without additional action by the local government continues its designation under this chapter.

(5) The department may not designate additional community empowerment zones after January 1, 2004, but may amend or rescind designation of community empowerment zones in accordance with section 6 of this act.

Sec. 4. RCW 43.63A.710 and 1994 sp.s. c 7 s 703 are each amended to read as follows:

(1) The director may not designate an area as a ((~~designated~~)) community empowerment zone unless that area meets the following requirements:

(a) The area must be designated by the legislative authority of the local government as an area to receive federal, state, and local assistance designed to increase economic, physical, or social activity in the area;

(b) The area must have at least fifty-one percent of the households in the area with incomes at or below eighty percent of the county's median income, adjusted for household size;

(c) The average unemployment rate for the area, for the most recent twelve-month period for which data is available must be at least one hundred twenty percent of the average unemployment rate of the county; and

(d) A five-year community empowerment plan for the area that meets the requirements of ((~~RCW 43.63A.700(1)(c) and as further defined by the director~~)) section 5 of this act must be adopted.

(2) The director may establish, by rule, such other requirements as the director may reasonably determine necessary and appropriate to assure that the purposes of this ((~~section~~)) chapter are satisfied.

(3) In determining if an area meets the requirements of this section, the director may consider data provided by the United States bureau of the census from the most recent census or any other reliable data that the director determines to be acceptable for the purposes for which the data is used.

NEW SECTION. **Sec. 5.** (1) The five-year community empowerment plan required under RCW 43.63A.700 (as recodified by this act) shall contain information that describes the community development needs of the proposed community empowerment zone and present a strategy for meeting those needs. The plan shall address the following categories:

(a) Housing needs for all economic segments of the proposed community empowerment zone;

(b) Public infrastructure needs, such as transportation, water, sanitation, energy, and drainage and flood control;

(c) Other public facilities needs, such as neighborhood facilities or facilities for the provision of health, education, recreation, public safety, and other services;

(d) Community economic development needs, such as commercial and industrial revitalization, job creation and retention considering the unemployment and underemployment of area residents, accessibility to financial resources by area residents and businesses, investment within the area, and other related components of community economic development; and

(e) Social service needs of residents in the proposed community empowerment zone.

(2) The local government must provide a description of its strategy for meeting the needs identified in subsection (1) of this section. As part of the community empowerment zone strategy, the local government must identify the needs for which specific plans are currently in place and the source of funds expected to be used. For the balance of the area's needs, the local government must identify the source of funds expected to become available during the next two-year period and actions the local government will take to acquire those funds.

(3) The local government must submit an annual progress report to the department that details the extent to which the local government is working to meet the needs identified in the five-year community empowerment plan. If applicable, the progress report must also contain a discussion on the impediments to meeting the needs outlined in the five-year community empowerment plan. The department must determine the date the annual progress reports are due from each local government.

NEW SECTION. **Sec. 6.** (1) The terms or conditions of a community empowerment zone approved under this chapter may be amended to:

(a) Alter the boundaries of the community empowerment zone; or

(b) Terminate the designation of a community empowerment zone.

(2)(a) A request for an amendment under subsection (1)(a) of this section may not be in effect until the department issues an amended designation for the community empowerment zone that approves the requested amendment. The local government must promptly file with the department a request for approval that contains information the department deems necessary to evaluate the proposed changes and its impact on the area's designation as a community empowerment zone under RCW 43.63A.710 (as recodified by this act). The local government must hold at least two public hearings on the proposed changes and include the information in its request for an amendment to its community empowerment zone.

(b) The department shall approve or disapprove a proposed amendment to a community empowerment zone within sixty days of its receipt of a request under subsection (1)(a) of this section. The department may not approve changes to a community empowerment zone that are not in conformity with this chapter.

(3)(a) The termination of an area's designation as a community empowerment zone under subsection (1)(b) of this section is not effective until the department issues a finding stating the reasons for the termination, which may include lack of commitment of resources to activities in the community empowerment zone by the public, private, and community-based sectors. The local government may file an appeal to the department's findings within sixty days of the notice to terminate the area's designation. The department must notify the local government of the results within thirty days of the filing of the appeal.

(b) A termination of an area's designation as a community empowerment zone has no effect on benefits previously extended to individual businesses. The local government may not commit benefits to a business after the effective date of the termination of an area's designation as a community empowerment zone.

(4) The department may request applications from local governments for designation as community empowerment zones under this chapter as a result of a termination of an area's designation as a community empowerment zone under this section.

NEW SECTION. **Sec. 7.** The department must administer this chapter and has the following powers and duties:

(1) To monitor the implementation of chapter . . ., Laws of 2000 (this act) and submit reports evaluating the effectiveness of the program and any suggestions for legislative changes to the governor and legislature by December 1, 2000;

(2) To develop evaluation and performance measures for local governments to measure the effectiveness of the program at the local level on meeting the objectives of this chapter;

(3) To provide information and appropriate assistance to persons desiring to locate and operate a business in a community empowerment zone;

(4) To work with appropriate state agencies to coordinate the delivery of programs, including but not limited to housing, community and economic development, small business assistance, social service, and employment and training programs which are carried on in a community empowerment zone; and

(5) To develop rules necessary for the administration of this chapter.

NEW SECTION. **Sec. 8.** The administration of a community empowerment zone is under the jurisdiction of the local government. Each local government must, by ordinance, designate a community empowerment zone administrator for the area designated as a community empowerment zone that is within its jurisdiction. A community empowerment zone administrator must be an officer or employee of the local government. The community empowerment zone administrator is the liaison between the local government, the department, the business community, and labor and community-based organizations within the community empowerment zone.

NEW SECTION. **Sec. 9.** This chapter may be known and cited as the Washington community empowerment zone act.

NEW SECTION. **Sec. 10.** Sections 1, 2, and 5 through 9 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 11.** RCW 43.63A.700 and 43.63A.710, as amended by this act, are each recodified as sections in chapter 43.-- RCW (sections 1, 2, and 5 through 9 of this act).

NEW SECTION. **Sec. 12.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 13.** (1) The legislature finds that establishing a clear state-wide strategy for successful economic development will best prepare the state of Washington to respond to the challenges and take advantage of future economic cycles. The legislature further finds that without a state-wide economic development plan the state's budget and election cycles make it difficult for government to adhere to consistent, long-term economic development priorities that are essential to successful, enhanced economic development. The legislature further finds that the purpose of economic development is to increase the standard of living and enhance the quality of life of the citizens of this state.

(2) It is the intent of the legislature that a strategic state-wide economic development plan be created that reflects the following goals and objectives:

(a) To create and maintain jobs and income that would not otherwise be created or maintained, and to increase wealth rather than to redistribute it;

(b) To add value to private sector economic activity; and

(c) To assist businesses in developing their business strategies, increasing the skills of their workers and managers, applying advanced technologies, developing infrastructure, accessing capital, and enhancing social capital.

NEW SECTION. **Sec. 14.** For the purposes of this chapter "department" means the department of community, trade, and economic development, or its successor agency or agencies. "The plan" or "state plan" means a state-wide economic development plan, as developed under sections 15 and 16 of this act.

NEW SECTION. **Sec. 15.** (1) The legislative committee on economic development shall take the lead responsibility for creating a state-wide strategic plan for economic development in conjunction with the department, and an advisory group of business, labor, and other interests. The advisory group shall be appointed by the lieutenant governor and shall consist of no more than twelve members.

(2) In preparing the state plan, the legislative committee on economic development and the department shall recognize:

(a) Regional economic, political, and cultural differences, and acknowledge the special challenges facing urban and rural communities; and

(b) Special contributions of, and challenges facing, women and minority-owned businesses.

(3) The plan should set priorities and concentrate resources on those priorities.

(4) The plan should include specific implementation steps and establish a process for institutionalizing economic development planning.

NEW SECTION. **Sec. 16.** The legislative committee on economic development and the department shall develop and include the following elements in the plan:

(1) New strategies that seek to improve the overall competitiveness of groups of similar businesses, usually termed clusters, and entire industries or sectors rather than traditional strategies that focus on individualized assistance. These strategies should foster interfirm cooperation and learning, technology adaptation, and work-based learning to improve work force skills. Under these strategies the state acts as a broker of available private and public development resources, or contracts for such broker services;

(2) Direction to the department to develop programs consistent with the state plan, and that are characterized by outcome-based performance management systems and decentralized decision making;

(3) Direction to the department to assist local governments and other interested parties in the creation of regional economic development plans consistent with the state plan; and

(4) Direction to the department to develop a professional research capacity to keep the state's trade assistance operation regularly appraised of opportunities and updated on performance.

NEW SECTION. **Sec. 17.** The legislature recognizes the urgent need for having a plan in place as soon as is reasonably possible. The legislative committee on economic development and the department are directed to immediately develop a work plan and take other steps necessary to implement sections 13 through 16 of this act.

NEW SECTION. **Sec. 18.** Sections 13 through 16 of this act constitute a new chapter in Title 43 RCW.

Sec. 19. RCW 43.330.070 and 1993 c 280 s 10 are each amended to read as follows:

(1) The department shall work closely with local communities to increase their capacity to respond to economic, environmental, and social problems and challenges. The department shall coordinate the delivery of development services and technical assistance to local communities or regional areas. It shall promote partnerships between the public and private sectors and between state and local officials to encourage appropriate economic growth and opportunity in communities throughout the state, in particular strategies designed to encourage economic growth and opportunities in community empowerment zones designated under RCW 43.63A.700 (as recodified by this act). The department shall promote appropriate local development by: Supporting the ability of communities to develop and implement strategic development plans; assisting businesses to start up, maintain, or expand their operations; encouraging public infrastructure investment and private and public capital investment in local communities; supporting efforts to manage growth and provide affordable housing and housing services; providing for the identification and preservation of the state's historical and cultural resources; and expanding employment opportunities.

(2) The department shall define a set of services including training and technical assistance that it will make available to local communities, community-based nonprofit organizations, regional areas, industry clusters, or businesses. The department shall simplify access to these programs by providing more centralized and user-friendly information and referral. The department shall coordinate community and economic development efforts to minimize program redundancy and maximize accessibility. The department shall develop a set of criteria for targeting services to local communities.

(3) The department shall develop a coordinated and systematic approach to providing training to community-based nonprofit organizations, local communities, industry clusters, and businesses. The approach shall be designed to increase the economic and community development skills available in local communities by providing training and funding for training for local citizens, nonprofit organizations, industry clusters, and businesses. The department shall emphasize providing training in those communities most in need of state assistance.

(4) As used in this section, "industry clusters" means a geographic concentration of interdependent competitive firms that do business with each other. Clusters also include firms that sell inside and outside of the geographic region as well as support firms that supply raw materials, components, and business services.

NEW SECTION. **Sec. 20.** The legislature finds that economic development, work force training, international trade, tourism development, housing assistance, assistance to local governments, and other programs and services provided by the department of community, trade, and economic development are vital to all regions of the state. The legislature further finds that program development and service delivery to the eastern region of the state could be significantly enhanced by a continuous, full-time physical staff presence in that region.

NEW SECTION. **Sec. 21.** For the purposes of sections 20 through 23 of this act:

(1) "Department" means the department of community, trade, and economic development, or its successor agency or agencies.

(2) "Director" means the director of the department.

NEW SECTION. **Sec. 22.** In order to more effectively respond to the needs of eastern Washington communities, the department shall, as soon as practicable, establish a field office and a full-time staff presence in eastern Washington. If practicable, the office shall be colocated with one or more existing state agencies in the Tri-Cities area to facilitate the urgent economic development needs of southeastern Washington. This office shall be staffed by the director in the most efficient manner that is likely to provide improved service to eastern Washington communities.

NEW SECTION. **Sec. 23.** Program activities and priorities for this office serving eastern Washington shall be determined by the director, in consultation with local government officials, business, labor, and educational advisors from the region.

NEW SECTION. **Sec. 24.** (1) The legislature finds that Washington's quality of life, standard of living, and social and economic opportunity all depend on the vitality of the state's economy. The legislature further finds that economic development tries to reinforce the natural way by which strong foundations in the areas of human resources, capital resources, technology, tax and regulatory, advanced physical infrastructure, information and communication infrastructure, and quality of life strengthen the economy. The legislature further finds that the strength and vitality of the state's economy depends on the competitiveness of the state's industry clusters. The legislature further finds industry clusters can become a powerful magnet for businesses to locate in an area and create a spawning ground for start-up companies. The legislature further finds that industry clusters create large, diverse pools of experienced workers; attract suppliers who tend to congregate in their vicinity for increased efficiency; and foster a competitive spirit that stimulates growth and innovative strategic alliances. The legislature further finds that the state must first identify and understand the industry clusters before strategies can be developed to enhance their competitive position in the world.

(2) It is the intent of the legislature to establish an industry cluster-based approach to economic development as a component of a state-wide strategy to address economic growth and quality of life issues.

NEW SECTION. **Sec. 25.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The department of community, trade, and economic development, or its successor agency, shall work with industry associations and organizations to identify industry clusters on a regional and state-wide basis. The industry clusters may include, but not be limited to aerospace, agriculture, food processing, forest products, business services, financial services, health and biomedical, software, transportation and distribution, environmental technology, and microelectronics.

(2) In the identification of industry clusters, the department's activities may include, but are not limited to:

(a) Conducting focus group discussions, facilitating meetings, and conducting studies to identify industry clusters, members of an industry cluster, the current state of the industry cluster, and issues of common concern of the industry cluster;

(b) Supporting the formation of industry cluster associations, publication of cluster association directories, and related efforts to encourage the entry of new firms into the industry cluster; and

(c) Providing methods for electronic communication and information dissemination among firms within industry clusters.

(3) The department shall work with identified industry clusters, private sector organizations, local governments, local economic development organizations, and higher education and training institutions to assist in the development of strategies designed to strengthen the competitiveness of the state's industry clusters. The department shall, on a continuing basis, evaluate effectiveness of the services provided to industry clusters using information gathered at the regional and state-wide level.

(4) As used in this section, "industry cluster" means a geographic concentration of interdependent competitive firms that do business with each other. Clusters also include firms that sell inside and outside of the geographic region as well as support firms that supply raw materials, components, and business services.

Sec. 26. RCW 43.330.090 and 1998 c 245 s 85 are each amended to read as follows:

(1) The department shall work with private sector organizations, industry clusters, local governments, local economic development organizations, and higher education and training institutions to assist in the development of strategies to diversify the

economy, facilitate technology transfer and diffusion, and increase value-added production by focusing on targeted sectors. The targeted sectors may include, but are not limited to, software, forest products, biotechnology, environmental industries, recycling markets and waste reduction, aerospace, food processing, tourism, film and video, microelectronics, new materials, robotics, and machine tools. The department shall, on a continuing basis, evaluate the potential return to the state from devoting additional resources to a targeted sector's approach to economic development and including additional sectors in its efforts. The department shall use information gathered in each service delivery region in formulating its sectoral strategies and in designating new targeted sectors.

(2) The department shall ensure that the state continues to pursue a coordinated program to expand the tourism industry throughout the state in cooperation with the public and private tourism development organizations. The department shall work to provide a balance of tourism activities throughout the state and during different seasons of the year. In addition, the department shall promote, market, and encourage growth in the production of films and videos, as well as television commercials within the state; to this end the department is directed to assist in the location of a film and video production studio within the state.

(3) In assisting in the development of a targeted sector, the department's activities may include, but are not limited to:

(a) Conducting focus group discussions, facilitating meetings, and conducting studies to identify members of the sector, appraise the current state of the sector, and identify issues of common concern within the sector;

(b) Supporting the formation of industry associations, publications of association directories, and related efforts to create or expand the activities or industry associations;

(c) Assisting in the formation of flexible networks by providing (i) agency employees or private sector consultants trained to act as flexible network brokers and (ii) funding for potential flexible network participants for the purpose of organizing or implementing a flexible network;

(d) Helping establish research consortia;

(e) Facilitating joint training and education programs;

(f) Promoting cooperative market development activities;

(g) Analyzing the need, feasibility, and cost of establishing product certification and testing facilities and services; and

(h) Providing for methods of electronic communication and information dissemination among firms and groups of firms to facilitate network or industry cluster activity.

(4) As used in this section, "industry cluster" has the same meaning as in section 25 of this act.

Sec. 27. RCW 82.60.049 and 1999 c 164 s 304 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Eligible area" also means a designated community empowerment zone approved before January 1, 2000, under RCW 43.63A.700 or a county containing a community empowerment zone approved before January 1, 2000.

(b) "Eligible investment project" also means an investment project in an eligible area as defined in this section.

(2) In addition to the provisions of RCW 82.60.040, the department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW, on each eligible investment project that is located in an eligible area, if the applicant establishes that at the time the project is operationally complete:

(a) The applicant will hire at least one qualified employment position for each seven hundred fifty thousand dollars of investment on which a deferral is requested; and

(b) The positions will be filled by persons who at the time of hire are residents of the community empowerment zone in which the project is located. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section. The persons must be hired after the date the application is filed with the department.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

(4) If a person does not meet the requirements of this section by the end of the calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

NEW SECTION. **Sec. 28.** A new section is added to chapter 82.14 RCW to read as follows:

(1) The county legislative authority of a county in which there is a community empowerment zone as defined in section 2 of this act may submit an authorizing proposition to the county voters and, if the proposition is approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter for the purposes designated in subsection (3) of this section.

(2) The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall equal one-tenth of one percent of the selling price in the case of sales tax, or value of the article used in the case of a use tax.

(3) Moneys received from any tax imposed under this section shall be used solely for the purpose of providing funds for costs associated with financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, reequipping, and improvement of emergency communication systems and facilities.

(4) Counties in which there are community empowerment zones as defined in section 2 of this act are authorized to develop joint ventures to collocate emergency communication systems and facilities.

NEW SECTION. **Sec. 29.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTIONS

On motion of Senator Brown, the following title amendment was adopted:

On page 1, line 1 of the title, after "zones;" strike the remainder of the title and insert "amending RCW 43.63A.700, 43.63A.710, 43.330.070, 43.330.090, and 82.60.049; adding a new section to chapter 43.330 RCW; adding a new section to chapter 82.14 RCW; adding new chapters to Title 43 RCW; creating new sections; and recodifying RCW 43.63A.700 and 43.63A.710."

On motion of Senator Brown, the rules were suspended, Substitute House Bill No. 2460, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Hale

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2460, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2460, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 45.

Voting nay: Senators McDonald and Zarelli - 2.

Absent: Senator Wojahn - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 2460, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5802, by Senators Fairley, Hochstatter, Honeyford, Spanel and Franklin

Regulating telecommunications contractors and installations.

MOTIONS

On motion of Senator Fairley, Second Substitute Senate Bill No. 5802 was substituted for Senate Bill No. 5802 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Second Substitute Senate Bill No. 5802 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5802.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5802 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 38.

Voting nay: Senators Finkbeiner, Hochstatter, Johnson, Long, McCaslin, McDonald, Rossi, Sheahan, Stevens and Zarelli - 10.

Excused: Senator Sellar - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5802, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business

MOTION

On motion of Senator Eide, Senator Thibaudeau was excused.

MESSAGE FROM THE HOUSE

March 8, 2000

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2420 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTIONS

On motion of Senator Spanel, the Senate receded from its amendment(s) to Engrossed Second Substitute House Bill No 2420.

On motion of Senator Spanel, the rules were suspended, Engrossed Second Substitute House Bill No. 2420 was returned to second reading and read the second time.

MOTION

Senator Spanel moved that the following striking amendment by Senators Spanel and Morton be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The intent of this act is to protect the health and safety of the citizens of the state of Washington and the quality of the state's environment by developing and implementing environmental and public safety measures applicable to persons transporting hazardous liquids and gas by pipeline within the state of Washington. The legislature finds that public safety and the environment may best be protected by adopting standards that are equal to, or more stringent than, those adopted by the federal government, so long as they do not impermissibly interfere with interstate commerce.

(2) The legislature recognizes that additional federal authority is needed to implement a comprehensive pipeline safety program and by this act and other measures directs the state to seek that authority.

(3) It is also the intent of the legislature that the governor work with the state congressional delegation in seeking:

(a) To amend the federal pipeline safety act to delegate authority to qualified states to adopt and enforce standards equal to or more stringent than federal standards;

(b) State authority to administer and enforce federal requirements related to pipeline safety; and

(c) Higher levels of funding for state and federal pipeline safety activities and for states to respond to pipeline accident emergencies.

(4) While the legislature acknowledges that serious accidents have occurred for hazardous liquid and gas pipelines in this nation and elsewhere, it recognizes that there are fundamental differences between hazardous liquid pipelines and gas pipelines and that a different system of safety regulations must be applied for each kind of pipeline.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the utilities and transportation commission.

(2) "Department" means the department of ecology.

(3) "Failsafe" means a design feature that will maintain or result in a safe condition in the event of malfunction or failure of a power supply, component, or control device.

(4) "Gas" means natural gas, flammable gas, or toxic or corrosive gas.

(5) "Gas pipeline" means all parts of a pipeline facility through which gas moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. "Gas pipeline" does not include process or transfer pipelines.

(6) "Gas pipeline company" means a person or entity constructing, owning, or operating a gas pipeline for transporting gas. A "gas pipeline company" does not include: (a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (b) excavation contractors or other contractors that contract with a gas pipeline company.

(7) "Hazardous liquid" means: (a) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 in effect March 1, 1998; and (b) carbon dioxide.

(8) "Local government" means a political subdivision of the state or a city or town.

(9) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any political subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

(10) "Pipeline," "pipeline system," or "hazardous liquid pipeline" means all parts of a pipeline facility through which a hazardous liquid moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. "Pipeline" or "pipeline system" does not include process or transfer pipelines.

(11) "Pipeline company" or "hazardous liquid pipeline company" means a person or entity constructing, owning, or operating a pipeline for transporting hazardous liquid. A "pipeline company" does not include: (a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (b) excavation contractors or other contractors that contract with a pipeline company.

(12) "Reportable release" means a spilling, leaking, pouring, emitting, discharging, or any other uncontrolled escape of a hazardous liquid in excess of one barrel, or forty-two gallons.

(13) "Safety management systems" means management systems that include coordinated and interdisciplinary evaluations of the effect of significant changes to a pipeline system before such changes are implemented.

(14) "Transfer pipeline" means a buried or aboveground pipeline used to carry oil between a tank vessel or transmission pipeline and the first valve inside secondary containment at the facility provided that any discharge on the facility side of that first valve will not directly impact waters of the state. A transfer pipeline includes valves, and other appurtenances connected to the pipeline, pumping units, and fabricated assemblies associated with pumping units. A transfer pipeline does not include process pipelines, pipelines carrying ballast or bilge water, transmission pipelines, or tank vessel or storage tanks.

(15) "Transmission pipeline" means a gas pipeline that transports gas within a storage field, or transports gas from an interstate pipeline or storage facility to a distribution main or a large volume gas user, or operates at a hoop stress of twenty percent or more of the specified minimum yield strength.

Sec. 3. RCW 81.88.040 and 1998 c 123 s 1 are each amended to read as follows:

(1) ((~~The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

~~(a) "Pipeline company" means a person or entity constructing, owning, or operating an intrastate pipeline for transporting hazardous liquid, whether or not such a person or entity is a public service company otherwise regulated by the commission. For the purposes of this section, a pipeline company does not include: (i) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (ii) excavation contractors or other contractors that contract with a pipeline company.~~

~~(b) "Hazardous liquid" means: (i) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 in effect March 1, 1998; and (ii) carbon dioxide. The commission by rule may incorporate by reference other substances designated as hazardous by the secretary of transportation under 49 U.S.C. Sec. 60101(a)(4).~~

~~(2) The commission shall adopt by rule intrastate pipeline safety standards for pipeline transportation and pipeline facilities that: (a) Apply to pipeline companies transporting hazardous liquids; (b) cover the design, construction, and operation of pipelines transporting hazardous liquids; and (c) require pipeline companies to design, construct, and maintain their pipeline facilities so they are safe and efficient.~~

~~(3)~~)) A person, officer, agent, or employee of a pipeline company who, as an individual or acting as an officer, agent, or employee of such a company, violates or fails to comply with this ((~~section~~)) chapter or a rule adopted under this section, or who procures, aids, or abets another person or entity in the violation of or noncompliance with this section or a rule adopted under this section, is guilty of a gross misdemeanor.

(((~~4~~))) (2)(a) A pipeline company, or any person, officer, agent, or employee of a pipeline company that violates a provision of this section, or a rule adopted under this section, is subject to a civil penalty to be assessed by the commission.

(b) The commission shall adopt rules: (i) Setting penalty amounts, but may not exceed the penalties specified in the federal pipeline safety laws, 49 U.S.C. Sec. 60101 et seq.; and (ii) establishing procedures for mitigating penalties assessed((~~; and (iii) incorporating by reference other substances designated as hazardous by the secretary of transportation under 49 U.S.C. Sec. 60101(a)(4)~~)).

(c) In determining the amount of the penalty, the commission shall consider: (i) The appropriateness of the penalty in relation to the position of the person charged with the violation; (ii) the gravity of the violation; and (iii) the good faith of the person or company charged in attempting to achieve compliance after notification of the violation.

(d) The amount of the penalty may be recovered in a civil action in the superior court of Thurston county or of some other county in which the violator may do business. In all actions for recovery, the rules of evidence shall be the same as in ordinary civil actions. All penalties recovered under this section must be paid into the state treasury and credited to the ((~~public service revolving fund~~)) hazardous liquid pipeline safety account.

(3) The commission shall adopt rules incorporating by reference other substances designated as hazardous by the secretary of transportation under 49 U.S.C. Sec. 60101(a)(4).

(((~~5~~))) (4) The commission shall also have the power of injunctive relief, as required by 49 U.S.C. Sec. 60105(b), to enforce the provisions of this chapter.

(5) Nothing in this section duplicates the authority of the energy facility site evaluation council under chapter 80.50 RCW.

NEW SECTION. **Sec. 4.** (1) The hazardous liquid pipeline safety account is created in the custody of the state treasurer. All receipts from the federal office of pipeline safety and any other state or federal funds provided for hazardous liquid pipeline safety must be deposited in the account, except as provided in subsection (2) of this section. Any fines collected under this chapter, or otherwise designated to this account must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for funding pipeline safety.

(2) Federal funds received before June 30, 2001, shall be treated as receipt of unanticipated funds and expended, without appropriation, for the designated purposes.

NEW SECTION. **Sec. 5.** (1) A comprehensive program of hazardous liquid pipeline safety is authorized by sections 2, 4, 5, 9, 11, 13, and 20 of this act, and RCW 81.88.040 to be developed and implemented consistent with federal law. Except as provided in subsection (6) of this section, the commission shall administer and enforce all laws related to hazardous liquid pipeline safety.

(2) The commission shall adopt rules for pipeline safety standards for hazardous liquid pipeline transportation that:

(a) Require pipeline companies to design, construct, operate, and maintain their pipeline facilities so they are safe and efficient;

(b) Require pipeline companies to rapidly locate and isolate all reportable releases from pipelines, that may include:

(i) Installation of remote control shut-off valves; and

(ii) Installation of remotely monitored pressure gauges and meters;

(c) Require the training and certification of personnel who operate pipelines and the associated systems;

(d) Require reporting of emergency situations, including emergency shutdowns and material defects or physical damage that impair the serviceability of a pipeline; and

(e) Require pipeline companies to submit operations safety plans to the commission once every five years, as well as any amendments to the plan made necessary by changes to the pipeline system or its operation. The safety plan shall include emergency response procedures.

(3) The commission shall approve operations safety plans if they have been deemed fit for service. A plan shall be deemed fit for service when it provides for pipelines that are designed, developed, constructed, operated, and periodically modified to provide for protection of public safety and the environment. Pipeline operations safety plans shall, at a minimum, include:

(a) A schedule of inspection and testing within the pipeline distribution system of:

(i) All mechanical components;

(ii) All electronic components; and

(iii) The structural integrity of all pipelines as determined through pressure testing, internal inspection tool surveys, or another appropriate technique;

(b) Failsafe systems;

(c) Safety management systems; and

(d) Emergency management training for pipeline operators.

(4) The commission shall coordinate information related to pipeline safety by providing technical assistance to local planning and siting authorities.

(5) The commission shall evaluate, and consider adopting, proposals developed by the federal office of pipeline safety, the national transportation safety board, and other agencies and organizations related to methods and technologies for testing the integrity of pipeline structure, leak detection, and other elements of pipeline operation.

(6) The authorities of sections 2, 4, 5, 9, 11, 13, and 20 of this act, and RCW 81.88.040 relating to hazardous liquid pipeline safety shall be transferred from the commission to the department pursuant to section 13 of this act upon the occurrence of either:

(a) Amendments to federal pipeline safety laws to eliminate preemption of state authority to regulate safety requirements for such pipelines; or

(b) The granting of federal authority to the state to enforce or adopt any safety requirements for interstate hazardous liquid pipelines.

NEW SECTION. **Sec. 6.** (1) The commission shall develop, in consultation with representatives of hazardous liquid pipeline companies, gas pipeline companies, local governments, and the excavation and construction industries: (a) A curricula aimed at the prevention of third-party excavation damage to hazardous liquid pipelines and gas pipelines; and (b) a plan for distribution of the curricula.

(2) The curricula shall include training on:

(a) Prevention of damage to hazardous liquid and gas pipelines;

(b) The danger involved if a hazardous liquid or gas pipeline is damaged;

(c) The significance of hazardous liquid or gas pipeline damage that does not cause immediate failure; and

(d) The importance of immediately reporting damage to a hazardous liquid or gas pipeline and the importance of immediately repairing a damaged hazardous liquid or gas pipeline.

NEW SECTION. **Sec. 7.** (1) The commission shall require hazardous liquid pipeline companies, and gas pipeline companies with interstate pipelines, gas transmission pipelines, or gas pipelines operating over two hundred fifty pounds per square inch gauge, to provide accurate maps of their pipeline to specifications developed by the commission sufficient to meet the needs of first responders including installation depth information when known.

(2) The commission shall evaluate the sufficiency of the maps and consolidate the maps into a state-wide geographic information system. The commission shall assist local governments in obtaining hazardous liquid and gas pipeline location information and maps. The maps shall be made available to the one-number locator services as provided in chapter 19.122 RCW. The mapping system shall be consistent with the United States department of transportation national pipeline mapping program.

(3) The mapping system shall be completed by January 1, 2006, and periodically updated thereafter. The commission shall develop a plan for funding the geographic information system and report its recommendations to the legislature by December 15, 2000.

NEW SECTION. **Sec. 8.** A new section is added to chapter 43.110 RCW to read as follows:

The municipal research council shall, by June 30, 2001, develop and periodically update, for the consideration by local governments:

(1) A model ordinance that establishes setback and depth requirements for new hazardous liquid and gas pipeline construction; and

(2) A model franchise agreement for jurisdictions through which a hazardous liquid or gas pipeline is located.

NEW SECTION. **Sec. 9.** (1) The commission and the department shall apply for federal delegation for the state's program for the purposes of enforcement of federal hazardous liquid pipeline safety requirements. If the secretary of

transportation delegates inspection authority to the state as provided in this subsection, the department, at a minimum, shall do the following:

(a) Inspect hazardous liquid pipelines periodically as specified in the inspection program;

(b) Collect fees;

(c) Order and oversee the testing of hazardous liquid pipelines as authorized by federal law and regulation; and

(d) File reports with the United States secretary of transportation as required to maintain the delegated authority.

(2) The commission and the department shall also seek federal authority to adopt safety standards related to the monitoring and testing of interstate hazardous liquid pipelines.

(3) Upon delegation under subsection (1) of this section or under a grant of authority under subsection (2) of this section, to the extent authorized by federal law, the department shall adopt rules for interstate pipelines that are no less stringent than the state's laws and rules for intrastate hazardous liquid pipelines.

NEW SECTION. **Sec. 10.** A new section is added to chapter 80.28 RCW to read as follows:

(1) The commission shall seek and accept federal delegation for the commission's inspectors as federal agents for the purposes of enforcement of federal laws covering gas pipeline safety and the associated federal rules, as they exist on the effective date of this section. The commission shall establish and submit to the United States secretary of transportation an inspection program that complies with requirements for delegated interstate agent inspection authority. If the secretary of transportation delegates inspection authority to the state as provided in this subsection, the commission, at a minimum, shall do the following:

(a) Inspect gas pipelines periodically as specified in the inspection program;

(b) Collect fees;

(c) Order and oversee the testing of gas pipelines as authorized by federal law and regulation; and

(d) File reports with the United States secretary of transportation as required to maintain the delegated authority.

(2) The commission shall also seek federal authority to adopt safety standards related to the monitoring and testing of interstate gas pipelines.

(3) Upon designation under subsection (1) of this section or under a grant of authority under subsection (2) of this section, to the extent authorized by federal law, the commission shall adopt rules for interstate gas pipelines that are no less stringent than the state's laws and rules for intrastate gas pipelines.

NEW SECTION. **Sec. 11.** The commission may inspect any record, map, or written procedure required by federal law to be kept by a hazardous liquid pipeline company concerning the reportable releases, and the design, construction, testing, or operation and maintenance of hazardous liquid pipelines.

NEW SECTION. **Sec. 12.** A new section is added to chapter 80.28 RCW to read as follows:

The commission may inspect any record, map, or written procedure required by federal law to be kept by a gas pipeline company concerning the reporting of gas releases, and the design, construction, testing, or operation and maintenance of gas pipelines.

NEW SECTION. **Sec. 13.** (1) All powers, duties, and functions of the utilities and transportation commission pertaining to hazardous liquid pipeline safety, except economic regulatory authority under chapters 81.88, 80.24, and 81.24 RCW, are transferred to the department of ecology effective upon the department's receipt of any delegated federal authority over interstate hazardous liquid pipelines, or upon such earlier date as the office of financial management may determine in the event that federal law is amended to remove all or part of the federal preemption of state regulation of hazardous liquid pipelines. The timing of the transfer shall be facilitated by a memorandum of agreement between the two agencies, with any disputes resolved by the office of financial management. All references to the commission or the utilities and transportation commission in the Revised Code of Washington shall be construed to mean the director or the department of ecology when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of ecology. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the utilities and transportation commission in carrying out the powers, functions, and duties transferred shall be made available to the department of ecology. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of ecology.

(b) Any appropriations made to the utilities and transportation commission for carrying out the powers, functions, and duties transferred shall be transferred and credited to the department of ecology under the agreement authorized in subsection (1) of this section.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions

transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the utilities and transportation commission engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of ecology. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of ecology to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of ecology. All existing contracts and obligations shall remain in full force and shall be performed by the department of ecology.

(5) The transfer of the powers, duties, functions, and personnel of the utilities and transportation commission shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. **Sec. 14.** (1) The citizens committee on pipeline safety is established to advise the state agencies and other appropriate federal and local government agencies and officials on matters relating to hazardous liquid and gas pipeline safety, routing, construction, operation, and maintenance. The committee shall have thirteen total members who shall be appointed by the governor to staggered three-year terms and shall consist of: (a) Nine members representing local government, including elected officials and the public; and (b) four nonvoting members, representing owners and operators of hazardous liquid and gas pipelines. The committee shall review and comment on proposed rules and the operation of the state pipeline safety programs.

(2) The committee may create one or more technical advisory committees comprised of gas and hazardous liquid pipeline owners or operators, agency representatives, natural resource and environmental interests, or other interested parties.

(3) The committee established in subsection (1) of this section constitutes a class one group under RCW 43.03.220. Expenses for this group, as well as staff support, shall be provided by the utilities and transportation commission and, if additional pipeline authority is transferred to it, the department of ecology.

Sec. 15. RCW 19.122.020 and 1984 c 144 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Business day" means any day other than Saturday, Sunday, or a legal local, state, or federal holiday.

(2) "Damage" includes the substantial weakening of structural or lateral support of an underground facility, penetration, impairment, or destruction of any underground protective coating, housing, or other protective device, or the severance, partial or complete, of any underground facility to the extent that the project owner or the affected utility owner determines that repairs are required.

(3) "Emergency" means any condition constituting a clear and present danger to life or property, or a customer service outage.

(4) "Excavation" means any operation in which earth, rock, or other material on or below the ground is moved or otherwise displaced by any means, except the tilling of soil less than twelve inches in depth for agricultural purposes, or road and ditch maintenance that does not change the original road grade or ditch flowline.

(5) "Excavator" means any person who engages directly in excavation.

(6) "Gas" means natural gas, flammable gas, or toxic or corrosive gas.

(7) "Hazardous liquid" means: (a) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 as in effect on March 1, 1998; and (b) carbon dioxide. The utilities and transportation commission may by rule incorporate by reference other substances designated as hazardous by the secretary of transportation.

(8) "Identified facility" means any underground facility which is indicated in the project plans as being located within the area of proposed excavation.

((~~(7)~~)) (9) "Identified but unlocatable underground facility" means an underground facility which has been identified but cannot be located with reasonable accuracy.

((~~(8)~~)) (10) "Locatable underground facility" means an underground facility which can be field-marked with reasonable accuracy.

(((~~9~~))) (11) "Marking" means the use of stakes, paint, or other clearly identifiable materials to show the field location of underground facilities, in accordance with the current color code standard of the American public works association. Markings shall include identification letters indicating the specific type of the underground facility.

(((~~10~~))) (12) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

(((~~11~~))) (13) Pipeline" or "pipeline system" means all or parts of a pipeline facility through which hazardous liquid or gas moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. "Pipeline" or "pipeline system" does not include process or transfer pipelines as defined in section 2 of this act.

(14) "Pipeline company" means a person or entity constructing, owning, or operating a pipeline for transporting hazardous liquid or gas. A pipeline company does not include: (a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (b) excavation contractors or other contractors that contract with a pipeline company.

(15) "Reasonable accuracy" means location within twenty-four inches of the outside dimensions of both sides of an underground facility.

(((~~12~~))) (16) "Underground facility" means any item buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, cablevision, electric energy, petroleum products, gas, gaseous vapors, hazardous liquids, or other substances and including but not limited to pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those parts of poles or anchors below ground. This definition does not include pipelines as defined in subsection (13) of this section, but does include distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail.

(((~~13~~))) (17) "One-number locator service" means a service through which a person can notify utilities and request field-marking of underground facilities.

NEW SECTION. **Sec. 16.** A new section is added to chapter 19.122 RCW to read as follows:

(1) By December 31, 2000, the utilities and transportation commission shall cause to be established a single state-wide toll-free telephone number to be used for referring excavators to the appropriate one-number locator service.

(2) The utilities and transportation commission, in consultation with the Washington utilities coordinating council, shall establish minimum standards and best management practices for one-number locator services consistent with the recommendations of the governor's fuel accident prevention and response team issued in December 1999. By December 31, 2000, the commission shall provide its recommendations to the appropriate standing committees of the house of representatives and the senate.

(3) One-number locator services shall be operated by nongovernmental agencies.

Sec. 17. RCW 19.122.030 and 1988 c 99 s 1 are each amended to read as follows:

(1) Before commencing any excavation, excluding agriculture tilling less than twelve inches in depth, the excavator shall provide notice of the scheduled commencement of excavation to all owners of underground facilities through a one-number locator service.

(2) All owners of underground facilities within a one-number locator service area shall subscribe to the service. One-number locator service rates for cable television companies will be based on the amount of their underground facilities. If no one-number locator service is available, notice shall be provided individually to those owners of underground facilities known to or suspected of having underground facilities within the area of proposed excavation. The notice shall be communicated to the owners of underground facilities not less than two business days or more than ten business days before the scheduled date for commencement of excavation, unless otherwise agreed by the parties.

(3) Upon receipt of the notice provided for in this section, the owner of the underground facility shall provide the excavator with reasonably accurate information as to its locatable underground facilities by surface-marking the location of the facilities. If there are identified but unlocatable underground facilities, the owner of such facilities shall provide the excavator with the best available information as to their locations. The owner of the underground facility providing the information shall respond no later than two business days after the receipt of the notice or before the excavation time, at the option of the owner, unless otherwise agreed by the parties. Excavators shall not excavate until all known facilities have been marked. Once marked by the owner of the underground facility, the excavator is responsible for maintaining the markings. Excavators shall have the right to receive compensation from the owner of the underground facility for costs incurred if the owner of the underground facility does not locate its facilities in accordance with this section.

(4) The owner of the underground facility shall have the right to receive compensation for costs incurred in responding to excavation notices given less than two business days prior to the excavation from the excavator.

(5) An owner of underground facilities is not required to indicate the presence of existing service laterals or appurtenances if the presence of existing service laterals or appurtenances on the site of the construction project can be determined from the presence of other visible facilities, such as buildings, manholes, or meter and junction boxes on or adjacent to the construction site.

(6) Emergency excavations are exempt from the time requirements for notification provided in this section.

(7) If the excavator, while performing the contract, discovers underground facilities which are not identified, the excavator shall cease excavating in the vicinity of the facility and immediately notify the owner or operator of such facilities, or the one-number locator service.

NEW SECTION. **Sec. 18.** A new section is added to chapter 19.122 RCW to read as follows:

(1) Before commencing any excavation, excluding agricultural tilling less than twelve inches in depth, an excavator shall notify pipeline companies of the scheduled commencement of excavation through
a one-number locator service in the same manner as is required for notifying owners of underground facilities of excavation work under RCW 19.122.030. Pipeline companies shall have the same rights and responsibilities as owners of underground facilities under RCW 19.122.030 regarding excavation work. Excavators have the same rights and responsibilities under this section as they have under RCW 19.122.030.

(2) Project owners, excavators, and pipeline companies have the same rights and responsibilities relating to excavation near pipelines that they have for excavation near underground facilities as provided in RCW 19.122.040.

NEW SECTION. **Sec. 19.** A new section is added to chapter 19.122 RCW to read as follows:

(1) After a pipeline company has been notified by an excavator pursuant to section 18 of this act that excavation work will uncover any portion of the pipeline, the pipeline company shall ensure that the pipeline section in the vicinity of the excavation is examined for damage prior to being reburied.

(2) Immediately upon receiving information of third-party damage to a hazardous liquid pipeline, the company that operates the pipeline shall terminate the flow of hazardous liquid in that pipeline until it has visually inspected the pipeline. After visual inspection, the operator of the hazardous liquid pipeline shall determine whether the damaged pipeline section should be replaced or repaired, or whether it is safe to resume pipeline operation. Immediately upon receiving information of third-party damage to a gas pipeline, the company that operates the pipeline shall conduct a visual inspection of the pipeline to determine whether the flow of gas through that pipeline should be terminated, and whether the damaged pipeline should be replaced or repaired. A record of the pipeline company's inspection report and test results shall be provided to the utilities and transportation commission consistent with reporting requirements under 49 C.F.R. 195 Subpart B.

(3) Pipeline companies shall immediately notify local first responders and the department of any reportable release of a hazardous liquid from a pipeline. Pipeline companies shall immediately notify local first responders and the commission of any blowing gas leak from a gas pipeline that has ignited or represents a probable hazard to persons or property. Pipeline companies shall take all appropriate steps to ensure the public safety in the event of a release of hazardous liquid or gas under this subsection.

(4) No damaged pipeline may be buried until it is repaired or relocated. The pipeline company shall arrange for repairs or relocation of a damaged pipeline as soon as is practical or may permit the excavator to do necessary repairs or relocation at a mutually acceptable price.

NEW SECTION. **Sec. 20.** A new section is added to chapter 48.48 RCW to read as follows:

(1) The chief of the Washington state patrol, through the director of fire protection or his or her authorized deputy, shall, in consultation with the emergency management program within the state military department, the department of ecology, the utilities and transportation commission, and local emergency services organizations:

(a) Evaluate the preparedness of local first responders in meeting emergency management demands under subsection (2) of this section; and

(b) Conduct an assessment of the equipment and personnel needed by local first responders to meet emergency management demands related to pipelines.

(2) The chief of the Washington state patrol, through the director of fire protection or his or her deputy, shall develop curricula for training local first responders to deal with hazardous liquid and gas pipeline accidents. The curricula shall be developed in conjunction with pipeline companies and local first responders, and shall include a timetable and costs for providing training as defined in the curricula to all communities housing pipelines. Separate curricula shall be developed for hazardous liquid and gas pipelines so that the differences between pipelines may be recognized and appropriate accident responses provided. The need for a training program for regional incident management teams shall also be evaluated.

(3) In consultation with other relevant agencies, the chief of the Washington state patrol, through the director of fire protection or his or her deputy, shall identify the need and means for achieving consistent application of the national interagency incident management system.

(4) For the purposes of this section, "local first responders" means police, fire, emergency medical staff, and volunteers.

NEW SECTION. **Sec. 21.** A pipeline company that has been notified by an excavator that excavation work will occur near a hazardous liquid pipeline shall ensure that the pipeline company's representative consults with the excavator on-site prior to the excavation. The pipeline company has the discretion to require that the pipeline section in the vicinity of the excavation is fully uncovered and examined for damage prior to being reburied.

NEW SECTION. **Sec. 22.** A new section is added to chapter 80.28 RCW to read as follows:

A gas pipeline company that has been notified by an excavator that excavation work will occur near a gas transmission pipeline shall ensure that the pipeline company's representative consults with the excavator on-site prior to the excavation. The gas pipeline company has the discretion to require that the pipeline section in the vicinity of the excavation is fully uncovered and examined for damage prior to being reburied.

NEW SECTION. **Sec. 23.** A new section is added to chapter 19.122 RCW to read as follows:

Any person who willfully damages or removes a permanent marking used to identify an underground facility or pipeline, or a temporary marking prior to its intended use, is subject to a civil penalty of not more than one thousand dollars for each act.

NEW SECTION. **Sec. 24.** A new section is added to chapter 19.122 RCW to read as follows:

(1) Any person who fails to notify the one-number locator service and causes damage to a hazardous liquid or gas pipeline is subject to a civil penalty of not more than ten thousand dollars for each violation.

(2) All civil penalties recovered under this section relating to hazardous liquid pipelines shall be deposited into the hazardous liquid pipeline safety account created in section 4 of this act. All civil penalties recovered under this section relating to gas pipelines shall be deposited in the general fund and expended for the purpose of enforcement of gas pipeline safety laws.

NEW SECTION. **Sec. 25.** A pipeline containing petroleum or petroleum products that is wholly owned by an individual and which pipeline is located wholly on the individual's property, that is not adjoining marine waters, is exempt from the provisions of this chapter. This exemption applies only for pipelines that do not have any connections to pipelines or facilities that extend beyond the pipeline owner's property and the petroleum or petroleum products must be for use only at that location.

NEW SECTION. **Sec. 26.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 27.** This act may be known and cited as the Washington state pipeline safety act.

NEW SECTION. **Sec. 28.** Sections 1, 2, 4 through 7, 9, 11, 13, 14, 21, and 25 through 27 of this act are each added to chapter 81.88 RCW.

NEW SECTION. **Sec. 29.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Spanel and Morton to Engrossed Second Substitute House Bill No. 2420, under suspension of the rules.

The motion by Senator Spanel carried and the striking amendment, under suspension of the rules, was adopted.

MOTIONS

On motion of Senator Spanel, the following title amendment was adopted:

On page 1, line 1 of the title, after "safety;" strike the remainder of the title and insert "amending RCW 81.88.040, 19.122.020, and 19.122.030; adding new sections to chapter 81.88 RCW; adding a new section to chapter 43.110 RCW; adding new sections to chapter 80.28 RCW; adding new sections to chapter 19.122 RCW; adding a new section to chapter 48.48 RCW; prescribing penalties; and declaring an emergency."

On motion of Senator Spanel, Engrossed Second Substitute House Bill No. 2420, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Morton: "Senator Spanel, under Section 13 (1) of the bill, all powers, duties and functions of the UTC pertaining to hazardous liquid pipeline safety are transferred to the Department of Ecology. The transfer is effective upon the department's receipt of any delegated federal authority over interstate hazardous liquid pipelines. My question is, if the Federal Office of Pipeline Safety were to decline or refuse to grant the state authority over interstate hazardous liquid pipelines, because they want the authority for all pipelines to be located in a single agency, is there any discretion to avoid this transfer of authority from the UTC to the Department of Ecology?"

Senator Spanel: "Yes, Senator Morton. Section 13 (1) specifically addresses this issue by requiring the transfer to be effective upon the department's receipt of any delegated federal authority. If the Federal Office of Pipeline Safety did not grant the authority over hazardous liquid pipelines specifically to the Department of Ecology, the authority would remain with the UTC."

Senator Morton: "Thank you, Senator Spanel."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2420, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2420, as amended by the Senate under suspension of the rules, the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Sellar and Thibaudeau - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2420, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2850, by House Committee on Finance (originally sponsored by Representatives Reardon, Schoesler, Scott, D. Schmidt, Tokuda, Skinner, Thomas, Clements, Dunshee, McIntire and Pennington)

Modifying the tax treatment of linen and uniform supply services.

The bill was read the second time.

MOTION

Senator Loveland moved that the following Committee on Ways and Means striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that linen and uniform supply services have been incorrectly sited for tax purposes and as a result, some companies that perform laundry activities outside the state of Washington have not been required to collect retail sales taxes upon linen and uniform supply services provided to Washington customers. This error in tax

treatment provides an incentive for businesses to locate their laundry functions out-of-state. In-state businesses cannot compete if out-of-state competitors are not required to collect sales tax.

The purpose of this act is to clarify the taxable situs of linen and uniform supply services.

Sec. 2. RCW 82.14.020 and 1997 c 201 s 1 are each amended to read as follows:

For purposes of this chapter:

(1) A retail sale consisting solely of the sale of tangible personal property shall be deemed to have occurred at the retail outlet at or from which delivery is made to the consumer((;)).

(2) A retail sale consisting essentially of the performance of personal business or professional services shall be deemed to have occurred at the place at which such services were primarily performed, except that for the performance of a tow truck service, as defined in RCW 46.55.010, the retail sale shall be deemed to have occurred at the place of business of the operator of the tow truck service((;)).

(3) A retail sale consisting of the rental of tangible personal property shall be deemed to have occurred (a) in the case of a rental involving periodic rental payments, at the primary place of use by the lessee during the period covered by each payment, or (b) in all other cases, at the place of first use by the lessee((;)).

(4) A retail sale within the scope of ((~~the second paragraph of~~)) RCW 82.04.050(2), and a retail sale of taxable personal property to be installed by the seller shall be deemed to have occurred at the place where the labor and services involved were primarily performed((;)).

(5) A retail sale consisting of the providing to a consumer of telephone service, as defined in RCW 82.04.065, other than a sale of tangible personal property under subsection (1) of this section or a rental of tangible personal property under subsection (3) of this section, shall be deemed to have occurred at the situs of the telephone or other instrument through which the telephone service is rendered((;)).

(6) A retail sale of linen and uniform supply services shall be deemed to have occurred at the place of delivery to the customer. "Linen and uniform supply service" means the activity of providing customers with a supply of clean linen, towels, uniforms, gowns, protective apparel, clean room apparel, mats, rugs, and similar items, whether ownership of the item is in the person operating the linen and uniform supply service or in the customer. The term includes supply services operating their own cleaning establishments as well as those contracting with other laundry or dry cleaning businesses.

(7) "City" means a city or town((;)).

(((~~7~~))) (8) The meaning ascribed to words and phrases in chapters 82.04, 82.08 and 82.12 RCW, as now or hereafter amended, insofar as applicable, shall have full force and effect with respect to taxes imposed under authority of this chapter((;)).

(((~~8~~))) (9) "Taxable event" shall mean any retail sale, or any use of an article of tangible personal property, upon which a state tax is imposed pursuant to chapter 82.08 or 82.12 RCW, as they now exist or may hereafter be amended: PROVIDED, HOWEVER, That the term shall not include a retail sale taxable pursuant to RCW 82.08.150, as now or hereafter amended((;)).

(((~~9~~))) (10) "Treasurer or other legal depository" shall mean the treasurer or legal depository of a county or city.

NEW SECTION. **Sec. 3.** This act takes effect July 1, 2000."

MOTION

On motion of Senator Loveland, the following amendment to the Committee on Ways and Means striking amendment was adopted:

On page 1, line 20 of the amendment, after "chapter" insert "and chapter 82.08 RCW"

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Substitute House Bill No. 2850.

The motion by Senator Loveland carried and the Committee on Ways and Means striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Loveland, the following title amendment was adopted:

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 82.14.020; creating a new section; and providing an effective date."

On motion of Senator Loveland, the rules were suspended, Substitute House Bill No. 2850, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Deccio: "Senator Loveland, this is no time for nitpicking, but on line sixteen on the first page of the committee amendment, the word 'situs' is used and I was just checking with the Secretary whether that should be 'status' or if that is the correct word?"

Senator Loveland: "'Situs' would be correct--the place--at the place."

Senator Deccio: "Thank you. Next time, I will take my glasses off, so I won't spot it."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2850, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2850, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 45.

Voting nay: Senators Bauer and Snyder - 2.

Absent: Senator West - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 2850, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hale, Senator West was excused.

SECOND READING

SENATE BILL NO. 6216, by Senators Haugen, Loveland, Gardner, T. Sheldon and Rasmussen

Defining rural counties for purposes of sales and use tax for public facilities in rural counties.

The bill was read the second time.

MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Senate Bill No. 6216 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6216.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6216 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Sellar and West - 2.

SENATE BILL NO. 6216, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4428, by House Committee on State Government (originally sponsored by Representatives Conway, D. Schmidt, O'Brien, Campbell, Lovick, Miloscia, Talcott, Bush, Woods, Haigh, Radcliff, Kenney, Kessler,

Creating a joint select committee on veterans and military affairs.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Goings, the rules were suspended, Substitute House Concurrent Resolution Bill No. 4428 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Concurrent Resolution No. 4428.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Concurrent Resolution No. 4428 and the concurrent resolution passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Sellar and West - 2.

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4428, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Snyder, all bills passed today were ordered to be immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the third order of business.

MESSAGE FROM THE GOVERNOR

March 8, 2000

TO THE HONORABLE, THE SENATE

AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

In compliance with the provision of Section 11 of Article III of the Constitution of the State of Washington, the Governor hereby submits his report of each case of reprieve, commutation or pardon that he has granted since the adjournment of the 1999 First Special Session of the 56th Legislature, copy of which is attached.

Respectfully submitted.

EVERETT H. BILLINGSLEA, General Counsel

FULL AND UNCONDITIONAL PARDON
OF
KARLO ALEXIS REYES

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

WHEREAS, on November 20, 1994, Karlo Alexis Reyes, then age 18, was returning from a party in Bremerton, Washington to Seattle with a group of other youths. The group stopped at a convenience store in or near Bremerton. At the store, an alteration and shouting match broke out between the group with which Mr. Reyes was traveling and another group of youths. Mr. Reyes fired gunshots from the car he was riding in, injuring one young man. The car sped away, but was later apprehended. Mr. Reyes was arrested and charged with second degree assault with a deadly weapon. He accepted full responsibility for the crime, and in May of 1995 pled guilty to the charge and served time at the Washington State Reformatory in Monroe from June 1995 through July 1996. He was then transferred to immigration custody until he was bonded out on August 2, 1996. The remainder of his state sentence was served in community placement. Mr. Reyes had no prior offenses, and has remained law-abiding since his release from prison. This is the sole criminal offense in his life.

WHEREAS, the United State Immigration and Naturalization Service has issued an order to deport Mr. Reyes to the Phillippines for having committed a crime of moral turpitude and having committed an aggravated felony. The order is effective at 9:30 a.m. on September 14, 1999. Categorizing Mr. Reyes as an "aggravated felon" was made possible only due to the passage on September 30, 1996, of the federal Illegal Immigration Reform and Immigrant Responsibility Act in 1996. Under that act, the immigration laws were changed with retroactive effect to include Mr. Reyes' crime and sentence of more than one year. Under the laws in place at the time that Mr. Reyes entered his guilty plea, the definition of "aggravated felon" did not apply to him. Moreover, the new federal act precludes Mr. Reyes from filing any waivers for relief and eliminates appeal to the federal courts. Pursuant to 8 U.S.C. Section 1251 (a), a full and unconditional pardon is the only avenue of relief that will allow Mr. Reyes to continue his life in the United States.

WHEREAS, Mr. Reyes was a model prisoner while incarcerated and was commended by the prison counselor. At the request of the Assistant Superintendent, he spoke to young visitors to the prison. Mr. Reyes has accepted full responsibility for his actions. He has pre-paid all restitution and has had no prior or subsequent arrest or charges. He has severed all ties with acquaintances and friends prior to this offense. Convincing testimony that Mr. Reyes was never a gang member was presented to the Clemency and Pardons Board. Well-know Seattle School District youth counselor Mr. Tom Nakao spoke on Mr. Reyes' behalf at the Clemency and Pardons Board Hearing, and approximately two years later made a personal plea to the Governor to be merciful to Mr. Reyes, as one of his final acts before his death of cancer. Mr. Reyes is now beginning his senior year at the University of Washington, is working several part-tine jobs and has maintained a respectable grade point average.

WHEREAS, Mr. Reyes moved to the United States from the Philippines with his family when he was approximately five years old, and became a permanent resident on February 6, 1993. Today his immediate and much of his extended family lives in Washington. Mr. Reyes does not speak any of the languages of the Philippines and has no allegiance to that country. The Clemency and Pardons Board was convinced that Mr. Reyes has fully paid for his actions, will be a worthy and productive member of society in the United States, and that deporting him to the Philippines would serve no purpose other than to destroy the hope and opportunity for this young man to complete his education and live a productive life in the United States with his family.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the favorable recommendation of the Washington State Clemency and Pardons Board, and the purpose for Mr. Reyes' request, and in light of the circumstances of the crime and all other factors, I have determined that the best interest of justice will be served by this action;

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Karlo Alexis Reyes this Full and Unconditional Pardon for the express purpose of allowing him to obtain a deportation waiver and lawfully remain in the United States. This Full and Unconditional Pardon does not restore the right to receive, possess, own, ship or transport firearms and shall not under any circumstances be construed to remove any disability related to firearms under any state or federal law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused

the seal of the State of Washington to be affixed at Olympia on this 13th day of September, A.D., nineteen hundred ninety nine.

(SEAL)

GARY LOCKE

Governor of Washington

BY THE GOVERNOR
Donald F. Whiting
Assistant Secretary of State

There being no objection, the President advanced the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

March 8, 2000

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

HOUSE BILL NO. 2400,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2647,
HOUSE BILL NO. 2807,
SUBSTITUTE HOUSE BILL NO. 2903,
SUBSTITUTE HOUSE BILL NO. 2912.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

March 8, 2000

MR. PRESIDENT:

The House receded from its amendment(s) to ENGROSSED SENATE BILL NO. 6555 and passed the bill without the House amendment(s), and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

March 8, 2000

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 6336 and passed the bill without the House amendment(s), and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 6336,
ENGROSSES SUBSTITUTE SENATE BILL NO. 6487,

ENGROSSED SENATE BILL NO. 6555,
SUBSTITUTE SENATE BILL NO. 6557,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6559,
SENATE BILL NO. 6570,
SUBSTITUTE SENATE BILL NO. 6663,
SUBSTITUTE SENATE BILL NO. 6675,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6676,
SECOND SUBSTITUTE SENATE BILL NO. 6811,
SUBSTITUTE SENATE BILL NO. 6812.

MOTION

At 5:55 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Thursday, March 9, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-NINTH DAY, MARCH 8, 2000

NOTICE: **Formatting and page numbering in this document may be different from that in the original published version.**

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 9, 2000

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Costa, Fairley, Finkbeiner, Gardner, Hargrove, Haugen, Loveland, Patterson, Rasmussen and Sellar. On motion of Senator Franklin, Senators Costa, Hargrove, Haugen, Loveland and Rasmussen were excused. On motion of Senator Honeyford, Senators Finkbeiner and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages Stefan Wilson and Jennifer Swope, presented the Colors. Reverend Terry Kaiser, pastor of the Faith Assembly Church in Lacey, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

March 8, 2000

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2380,
SUBSTITUTE HOUSE BILL NO. 2441,
HOUSE BILL NO. 2510,
SECOND SUBSTITUTE HOUSE BILL NO. 2637.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

March 8, 2000

MR. PRESIDENT:

The Co-Speakers have signed:
SUBSTITUTE SENATE BILL NO. 5518,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5610,
SENATE BILL NO. 6010,
SUBSTITUTE SENATE BILL NO. 6071,
SENATE BILL NO. 6154,
SENATE BILL NO. 6190,
SECOND SUBSTITUTE SENATE BILL NO. 6199,
SUBSTITUTE SENATE BILL NO. 6210,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6217,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6218,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6220,
ENGROSSED SENATE BILL NO. 6236,
SUBSTITUTE SENATE BILL NO. 6244,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6264,
SUBSTITUTE SENATE BILL NO. 6450,
SUBSTITUTE SENATE BILL NO. 6459,
SUBSTITUTE SENATE BILL NO. 6467,
SUBSTITUTE SENATE BILL NO. 6502,
SUBSTITUTE SENATE BILL NO. 6720, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

March 8, 2000

MR. PRESIDENT:

The Co-Speakers have signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5001,
SENATE BILL NO. 5739,
SUBSTITUTE SENATE BILL NO. 5924,
SUBSTITUTE SENATE BILL NO. 6294,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6305,
SUBSTITUTE SENATE BILL NO. 6361,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6400,
SENATE BILL NO. 6431,
SUBSTITUTE SENATE BILL NO. 6454,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6455,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6487,
SUBSTITUTE SENATE BILL NO. 6557,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6559,
SENATE BILL NO. 6570,
SUBSTITUTE SENATE BILL NO. 6663,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6676,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6731,
SECOND SUBSTITUTE SENATE BILL NO. 6811,
SUBSTITUTE SENATE BILL NO. 6812, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

March 8, 2000

MR. PRESIDENT:

The Co-Speakers have signed:
HOUSE BILL NO. 1070,
SUBSTITUTE HOUSE BILL NO. 1218,
HOUSE BILL NO. 2330,
SUBSTITUTE HOUSE BILL NO. 2332,
SUBSTITUTE HOUSE BILL NO. 2338,
SUBSTITUTE HOUSE BILL NO. 2345,
SUBSTITUTE HOUSE BILL NO. 2348,
ENGROSSED HOUSE BILL NO. 2424,
HOUSE BILL NO. 2449,
HOUSE BILL NO. 2452,
SUBSTITUTE HOUSE BILL NO. 2454,
HOUSE BILL NO. 2495,
HOUSE BILL NO. 2505,
HOUSE BILL NO. 2520,
HOUSE BILL NO. 2522,
ENGROSSED HOUSE BILL NO. 2561,
HOUSE BILL NO. 2576,
HOUSE BILL NO. 2579,
SUBSTITUTE HOUSE BILL NO. 2599,
HOUSE BILL NO. 2600,
SUBSTITUTE HOUSE BILL NO. 2644,
SUBSTITUTE HOUSE BILL NO. 2649,
ENGROSSED HOUSE BILL NO. 2755,
HOUSE BILL NO. 2774,
HOUSE BILL NO. 2853,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2934,
SUBSTITUTE HOUSE BILL NO. 3032,
ENGROSSED HOUSE BILL NO. 3105, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

March 8, 2000

MR. PRESIDENT:

The Co-Speakers have signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2078,
SUBSTITUTE HOUSE BILL NO. 2343,
HOUSE BILL NO. 2344,
SUBSTITUTE HOUSE BILL NO. 2372,
SUBSTITUTE HOUSE BILL NO. 2377,
SUBSTITUTE HOUSE BILL NO. 2466,
SUBSTITUTE HOUSE BILL NO. 2604,
ENGROSSED HOUSE BILL NO. 2609,
SUBSTITUTE HOUSE BILL NO. 2628,
SUBSTITUTE HOUSE BILL NO. 2670,
HOUSE BILL NO. 2684,
HOUSE BILL NO. 2686,
SUBSTITUTE HOUSE BILL NO. 2766,
SUBSTITUTE HOUSE BILL NO. 2776,
SUBSTITUTE HOUSE BILL NO. 2799,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2867,
HOUSE BILL NO. 2993,
ENGROSSED HOUSE BILL NO. 2995,
SUBSTITUTE HOUSE BILL NO. 3076,
SUBSTITUTE HOUSE BILL NO. 3099,
HOUSE BILL NO. 3154, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1070,
SUBSTITUTE HOUSE BILL NO. 1218,
HOUSE BILL NO. 2330,
SUBSTITUTE HOUSE BILL NO. 2332,
SUBSTITUTE HOUSE BILL NO. 2338,
SUBSTITUTE HOUSE BILL NO. 2345,
SUBSTITUTE HOUSE BILL NO. 2348,
ENGROSSED HOUSE BILL NO. 2424,
HOUSE BILL NO. 2449,
HOUSE BILL NO. 2452,
SUBSTITUTE HOUSE BILL NO. 2454,
HOUSE BILL NO. 2495,
HOUSE BILL NO. 2505,
HOUSE BILL NO. 2520,
HOUSE BILL NO. 2522,
ENGROSSED HOUSE BILL NO. 2561,
HOUSE BILL NO. 2576,
HOUSE BILL NO. 2579,
SUBSTITUTE HOUSE BILL NO. 2599,
HOUSE BILL NO. 2600,
SUBSTITUTE HOUSE BILL NO. 2644,

SUBSTITUTE HOUSE BILL NO. 2649,
ENGROSSED HOUSE BILL NO. 2755,
HOUSE BILL NO. 2774,
HOUSE BILL NO. 2853,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2934,
SUBSTITUTE HOUSE BILL NO. 3032,
ENGROSSED HOUSE BILL NO. 3105.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2078,
SUBSTITUTE HOUSE BILL NO. 2343,
HOUSE BILL NO. 2344,
SUBSTITUTE HOUSE BILL NO. 2372,
SUBSTITUTE HOUSE BILL NO. 2377,
SUBSTITUTE HOUSE BILL NO. 2466,
SUBSTITUTE HOUSE BILL NO. 2604,
ENGROSSED HOUSE BILL NO. 2609,
SUBSTITUTE HOUSE BILL NO. 2628,
SUBSTITUTE HOUSE BILL NO. 2670,
HOUSE BILL NO. 2684,
HOUSE BILL NO. 2686,
SUBSTITUTE HOUSE BILL NO. 2766,
SUBSTITUTE HOUSE BILL NO. 2776,
SUBSTITUTE HOUSE BILL NO. 2799,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2867,
HOUSE BILL NO. 2993,
ENGROSSED HOUSE BILL NO. 2995,
SUBSTITUTE HOUSE BILL NO. 3076,
SUBSTITUTE HOUSE BILL NO. 3099,
HOUSE BILL NO. 3154.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Jacobsen, Gubernatorial Appointment No. 9226, Russ Cahill, as a member of the Fish and Wildlife Commission, was confirmed.

APPOINTMENT OF RUSS CAHILL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 3; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Eide, Franklin, Fraser, Goings, Hale, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 39.

Absent: Senators Fairley, Gardner and Patterson - 3.

Excused: Senators Costa, Finkbeiner, Hargrove, Haugen, Loveland, Rasmussen and Sellar - 7.

PARLIAMENTARY INQUIRY

Senator McCaslin: "A parliamentary inquiry, Mr. President. I said to the Secretary of the Senate that it seems to me that we confirmed him the other day. I may be wrong, but if we did confirm him the other day should we unconfirm him to confirm him for this? If we vote on a bill, we can move for reconsideration and if we did confirm him the other day, what happens technically and legally and the records of the Senate--you know? It is a serious inquiry. I would like to know."

REPLY BY THE PRESIDENT

President Owen: "Senator McCaslin, it will take us a few minutes to confirm your inquiry to find out whether or not if we did confirm him and then reconfirm. We will confirm that in just a few minutes.

"Senator McCaslin, you are correct. Russ Cahill was reappointed as a member of the Fish and Wildlife Commission to a different position.

MOTION

On motion of Senator Bette Sheldon, Senators Fairley and Patterson were excused.

MOTION

On motion of Senator Jacobsen, Gubernatorial Appointment No. 9259, Egil Krogh, as a member of the Interagency Committee for Outdoor Recreation, was confirmed.

APPOINTMENT OF EGIL KROGH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 2; Excused, 9.

Voting yea: Senators Bauer, Brown, Deccio, Eide, Franklin, Fraser, Gardner, Goings, Hale, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 38.

Absent: Senators Benton and Wojahn - 2.

Excused: Senators Costa, Fairley, Finkbeiner, Hargrove, Haugen, Loveland, Patterson, Rasmussen and Sellar - 9.

MOTION

On motion of Senator Kohl-Welles, the following resolution was adopted:

SENATE RESOLUTION 2000-8769

By Senators Kohl-Welles, Gardner, Spanel, Jacobsen, Oke, Swecker, Snyder, Thibaudeau, Hargrove, Kline, Heavey and Rasmussen

WHEREAS, The Washington State commercial fishing fleet begins leaving in March and the Blessing of the Fleet will occur at Fisherman's Terminal in Ballard, March 12, 2000; and

WHEREAS, This is the Seventy-second year that the Ballard First Lutheran Church has held the blessing; and

WHEREAS, The Washington State commercial fishing fleet begins leaving Blaine waters in May and the Blessing of the Fleet will occur at Saw Tooth Dock in Blaine Harbor, May 7, 2000; and

WHEREAS, The Washington State commercial fishing fleet is one of the world's largest distant water fleets; and

WHEREAS, The commercial fishing industry directly and indirectly employs thousands of people; and

WHEREAS, The harvest annually generates hundreds of millions of dollars in economic contributions to the Washington State economy; and

WHEREAS, The commercial fishing industry is one of the largest industries in Washington State; and

WHEREAS, The life of a fisher is one fraught with danger and hardship that most of us will never face; and

WHEREAS, Strength and courage are basic requirements for anyone who chooses to work on the high seas, battling the elements in order to harvest nature's bounty; and

WHEREAS, The men and women who work on boats, living between God and the sea, and never certain which will claim them first, deserve our admiration, our thanks, and, when tragedy strikes, our remembrance; and

WHEREAS, Too often fishers do lose their lives, and their deaths devastate not only the tightly knit fabric that is the community of fishing families in our region, but also our entire state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and remember Washington fishermen Gregory Williams, Ryan Williams, and Gary Khudso who lost their lives in Washington waters in 1999, and Eythor Westman, a pioneer in the fishing industry, whose family and business continue to play an integral role in Blaine, and whose loss will be felt throughout his community; and

BE IT FURTHER RESOLVED, That the Washington State Senate extend its condolences to the families and friends of all our fishermen and women who have lost their lives at sea, and wish the entire commercial fishing fleet a safe and prosperous season and that all fishing men and women will return home safely to their families, friends, and communities.

Senators Kohl-Welles, Gardner, McDonald and Snyder spoke to Senate Resolution 2000-8769.

MOTION

On motion of Senator Roach, the following resolution was adopted:

SENATE RESOLUTION 2000-8772

By Senators Roach and Rasmussen

WHEREAS, The Vietnam War was a turbulent time for Washington State and the rest of the country, particularly for those in service and for their families and loved ones from whom they were apart; and

WHEREAS, Communications between members of the United States military and others serving their country during the Vietnam War, and those they left back home were difficult and time consuming, if possible at all; and

WHEREAS, Through the use of amateur HAM radio, voice communications could be provided to help those service members communicate with their families and loved ones by providing what is commonly referred to as a "phone patch;" and

WHEREAS, One of the best known and well-respected of those heroic amateur radio operators, Gertrude "Gerry" Johnson, will celebrate her ninetieth birthday on May 14, 2000; and

WHEREAS, Mrs. Johnson has, through the years, additionally proved instrumental in a number of rescues and countless other benevolent activities both at home in Washington State and around the world;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes the time, energy, caring, and resources that Mrs. Gertrude "Gerry" Johnson spent to provide a means of communication during difficult times for families and loved ones separated by thousands of miles, under the most difficult conditions, and we thank her for that.

Senators Roach and Swecker spoke to Senate Resolution 2000-8772.

There being no objection, the President returned the Senate to the fourth order of business.

MOTION

On motion of Senator Sheahan, Senator Rossi was excused.

MESSAGE FROM THE HOUSE

March 8, 2000

MR. PRESIDENT:

Under suspension of the rules, SUBSTITUTE SENATE BILL NO. 6194 was returned to second reading and the House adopted the following amendment(s) and passed the bill as amended by the House:

On page 6, line 36, after "is a" insert "gross," and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Tim Sheldon, the Senate concurred in the House amendment to Substitute Senate Bill No. 6194.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6194, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6194, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Fairley, Rossi and Sellar - 3.

SUBSTITUTE SENATE BILL NO. 6194, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 2000

MR. PRESIDENT:

Under suspension of the rules, SECOND SUBSTITUTE SENATE BILL NO. 6255 was returned to second reading and the House adopted the following amendment(s) and passed the bill as amended by the House:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) A person who, with intent to deprive the owner or owner's agent, wrongfully obtains anhydrous ammonia, is guilty of theft of anhydrous ammonia.

(2) Theft of anhydrous ammonia is a class C felony.

NEW SECTION. **Sec. 2.** A person is guilty of the crime of unlawful storage of anhydrous ammonia if the person possesses anhydrous ammonia in a container that (1) is not approved by the United States department of transportation to hold anhydrous ammonia, or (2) was not constructed to meet state and federal industrial health and safety standards for holding anhydrous ammonia. Violation of this section is a class C felony.

This section does not apply to public employees or private contractors authorized to clean up and dispose of hazardous waste or toxic substances under chapter 70.105 or 70.105D RCW.

NEW SECTION. **Sec. 3.** Any damages arising out of the unlawful possession of, storage of, or tampering with anhydrous ammonia or anhydrous ammonia equipment shall be the sole responsibility of the unlawful possessor, storer, or tamperer. In no case shall liability for damages arising out of the unlawful possession of, storage of, or tampering with anhydrous ammonia or anhydrous ammonia equipment extend to the lawful owner, installer, maintainer, designer, manufacturer, possessor, or seller of the anhydrous ammonia or anhydrous ammonia equipment, unless such damages arise out of the owner, installer, maintainer, designer, manufacturer, possessor, or seller's acts or omissions that constitute negligent misconduct to abide by the laws regarding anhydrous ammonia possession and storage.

Sec. 4. RCW 69.50.440 and 1997 c 71 s 3 are each amended to read as follows:

It is unlawful for any person to possess ephedrine ((~~or~~)), pseudoephedrine, or anhydrous ammonia with intent to manufacture methamphetamine. Any person who violates this section is guilty of a crime and may be imprisoned for not more

than ten years, fined not more than twenty-five thousand dollars, or both. Three thousand dollars of the fine may not be suspended. As collected, the first three thousand dollars of the fine must be deposited with the law enforcement agency having responsibility for cleanup of laboratories, sites, or substances used in the manufacture of the methamphetamine. The fine moneys deposited with that law enforcement agency must be used for such clean-up cost.

Sec. 5. RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999 c 45 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW 10.95.020)
XV Homicide by abuse (RCW 9A.32.055)
Malicious explosion 1 (RCW 70.74.280(1))
Murder 1 (RCW 9A.32.030)
XIV Murder 2 (RCW 9A.32.050)
XIII Malicious explosion 2 (RCW 70.74.280(2))
Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII Assault 1 (RCW 9A.36.011)
Assault of a Child 1 (RCW 9A.36.120)
Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
Rape 1 (RCW 9A.44.040)
Rape of a Child 1 (RCW 9A.44.073)
XI Manslaughter 1 (RCW 9A.32.060)
Rape 2 (RCW 9A.44.050)
Rape of a Child 2 (RCW 9A.44.076)
X Child Molestation 1 (RCW 9A.44.083)
Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
Kidnapping 1 (RCW 9A.40.020)
Leading Organized Crime (RCW 9A.82.060(1)(a))
Malicious explosion 3 (RCW 70.74.280(3))
Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
IX Assault of a Child 2 (RCW 9A.36.130)
Controlled Substance Homicide (RCW 69.50.415)
Explosive devices prohibited (RCW 70.74.180)
Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW ((~~88.12.029~~)) 79A.60.050)
Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
Malicious placement of an explosive 2 (RCW 70.74.270(2))
Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
Robbery 1 (RCW 9A.56.200)
Sexual Exploitation (RCW 9.68A.040)
Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
VIII Arson 1 (RCW 9A.48.020)
Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW ((~~88.12.029~~)) 79A.60.050)
Manslaughter 2 (RCW 9A.32.070)
Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))

Possession of Ephedrine ((or)), Pseudoephedrine, or Anhydrous Ammonia with intent to manufacture methamphetamine (RCW 69.50.440)

Promoting Prostitution 1 (RCW 9A.88.070)

Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)

Theft of Anhydrous Ammonia (section 1 of this act)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)

Child Molestation 2 (RCW 9A.44.086)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW ((88.12.029)) 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Involving a minor in drug dealing (RCW 69.50.401(f))

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Anhydrous Ammonia (section 2 of this act)

V Abandonment of dependent person 1 (RCW 9A.42.060)

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Pretrial Condition (RCW 10.99.040(4) (b) and (c))

On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Sentence Condition (RCW 10.99.050(2))

On and after July 1, 2000: Protection Order Violation: Domestic Violence Civil Action (RCW 26.50.110 (4) and (5))

On and after July 1, 2000: Stalking (RCW 9A.46.110)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW ((~~88.12.032~~)) 79A.60.050)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury Accident (RCW 46.52.020(4))

Hit and Run with Vessel--Injury Accident (RCW ((~~88.12.155(3)~~)) 79A.60.200(3))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

Malicious Harassment (RCW 9A.36.080)

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicular Assault (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))

Malicious Injury to Railroad Property (RCW 81.60.070)

Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))

Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Perjury 2 (RCW 9A.72.030)
Possession of Incendiary Device (RCW 9.40.120)
Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
Promoting Prostitution 2 (RCW 9A.88.080)
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Securities Act violation (RCW 21.20.400)
Tampering with a Witness (RCW 9A.72.120)
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)
Theft of Livestock 2 (RCW 9A.56.080)
Unlawful Imprisonment (RCW 9A.40.040)
Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
Willful Failure to Return from Work Release (RCW 72.65.070)

II Computer Trespass 1 (RCW 9A.52.110)
Counterfeiting (RCW 9.16.035(3))
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
Escape from Community Custody (RCW 72.09.310)
Health Care False Claims (RCW 48.80.030)
Malicious Mischief 1 (RCW 9A.48.070)
Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
Possession of phencyclidine (PCP) (RCW 69.50.401(d))
Possession of Stolen Property 1 (RCW 9A.56.150)
Theft 1 (RCW 9A.56.030)
Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
Trafficking in Insurance Claims (RCW 48.30A.015)
Unlawful Practice of Law (RCW 2.48.180)
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
False Verification for Welfare (RCW 74.08.055)
Forged Prescription (RCW 69.41.020)
Forged Prescription for a Controlled Substance (RCW 69.50.403)
Forgery (RCW 9A.60.020)
Malicious Mischief 2 (RCW 9A.48.080)
Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))
Possession of Stolen Property 2 (RCW 9A.56.160)
Reckless Burning 1 (RCW 9A.48.040)
Taking Motor Vehicle Without Permission (RCW 9A.56.070)
Theft 2 (RCW 9A.56.040)
Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
Vehicle Prowl 1 (RCW 9A.52.095)

NEW SECTION. **Sec. 6.** Sections 1 through 3 of this act constitute a new chapter in Title 69 RCW.

NEW SECTION. **Sec. 7.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2000, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Heavey moved that the Senate concur in the House amendment to Second Substitute Senate Bill No. 6255.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Heavey that the Senate concur in the House amendment to Second Substitute Senate Bill No. 6255.

The motion by Senator Heavey carried and the Senate concurred in the House amendment to Second Substitute Senate Bill No. 6255.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6255, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6255, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Fairley and Sellar - 2.

SECOND SUBSTITUTE SENATE BILL NO. 6255, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 2000

MR. PRESIDENT:

Under suspension of the rules, ENGROSSED SUBSTITUTE SENATE BILL NO. 6277 was returned to second reading and the House adopted the following amendment(s) and passed the bill as amended by the House:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** INTENT. It is the intent of the legislature to allow applicants for environmental permits for complex projects to compensate permitting agencies for providing environmental review through the voluntary negotiation of cost-reimbursement agreements with the permitting agency. It is the further intent of the legislature that cost-reimbursement agreements for complex projects free permitting agency resources to focus on the review of small projects permits.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21A RCW to read as follows:

COST-REIMBURSEMENT AGREEMENT BY THE DEPARTMENT OF ECOLOGY. (1) The department may enter into a written cost-reimbursement agreement with a permit applicant for a complex project to recover from the applicant the reasonable costs incurred by the department in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing. The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. For purposes of this section, a complex project is a project for which an environmental impact statement is required under chapter 43.21C RCW.

(2) The written cost-reimbursement agreement shall be negotiated with the permit applicant. Under the provisions of a cost-reimbursement agreement, funds from the applicant shall be used by the department to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The department may also use funds provided under a cost-reimbursement agreement to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit. The department shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant. The department shall make an estimate of the number of permanent staff hours to process the permits, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits not covered by cost-reimbursement agreements. The department may not use any funds under a cost-reimbursement agreement to replace or supplant existing funding. The restrictions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement.

(3) The department may not enter into any new cost-reimbursement agreements on or after July 1, 2005. The department may continue to administer any cost-reimbursement agreement which was entered into before July 1, 2005, until the project is completed.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.30 RCW to read as follows:

COST-REIMBURSEMENT AGREEMENT BY THE DEPARTMENT OF NATURAL RESOURCES. (1) The department may enter into a written cost-reimbursement agreement with a permit or lease applicant for a complex project to recover from the applicant the reasonable costs incurred by the department in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit or lease processing. The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. For purposes of this section, a complex project is a project for which an environmental impact statement is required under chapter 43.21C RCW. An applicant for a lease issued under chapter 79.90 RCW may not enter into a cost-reimbursement agreement under this section for projects conducted under the lease.

(2) The written cost-reimbursement agreement shall be negotiated with the permit or lease applicant. Under the provisions of a cost-reimbursement agreement, funds from the applicant shall be used by the department to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The department may also use funds provided under a cost-reimbursement agreement to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit or lease. The department shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant. The department shall make an estimate of the number of permanent staff hours to process the permits or leases, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits or leases not covered by cost-reimbursement agreements. The department may not use any funds under a cost-reimbursement agreement to replace or supplant existing funding. The restrictions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement.

(3) The department may not enter into any new cost-reimbursement agreements on or after July 1, 2005. The department may continue to administer any cost-reimbursement agreement which was entered into before July 1, 2005, until the project is completed.

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.70 RCW to read as follows:

COST-REIMBURSEMENT AGREEMENT BY THE DEPARTMENT OF HEALTH. (1) The department may enter into a written cost-reimbursement agreement with a permit applicant for a complex project to recover from the applicant the reasonable costs incurred by the department in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing.
The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. For purposes of this section, a complex project is a project for which an environmental impact statement is required under chapter 43.21C RCW.

(2) The written cost-reimbursement agreement shall be negotiated with the permit applicant. Under the provisions of a cost-reimbursement agreement, funds from the applicant shall be used by the department to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The department may also use funds provided

under a cost-reimbursement agreement to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit. The department shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant. The department shall make an estimate of the number of permanent staff hours to process the permits, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits not covered by cost-reimbursement agreements. The department may not use any funds under a cost-reimbursement agreement to

replace or supplant existing funding. The restrictions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement.

(3) The department may not enter into any new cost-reimbursement agreements on or after July 1, 2005. The department may continue to administer any cost-reimbursement agreement which was entered into before July 1, 2005, until the project is completed.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.300 RCW to read as follows:

COST-REIMBURSEMENT AGREEMENT BY THE DEPARTMENT OF FISH AND WILDLIFE. (1) The department may enter into a written cost-reimbursement agreement with a permit applicant for a complex project to recover from the applicant the reasonable costs incurred by the department in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing. The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. For purposes of this section, a complex project is a project for which an environmental impact statement is required under chapter 43.21C RCW.

(2) The written cost-reimbursement agreement shall be negotiated with the permit applicant. Under the provisions of a cost-reimbursement agreement, funds from the applicant shall be used by the department to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The department may also use funds provided under a cost-reimbursement agreement to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit. The department shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant. The department shall make an estimate of the number of permanent staff hours to process the permits, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits not covered by cost-reimbursement agreements. The department may not use any funds under a cost-reimbursement agreement to replace or supplant existing funding. The restrictions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement.

(3) The department may not enter into any new cost-reimbursement agreements on or after July 1, 2005. The department may continue to administer any cost-reimbursement agreement which was entered into before July 1, 2005, until the project is completed.

NEW SECTION. **Sec. 6.** A new section is added to chapter 70.94 RCW to read as follows:

COST-REIMBURSEMENT AGREEMENT BY AN AIR POLLUTION CONTROL AUTHORITY. (1) An authority may enter into a written cost-reimbursement agreement with a permit applicant for a complex project to recover from the applicant the reasonable costs incurred by the authority in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing. The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. For purposes of this section, a complex project is a project for which an environmental impact statement is required under chapter 43.21C RCW.

(2) The written cost-reimbursement agreement shall be negotiated with the permit applicant. Under the provisions of a cost-reimbursement agreement, funds from the applicant shall be used by the air pollution control authority to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The air pollution control authority may also use funds provided under a cost-reimbursement agreement to assign current staff to review the work of the consultant,

to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit. The air pollution control authority shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant. The air pollution control authority shall make an estimate of the number of permanent staff hours to process the permits, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits not covered by cost-reimbursement agreements. The air pollution control authority may not use any funds under a cost-reimbursement agreement to replace or supplant existing funding. The provisions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement. Members of the air pollution control authority's board of directors shall be considered as state officers, and employees of the air pollution control authority shall be considered as state employees, for the sole purpose of applying the restrictions of chapter 42.52 RCW to this section.

(3) An air pollution control authority may not enter into any new cost-reimbursement agreements on or after July 1, 2005. The department may continue to administer any cost-reimbursement agreement which was entered into before July 1, 2005, until the project is completed.

NEW SECTION. **Sec. 7.** A new section is added to chapter 90.03 RCW to read as follows:

Any applicant for a new withdrawal or a change, transfer, or amendment of a water right pending before the department, may initiate a cost-reimbursement agreement with the department to provide expedited review of the application. A cost-reimbursement agreement may only be initiated under this section if the applicant agrees to pay for, or as part of a cooperative effort agrees to pay for, the cost of processing his or her application and all other applications from the same source of supply which must be acted upon before the applicant's request because they were filed prior to the date of when the applicant filed. The department shall use the process established under section 2 of this act for entering into cost-reimbursement agreements, except that it is not necessary for an environmental impact statement to be filed as a prerequisite for entering into a cost-reimbursement agreement under this section.

NEW SECTION. **Sec. 8.** Captions used in this act are not any part of the law.

NEW SECTION. **Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Betti Sheldon, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6277.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6277, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6277, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Deccio, Eide, Finkbeiner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, West and Zarelli - 31.

Voting nay: Senators Brown, Costa, Franklin, Fraser, Gardner, Heavey, Jacobsen, Kline, Kohl-Welles, Patterson, Prentice, Rasmussen, Spanel, Thibaudeau, Winsley and Wojahn - 16.

Excused: Senators Fairley and Sellar - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6277, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Senator Honeyford was excused.

MESSAGE FROM THE HOUSE

February 29, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6621 with the following amendment(s):

On page 2, line 17, after "attorney" insert "jointly"

On page 2, line 18, after "association" insert "and the Washington association of criminal defense lawyers"

On page 2, line 23, strike subsection (3) and insert "(3) Staff support for the task force shall be provided by the office of financial management. Legislators on the task force may use legislative staff from senate committee services and the office of program research.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Costa, the Senate concurred in the House amendments to Substitute Senate Bill No. 6621.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6621, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6621, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Fairley, Honeyford and Sellar - 3.

SUBSTITUTE SENATE BILL NO. 6621, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator McAuliffe was excused.

MESSAGE FROM THE HOUSE

March 8, 2000

MR. PRESIDENT:

Under suspension of the rules, SUBSTITUTE SENATE BILL NO. 6781 was returned to second reading and the House adopted the following amendment(s) and passed the bill as amended by the House:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 90.64 RCW to read as follows:

(1) A dairy nutrient management task force is created that shall be comprised of no more than fifteen members, who are appointed as follows:

(a) Two members of the house of representatives, one from each major caucus, appointed by the co-speakers of the house of representatives;

(b) Two members of the senate, one from each major caucus, appointed by the president of the senate;

(c) A representative of the department of ecology, appointed by the director of ecology;

(d) A representative of the state conservation commission, appointed by its executive secretary;

(e) A representative of local conservation districts, appointed by the president of a state-wide association of conservation districts;

(f) A representative of local health departments, appointed by the Washington state association of local public health officials;

(g) A representative of commercial shellfish growers, appointed by a state-wide organization representing oyster growers;

(h) Four representatives of the dairy industry, appointed by a state-wide organization representing the dairy industry in the state;

(i) A representative of an environmental interest organization with familiarity and expertise in water quality issues, appointed by a state-wide organization representing environmental interests;

(j) A representative of the United States environmental protection agency, appointed by the regional director of the agency if the agency chooses to be represented on the task force; and

(k) A representative of the United States natural resources conservation service, appointed by the state conservationist of that agency for this state, if the agency chooses to be represented on the task force.

(2) The task force shall convene as soon as possible upon appointment of its members. The task force shall elect a chair and adopt rules for conducting the business of the task force. Staff support for the task force shall be provided by the Washington state conservation commission.

(3) This section expires June 30, 2004.

NEW SECTION. **Sec. 2.** A new section is added to chapter 90.64 RCW to read as follows:

(1) By December 31, 2000, the task force shall recommend to the department and to the legislature:

(a) Clarification of key terms and phrases such as, but not limited to, "potential to pollute," that are used in the administration of this chapter and other statutes on water quality;

(b) How frequently dairy nutrient management plans should be updated, considering the evolution of technical standards developed by the natural resources conservation service;

(c) Considering the report under section 3 of this act, the disposition of penalties collected from dairy producers under chapter 90.48 RCW;

(d) Considering the report under section 4 of this act, recommended sources of funding to meet the needs identified in the report;

(e) The extent to which engineering expertise is required to implement the provisions of this chapter;

(f) How to address responsibility for contamination originating from neighboring farms; and

(g) Clarification of the duties of the department as they pertain to initial inspections of dairy farms.

(2) The task force shall make recommendations to the department and to the legislature on any other issues, and at such times, as the task force deems important to the successful implementation of this chapter.

(3) This section expires June 30, 2004.

NEW SECTION. **Sec. 3.** (1) By September 1, 2000, the department of ecology shall report to the dairy nutrient management task force on the penalties assessed on dairy producers for violations of chapters 90.48 and 90.64 RCW since January 1, 1998. The report shall indicate the amount of money from these penalties that was deposited into the coastal protection fund created under RCW 90.48.390 and the amount deposited into the dairy waste management account created under RCW 90.64.150. The report shall also indicate the purposes for which moneys reported under this section were expended.

(2) This section expires December 31, 2000.

NEW SECTION. **Sec. 4.** (1) By September 1, 2000, the office of financial management shall make recommendations to the dairy nutrient management task force on how to provide adequate funding for the dairy nutrient management program. The recommendations shall include an identification of need, if any, for additional funding for each of the following purposes:

(a) To perform functions required by conservation districts and the state conservation commission;

(b) To provide technical assistance for development of dairy nutrient management plans; and

(c) For cost-share moneys for implementation of the plans based on fifty percent of the eligible costs to be derived from public sources. The recommendations shall be for the amount of funding for these purposes that is required each fiscal year through June 30, 2004, in order to meet the deadlines established in chapter 90.64 RCW.

(2) The office of financial management shall submit its written recommendations to the co-chief clerks of the house of representatives and the secretary of the senate.

(3) This section expires December 31, 2000.

NEW SECTION. **Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendment to Substitute Senate Bill No. 6781.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6781, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6781, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Fairley, Honeyford, McAuliffe and Sellar - 4.

SUBSTITUTE SENATE BILL NO. 6781, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Loveland was excused.

MESSAGE FROM THE HOUSE

March 8, 2000

MR. PRESIDENT:

Under suspension of the rules, ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8425 was returned to second reading and the House adopted the following amendment(s) and passed the concurrent resolution as amended by the House:

Beginning on page 1, line 1, strike the remainder of the resolution and insert the following:

"WHEREAS, Chapter 370, Laws of 1985, created the Washington Higher Education Coordinating Board to plan, coordinate, and provide policy analysis for higher education and to represent the broad public interest above the interests of individual colleges and universities; and

WHEREAS, Section 4, chapter 370, Laws of 1985, requires the board to prepare and update a master plan for higher education and requires the Legislature, by concurrent resolution, to "approve or recommend changes" to the master plan and its subsequent updates; and

WHEREAS, The provisions of the master plan that are approved by the Legislature become state higher education policy unless legislation is subsequently enacted to revise those policies; and

WHEREAS, The Washington Higher Education Coordinating Board submitted the initial master plan to the Legislature in December 1987, and submitted updates to the plan in December 1992, January 1996, and January 2000; and

WHEREAS, During the process used to develop the 2000 master plan, the board consulted with students and families, educators, business, labor, and civic organizations representing a cross-section of Washington citizens; and

WHEREAS, The board learned that the need and expectation for higher education among Washington citizens will continue to grow through the next decade, because of population increases as well as the demands of the state's increasingly technology-based economy; and

WHEREAS, The board identified the challenge of meeting future demand for college education should a greater proportion of Washington citizens seek upper division and graduate level study by the year 2010; and

WHEREAS, The board spelled out its commitment to continuing to expand enrollment opportunities for Washington students, to keep public higher education affordable for students and families, and to provide financial assistance to those who cannot otherwise afford to go to college; and

WHEREAS, The board identified five specific goals for the state to address higher education needs in the next ten years:

(1) Making student learning the yardstick by which institutional accountability, effectiveness, and efficiency is measured;

(2) Linking students' participation in higher education to their achievement in the K-12 grades;

(3) Providing the information citizens need to make the best use of the learning pathways available to them;

(4) Enhancing higher education opportunity through greater use of e-learning technologies and by increasingly efficient use of public facilities; and

(5) Helping colleges and universities meet student needs and compete in an increasingly competitive and complex education marketplace; and

WHEREAS, The board challenged itself, students, and families, the public and private institutions, the private sector, and the state to each accept its individual responsibilities and to collaborate in the development of solutions; and

WHEREAS, The board described an implementation plan to guide the state's response to the needs of higher education and to estimate the costs of the strategies, including the necessity to develop an enrollment accommodation plan that identifies where capacity exists and what the highest priorities should be;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That the Washington Higher Education Coordinating Board be commended for its dedication and commitment to the State of Washington in producing the 2000 update of the master plan for higher education titled "The 21st Century Learner"; and

BE IT FURTHER RESOLVED, That the Legislature thank the board for describing many of the challenges facing the state in its attempts to provide the postsecondary education and training our citizens need to fulfill their personal goals and participate fully in the world of the twenty-first century; and

BE IT FURTHER RESOLVED, That the Legislature reaffirm its commitment to create postsecondary opportunities in response to documented demand from citizens for access to high-quality education and training programs; and

BE IT FURTHER RESOLVED, That the board reexamine its assumptions with regard to projected upper division and graduate enrollments, and that the plan reexamine the role of the community and technical colleges in meeting the postsecondary needs of a significant portion of Washington's population; and

BE IT FURTHER RESOLVED, That the board reexamine its assumptions with regard to the capital needs of the community and technical colleges and the four-year institutions of higher education, including their branch campuses; and

BE IT FURTHER RESOLVED, That the board, in consultation with the office of financial management, work collaboratively with the public and independent two-year and four-year universities, private vocational schools, and appropriate legislative committees, to prepare an enrollment accommodation plan, contemplate various growth scenarios, identify related operational and capital needs, and examine alternatives to address the identified budget needs; and

BE IT FURTHER RESOLVED, That the board communicate regularly with the appropriate legislative committees and the governor regarding the assigned tasks and report back with its results and findings before proceeding with the development of its biennial budget recommendations; and

BE IT FURTHER RESOLVED, That the Legislature approve the following recommendations of the 2000 update of the master plan:

(1) The goal that, by the year 2010, Washington's system of postsecondary education needs to provide opportunities for additional students to enroll in high-quality education and training programs;

(2) That solutions to the challenge may be found in strategies that (a) make student learning the yardstick by which institutional accountability, effectiveness, and efficiency is measured; and (b) link students' participation in higher education to their achievement in the K-12 grades;

(3) Provide the information citizens need to make the best use of the learning pathways available to them, and support outreach efforts designed to ensure that the higher education system reflects the diversity of the state's population;

(4) Expand the use of e-learning technologies and use public facilities to the fullest extent possible; and

(5) Help colleges and universities meet student needs and compete in an increasingly competitive and complex education marketplace; and

BE IT FURTHER RESOLVED, That the board proceed with implementation of the 2000 update of the master plan; and

BE IT FURTHER RESOLVED, That the board proceed with the implementation of the 2000 update of the master plan as described in "The 21st Century Learner" and modified by this resolution, and report to the 2001 Legislature on progress toward implementing its strategies.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment to Engrossed Substitute Senate Concurrent Resolution No. 8425.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment to Engrossed Substitute Senate Concurrent Resolution No. 8425.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Concurrent Resolution No. 8425.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8425, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8425, as amended by the House, and the concurrent resolution passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44. Excused: Senators Fairley, Honeyford, Loveland, Rossi and Sellar - 5. ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8425, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE HOUSE

March 8, 2000

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675 and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTIONS

On motion of Senator Costa, the Senate receded from its amendment(s) to Engrossed Substitute House Bill No. 2675.

On motion of Senator Costa, the rules were suspended and Engrossed Substitute House Bill No. 2675 was returned to second reading and read the second time.

MOTION

Senator Costa moved that the following striking amendment by Senators Costa and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature recognizes that fewer than five percent of all drivers use child booster seats for children over the age of four years. The legislature also recognizes that seventy-one percent of deaths resulting from car accidents could be eliminated if every child under the age of sixteen used an appropriate child safety seat, booster seat, or seat belt. The legislature further recognizes the National Transportation Safety Board's recommendations that promote the use of booster seats to increase the safety of children under eight years of age. Therefore, it is the legislature's intent to decrease deaths and injuries to children by promoting safety education and injury prevention measures, as well as increasing public awareness on ways to maximize the protection of children in vehicles.

Sec. 2. RCW 46.61.687 and 1994 c 100 s 1 are each amended to read as follows:

(1) Whenever a child who is less than ((~~ten~~)) sixteen years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, the driver of the vehicle shall keep the child properly restrained as follows:

(a) If the child is less than six years old and/or sixty pounds and the passenger seating position equipped with a safety belt system allows sufficient space for installation, then the child will be restrained in a child restraint system that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system;

(b) If the child is less than one year of age or weighs less than twenty pounds, the child shall be properly restrained in a rear-facing infant seat;

(c) If the child is more than one but less than ((~~three~~)) four years of age or weighs less than forty pounds but at least twenty pounds, the child shall be properly restrained in a forward facing child safety seat restraint system ((~~that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system~~));

(((~~(b)~~))) (d) If the child is less than ((~~ten~~)) six but at least ((~~three~~)) four years of age or weighs less than sixty pounds but at least forty pounds, the child shall be properly restrained ((~~either as specified in (a) of this subsection or with a safety belt properly adjusted and fastened around the child's body.~~)) in a child booster seat;

(e) If the child is six years of age or older or weighs more than sixty pounds, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body or an appropriately fitting booster seat; and

(f) Enforcement of (a) through (e) of this subsection is subject to a visual inspection by law enforcement to determine if the child restraint system in use is appropriate for the child's individual height, weight, and age. The visual inspection for usage of a forward facing child safety seat must ensure that the seat in use is equipped with a four-point shoulder harness system. The visual inspection for usage of a booster seat must ensure that the seat belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. The visual inspection for the usage of a seat belt by a child must ensure that the lap belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. In determining violations, consideration to the above criteria must be given in conjunction with the provisions of (a) through (e) of this subsection. The driver of a vehicle transporting a child who is under the age of six years old or weighs less than sixty pounds, when the vehicle is equipped with a passenger side air bag supplemental restraint system, and the air bag system is activated, shall transport the child in the back seat positions in the vehicle where it is practical to do so.

(2) A person violating subsection (1)(a) through (e) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system or a child booster seat, as appropriate, within seven days to the jurisdiction issuing the notice and the person has not previously had a violation of this section dismissed, the jurisdiction shall dismiss the notice of traffic infraction. (3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.

(4) This section does not apply to: (a) For hire vehicles, (b) vehicles designed to transport sixteen or less passengers, including the driver, operated by auto transportation companies, as defined in RCW 81.68.010, ((~~and~~)) (c) vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals, and (d) school buses.

(5) As used in this section "child booster seat" means a child passenger restraint system that meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213 that is designed to elevate a child to properly sit in a federally approved lap/shoulder belt system.

(6) The requirements of subsection (1)(a) through (e) of this section do not apply in any seating position where there is only a lap belt available and the child weighs more than forty pounds.

Sec. 3. RCW 46.61.688 and 1990 c 250 s 58 are each amended to read as follows:

(1) For the purposes of this section, the term "motor vehicle" includes:

(a) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;

(b) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;

(c) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and

(d) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(2) This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicle safety standard 208. This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required by federal motor vehicle safety standard 208 are occupied.

(3) Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

(4) No person may operate a motor vehicle unless all child passengers under the age of sixteen years are either: (a) Wearing a safety belt assembly or (b) are securely fastened into an approved child restraint device.

(5) A person violating this section shall be issued a notice of traffic infraction under chapter 46.63 RCW. A finding that a person has committed a traffic infraction under this section shall be contained in the driver's abstract but shall not be available to insurance companies or employers.

(6) Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(7) Except for subsection (4)(b) of this section, which must be enforced as a primary action, enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of Title 46 RCW or an equivalent local ordinance or some other offense.

(8) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(9) The state patrol may adopt rules exempting operators or occupants of farm vehicles, construction equipment, and vehicles that are required to make frequent stops from the requirement of wearing safety belts.

NEW SECTION. **Sec. 4.** A new section is added to chapter 46.61 RCW to read as follows:

The traffic safety commission shall conduct an educational campaign using all available methods to raise public awareness of the importance of properly restraining child passengers and the value of seatbelts to adult motorists. The traffic safety commission shall report to the transportation committees of the legislature on the campaign and results observed on the highways. The first report is due December 1, 2000, and annually thereafter.

NEW SECTION. **Sec. 5.** This act may be known and cited as the Anton Skeen Act.

NEW SECTION. **Sec. 6.** This act takes effect July 1, 2002."

Debate ensued.

POINT OF INQUIRY

Senator Morton: "Senator Costa, I think I have about three questions. I notice on page 1, line 28, it says, 'allows sufficient space for installation.' Thinking in terms of perhaps two or three such units, who would determine the space for installation? That would be one question. Then the matter of age--I notice it refers to yearlings and then two year olds, I believe. Would it be required to have birth certificates in the vehicle? Then it refers to

poundage of the infant, less than twenty pounds and another category of between, I think it is between forty and eighty. Will it be necessary to have scales in the vehicle to accommodate the enforcement of this? Thank you."

Senator Costa: "Actually, there was a suggestion that you could pull into a Truck Weight Station to determine the weight. Seriously, again to address the first question regarding allowing sufficient space for installation. That was to address the concern of whether or not there is enough room in a vehicle. We have been able to take a look at determining whether or not they can fit three seats. If they can't, the child could be in the middle in a lap belt and a shoulder safety belt, as well. They will not be as safe, but they will be within the law. It will be subject to a visual inspection by a law enforcement officer--underneath this bill on page two--which means whether or not the child would be safe based on training that they received from the Traffic Safety Commission and others. That would determine the height, the weight and the birth date. Nobody needs to carry a birth certificate or poundage certificate.

"Again, I want to remind the members, in terms of enforcement, it does not become effective until July 1, 2002."

Further debate ensued..

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Costa and Swecker to Engrossed Substitute House Bill No. 2675, under suspension of the rules.

The motion by Senator Costa carried and the striking amendment, under suspension of the rules, was adopted.

MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 46.61.687 and 46.61.688; adding a new section to chapter 46.61 RCW; creating new sections; and providing an effective date."

On motion of Senator Costa, the rules were suspended, Engrossed Substitute House Bill 2675, as amended by the Senate under suspension of the rules, was advanced to third reading the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2675, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2675, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 39.

Voting nay: Senators Benton, Finkbeiner, Hochstatter, McCaslin, Morton, Stevens and Zarelli - 7.

Excused: Senators Loveland, Rossi and Sellar - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Patterson: "A point of personal privilege, Mr. President. I am missing Senator Sellar today and I understand that George is not doing well. I wondered if it would be all right if the Senate had a prayer this morning for George. I think the prayer would be more for us than for George and I was wondering if Senator Morton, who is kind of an expert in this area, might help us with that."

Senator Morton offered a prayer for Senator George Sellar.

MOTION

At 10:38 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 1:20 p.m. by President Owen.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 6194,
SECOND SUBSTITUTE SENATE BILL NO. 6255,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6277,
SUBSTITUTE SENATE BILL NO. 6621,
SUBSTITUTE SENATE BILL NO. 6781,
ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8425.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9283, Carolyn J. Purnell, as a member of the State Board for Community and Technical Colleges, was confirmed.

APPOINTMENT OF CAROLYN J. PURNELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 6; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 42.

Absent: Senators Hargrove, Haugen, Horn, McCaslin, Snyder and Zarelli - 6.

Excused: Senator Sellar - 1.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Dalso District Council of Taegu City, Korea, guests of Senator Shin, who were seated in the gallery.

MOTION

On motion of Senator Franklin, Senators Hargrove, Loveland and Snyder were excused.

MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9275, Jeffrey W. Nitta, as a member of the Housing Finance Commission, was confirmed.

APPOINTMENT OF JEFFREY W. NITTA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Hargrove, Loveland, Sellar and Snyder - 4.

PERSONAL PRIVILEGE

Senator Long: "Mr. President, a point of personal privilege. I see that we have on our desks a new packet on the transportation budget that we passed a few days ago. The day after we passed it, as some of you know, there was another death on Highway 522. 522 starts in the First Legislative District and goes all the way across my district and ends in the Thirty-ninth District. It is known as the death highway. After this latest death, it was referred to as the dead man's highway. If you don't remember, in 1995, the Reader's Digest did an article on the ten worst highways in America.

"Mr. President, with your permission, I would like to briefly read that. It isn't very long. It says, '*About 7:40 a.m., January 18, 1994, Nancy and Arnold Ligtenberg left for work with their nine year old son, Lance, whom they planned to drop off at school. As Nancy swung left onto Route 522, she turned the radio to the news--Highway 522 has been closed at 164th Street and traffic is being detoured--.*

'There must have been a fatality Nancy observed, looking uneasily at Arnold. The couple's other two sons, Tyler, 16, and Andrew, 14, had just left for school in Tyler's Volkswagen Beetle. Their usual route was Highway 522, an overcrowded, two-lane road in the rapidly growing area northeast of Seattle. The worried parents went home to call the school. Andrew had not arrived. Nancy drove to a road adjacent to 522, only to witness what was left of the Beetle being loaded onto a flatbed. She raced home and found a policeman and minister talking with her husband. It was every parent's nightmare--doubled.

'Tyler and Andrew had died in a head-on crash with a Chevy Blazer--the 20th and 21st persons to die on a 10.6 mile section of 522 between Monroe and Woodinville over a five year period. Most of the fatalities involved head-on collisions. Why? Northbound motorists coming off Interstate 405 suddenly find themselves on a two lane road that can look like four. The illusion is understandable. Highway 522 was designed as a four laner. Part of its four lanes, graded roadbed has been in place for more than twenty years. To save money, however, only two lanes were finished, with no median barriers

'The Washington State Department of Transportation has fixed Highway 522 on paper. A five stage $180 million project would widen the highway to four lanes and build two new interchanges, but funding in 1993 was diverted in a budget balancing act. The deaths of the Ligtenberg boys were especially troubling to Bob Green, an engineer with the DOT. His two sons, Danny, 18, and Brian, 16, were classmates of Tyler's and Andrews's and drive the same road to school. Researching accident records, Green pinpointed every fatal accident along the 10.6 miles. Then he and his wife, Donna, bought two inch lath and fashioned thirty-eight white crosses to go with four already erected--one for every person who had died along the highway since 1977. They hammered one into the roadside at the site of each fatality. Each cross seemed to say 'Someone died here. Don't you.' Local residents noticed immediately that motorists seemed to drive more slowly.

'Meanwhile, two mothers of school age children, Judy Flanagan and Nancy Enselman, founded a group called CRASH (Citizens Rallying for a Safer Highway) and secured 12,000 signatures on petitions to fix the road. They called a meeting at Monroe High School, inviting highway officials to hear their plea. Ron Anderson, DOT regional administrator, told five hundred citizens who turned out--and I was there--

that without a major tax increase, Highway 522 couldn't be widened until after the Year 2000. He could promise only minor improvements and stricter enforcement of speed limits. He also said, 'Those crosses have to be taken down. They are a distraction to motorists and a violation of state law.

'Standing in the back of the room thinking about his two sons, Arnold Ligtenberg was first stunned and then angry. What's the real reason they don't like the crosses, he asked himself. Is it because there are so many of them? Almost three weeks after Anderson's announcement,

DOT maintenance workers carted the crosses away. The following day, Jim Malvern, a forty year old father of three who had signed the CRASH petition, was involved in a head on collision on Highway 522. He died hours later.'

"Now, after we passed the budget and because I have read and heard varying numbers about how many people have died on that 10.6 piece of road--miles--I had my staff research it. I knew there were a lot, but I was not

prepared for the answer. When I was given the answer, I said, ‘That can’t be right, please double check.’ This is a printout of all the people that have died on that highway. Since 1970, a hundred and twenty-seven people--that’s more than eight people per mile that have died on that road.

"Now, I have spoke with Senator Haugen, who has assured me she will fight for this in the budget. I also had a memo on my desk as I came back from lunch, that you probably all have, reminding us that there are several proposals and that our budget is one of three. I hope we have the collective will to see that this highway is repaired before more people die on it. Thank you all very much for giving me this time."

MOTION

On motion of Senator Rasmussen, Gubernatorial Appointment No. 9264, Major General Timothy J. Lowenberg, as Adjutant General of the Military Department, was confirmed.

Senators Rasmussen and Winsley spoke to the confirmation of Major General Timothy J. Lowenberg as Adjutant General of the Military Department.

APPOINTMENT OF MAJOR GENERAL TIMOTHY J. LOWENBERG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Honeyford - 1.

Excused: Senators Hargrove, Loveland, Sellar and Snyder - 4.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Betti Sheldon, the following resolution was adopted:

SENATE RESOLUTION 2000-8770

By Senators Sheldon, B., Hale, Spanel, and Rasmussen

WHEREAS, Our culture proffers too little respect on its elders and pays too much tribute to the fleeting qualities of youth; and

WHEREAS, The Washington State Senate is honored to have among its members eight septuagenarian Senators: Al Bauer, Alex Deccio, Rosa Franklin, Jeanine Long, Bob McCaslin, George Sellar, Sid Snyder and Lorraine Wojahn; and

WHEREAS, It was Oliver Wendell Holmes, Sr. who said on the seventieth birthday of the American writer and activist Julia Ward Howe, "To be seventy years young is sometimes far more cheerful and hopeful than to be forty years old."; and

WHEREAS, In the Legislature as in life, it is well established that a good measure of maturity and a modicum of treachery will always beat youth and skill; and

WHEREAS, Fine wine can only come from ripe grapes; and

WHEREAS, Despite their cumulative wisdom, maturity and depth of experience, former Governor Albert Rosellini still considers the above named Senators to be ‘just a bunch of kids’; and

WHEREAS, The combined life experiences of these honored and honorable people have contributed greatly to the State Senate, the state of Washington and their local communities; and

WHEREAS, The presence of these eight, ‘seventy-something’ Senators contributes immeasurably to the esteem of this chamber and provides ballast to steady its passage through the sometimes stormy legislative days and nights; and

WHEREAS, The above mentioned members not only lived through a significant portion of this state’s history, but through their commitment and service, helped shape it as well;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that Senators Al Bauer, Alex Deccio, Rosa Franklin, Jeanine Long, Bob McCaslin, George Sellar, Sid Snyder and Lorraine Wojahn be honored for their great wisdom, surpassing patience, enduring good humor and longevity; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to all the Senate’s Septuagenarians.

Senators Betti Sheldon, Hale, McCaslin, Deccio, Long, Franklin, Snyder, Wojahn, Jacobsen, Bauer and Shin spoke to Senate Resolution 2000-8770.

HAPPY BIRTHDAY TO SENATOR TIM SHELDON

The President extended Happy Fifty-third Birthday wishes to Senator Tim Sheldon.

PERSONAL PRIVILEGE

Senator Tim Sheldon: "A point of personal privilege, Mr President. Just briefly, I realized it was my birthday today when I had that first flat tire on my way to Olympia."

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 6, 2000

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2939 and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTIONS

On motion of Senator Eide, the Senate receded from its amendment(s) to Substitute House Bill No. 2939.

On motion of Senator Costa, the rules were suspended and Substitute House Bill No. 2939 was returned to second reading and read the second time.

MOTION

On motion of Senator Eide, the following striking amendment by Senators Eide, Swecker, Fraser and Morton was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The department of general administration shall work with commercial and industrial construction industry organizations to develop guidelines for implementing on-site construction waste management planning. The topics addressed in the guidelines shall include, but shall not be limited to:

(a) Standards for identifying the type of wastes generated during construction;

(b) Methods for analyzing the availability and cost-effectiveness of recycling services for each type of waste;

(c) Methods for evaluating construction waste management alternatives given limited recycling services in rural areas of the state;

(d) Strategies to maximize reuse and recycling of wastes and minimize landfill disposal;

(e) Standardized formats for on-site construction waste management planning and reporting documents; and

(f) A training and technical assistance plan for public and private building owners and construction industry members, in order to facilitate incorporation of waste management planning and recycling into standard construction industry practice.

(2) By December 15, 2000, the department of general administration shall provide a report to the legislature on the development of the guidelines required by subsection (1) of this section. The report shall include recommendations for incorporating job-site waste management planning and recycling into standard construction industry practice.

Sec. 2. RCW 43.19A.020 and 1996 c 198 s 1 are each amended to read as follows:

(1) The ((~~USEPA~~)) federal product standards, ((~~as now or hereafter amended~~)) adopted under 42 U.S.C. Sec. 6962(e) as it exists on the effective date of this act, are adopted as the minimum standards for the state of Washington. These standards shall be implemented for at least the products listed in (((~~(a) and (b) of~~)) this subsection ((~~by the dates indicated~~)), unless the director finds that a different standard would significantly increase recycled product availability or competition.

(a) ((~~By July 1, 1997:~~

~~(i)~~)) Paper and paper products;

(((~~(ii)~~))) (b) Organic recovered materials; ((~~and~~

~~(iii)~~))) (c) Latex paint products;

(((~~(b) By July 1, 1997:~~

~~(i)~~)) (d) Products for lower value uses containing recycled plastics;

(((~~(ii)~~))) (e) Retread and remanufactured tires;

(((~~(iii)~~))) (f) Lubricating oils;

(((~~(iv)~~))) (g) Automotive batteries;

(((~~(v)~~))) (h) Building ((~~insulation~~)) products and materials;

(((~~(vi)~~))) (i) Panelboard; and

(((~~(vii)~~))) (j) Compost products.

(2) By July 1, 2001, the director shall adopt product standards for strawboard manufactured using as an ingredient straw that is produced as a by-product in the production of cereal grain or turf or grass seed.

(3) The standards required by this section shall be applied to recycled product purchasing by the department and other state agencies. The standards may be adopted or applied by any other local government in product procurement. The standards shall provide for exceptions under appropriate circumstances to allow purchases of recycled products that do not meet the minimum content requirements of the standards.

Sec. 3. RCW 39.04.133 and 1996 c 198 s 5 are each amended to read as follows:

(1) The state's preferences for the purchase and use of recycled content products shall be included as a factor in the design and development of state capital improvement projects.

(2) ((~~Specifications for materials in state construction projects shall include the use of recycled content products and recyclable products whenever practicable~~)) If a construction project receives state public funding, the product standards, as provided in RCW 43.19A.020, shall apply to the materials used in the project, whenever the administering agency and project owner determine that such products would be cost-effective and are readily available.

(3) This section does not apply to contracts entered into by a municipality.

Sec. 4. RCW 70.95.010 and 1989 c 431 s 1 are each amended to read as follows:

The legislature finds:

(1) Continuing technological changes in methods of manufacture, packaging, and marketing of consumer products, together with the economic and population growth of this state, the rising affluence of its citizens, and its expanding industrial activity have created new and ever-mounting problems involving disposal of garbage, refuse, and solid waste materials resulting from domestic, agricultural, and industrial activities.

(2) Traditional methods of disposing of solid wastes in this state are no longer adequate to meet the ever-increasing problem. Improper methods and practices of handling and disposal of solid wastes pollute our land, air and water resources, blight our countryside, adversely affect land values, and damage the overall quality of our environment.

(3) Considerations of natural resource limitations, energy shortages, economics and the environment make necessary the development and implementation of solid waste recovery and/or recycling plans and programs.

(4) Waste reduction must become a fundamental strategy of solid waste management. It is therefore necessary to change manufacturing and purchasing practices and waste generation behaviors to reduce the amount of waste that becomes a governmental responsibility.

(5) Source separation of waste must become a fundamental strategy of solid waste management. Collection and handling strategies should have, as an ultimate goal, the source separation of all materials with resource value or environmental hazard.

(6)(a) It ((~~is the responsibility~~)) should be the goal of every person to minimize his or her production of wastes and to separate recyclable or hazardous materials from mixed waste.

(b) It is the responsibility of state, county, and city governments to provide for a waste management infrastructure to fully implement waste reduction and source separation strategies and to process and dispose of remaining wastes in a manner that is environmentally safe and economically sound. It is further the responsibility of state, county, and city governments to monitor the cost-effectiveness and environmental safety of combusting separated waste, processing mixed waste, and recycling programs.

(c) It is the responsibility of county and city governments to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies.

(d) It is the responsibility of state government to ensure that local governments are providing adequate source reduction and separation opportunities and incentives to all, including persons in both rural and urban areas, and nonresidential waste generators such as commercial, industrial, and institutional entities, recognizing the need to provide flexibility to accommodate differing population densities, distances to and availability of recycling markets, and collection and disposal costs in each community; and to provide county and city governments with adequate technical resources to accomplish this responsibility.

(7) Environmental and economic considerations in solving the state's solid waste management problems requires strong consideration by local governments of regional solutions and intergovernmental cooperation.

(8) The following priorities for the collection, handling, and management of solid waste are necessary and should be followed in descending order as applicable:

(a) Waste reduction;

(b) Recycling, with source separation of recyclable materials as the preferred method;

(c) Energy recovery, incineration, or landfill of separated waste;

(d) Energy recovery, incineration, or landfilling of mixed wastes.

(9) It is the state's goal to achieve a fifty percent recycling rate by ((~~1995~~)) 2005.

(10) It is the state's goal that programs be established to eliminate residential or commercial yard debris in landfills by 2010.

(11) Steps should be taken to make recycling at least as affordable and convenient to the ratepayer as mixed waste disposal.

(((~~11~~))) (12) It is necessary to compile and maintain adequate data on the types and quantities of solid waste that are being generated and to monitor how the various types of solid waste are being managed.

(((~~12~~))) (13) Vehicle batteries should be recycled and the disposal of vehicle batteries into landfills or incinerators should be discontinued.

(((~~13~~))) (14) Excessive and nonrecyclable packaging of products should be avoided.

(((~~14~~))) (15) Comprehensive education should be conducted throughout the state so that people are informed of the need to reduce, source separate, and recycle solid waste.

(((~~15~~))) (16) All governmental entities in the state should set an example by implementing aggressive waste reduction and recycling programs at their workplaces and by purchasing products that are made from recycled materials and are recyclable.

(((~~16~~))) (17) To ensure the safe and efficient operations of solid waste disposal facilities, it is necessary for operators and regulators of landfills and incinerators to receive training and certification.

(((~~17~~))) (18) It is necessary to provide adequate funding to all levels of government so that successful waste reduction and recycling programs can be implemented.

(((~~18~~))) (19) The development of stable and expanding markets for recyclable materials is critical to the long-term success of the state's recycling goals. Market development must be encouraged on a state, regional, and national basis to maximize its effectiveness. The state shall assume primary responsibility for the development of a multifaceted market development program to carry out the purposes of this act.

(((~~19~~))) (20) There is an imperative need to anticipate, plan for, and accomplish effective storage, control, recovery, and recycling of discarded tires and other problem wastes with the subsequent conservation of resources and energy.

Sec. 5. RCW 70.95.030 and 1998 c 36 s 17 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "City" means every incorporated city and town.

(2) "Commission" means the utilities and transportation commission.

(3) "Committee" means the state solid waste advisory committee.

(4) "Composted material" means organic solid waste that has been subjected to controlled aerobic degradation at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

(5) "Department" means the department of ecology.

(6) "Director" means the director of the department of ecology.

(7) "Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.

(8) "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.

(9) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.

(10) "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.

(11) "Jurisdictional health department" means city, county, city-county, or district public health department.

(12) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.

(13) "Local government" means a city, town, or county.

(14) "Modify" means to substantially change the design or operational plans including, but not limited to, removal of a design element previously set forth in a permit application or the addition of a disposal or processing activity that is not approved in the permit.

(15) "Multiple family residence" means any structure housing two or more dwelling units.

(16) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(17) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2), local governments may identify recyclable materials by ordinance from July 23, 1989.

(18) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.

(19) "Residence" means the regular dwelling place of an individual or individuals.

(20) "Sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70.95J RCW.

(21) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70.95J RCW and wastewater as regulated in chapter 90.48 RCW.

(22) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

(23) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof.

(24) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

(25) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(26) "Waste-derived soil amendment" means any soil amendment as defined in this chapter that is derived from solid waste as defined in RCW 70.95.030, but does not include biosolids or biosolids products regulated under chapter 70.95J RCW or wastewaters regulated under chapter 90.48 RCW.

(27) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

(28) "Yard debris" means plant material commonly created in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard debris includes but is not limited to grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden debris, holiday trees, and tree prunings four inches or less in diameter.

Sec. 6. RCW 70.95.090 and 1991 c 298 s 3 are each amended to read as follows:

Each county and city comprehensive solid waste management plan shall include the following:

(1) A detailed inventory and description of all existing solid waste handling facilities including an inventory of any deficiencies in meeting current solid waste handling needs.

(2) The estimated long-range needs for solid waste handling facilities projected twenty years into the future.

(3) A program for the orderly development of solid waste handling facilities in a manner consistent with the plans for the entire county which shall:

(a) Meet the minimum functional standards for solid waste handling adopted by the department and all laws and regulations relating to air and water pollution, fire prevention, flood control, and protection of public health;

(b) Take into account the comprehensive land use plan of each jurisdiction;

(c) Contain a six year construction and capital acquisition program for solid waste handling facilities; and

(d) Contain a plan for financing both capital costs and operational expenditures of the proposed solid waste management system.

(4) A program for surveillance and control.

(5) A current inventory and description of solid waste collection needs and operations within each respective jurisdiction which shall include:

(a) Any franchise for solid waste collection granted by the utilities and transportation commission in the respective jurisdictions including the name of the holder of the franchise and the address of his or her place of business and the area covered by the franchise;

(b) Any city solid waste operation within the county and the boundaries of such operation;

(c) The population density of each area serviced by a city operation or by a franchised operation within the respective jurisdictions;

(d) The projected solid waste collection needs for the respective jurisdictions for the next six years.

(6) A comprehensive waste reduction and recycling element that, in accordance with the priorities established in RCW 70.95.010, provides programs that (a) reduce the amount of waste generated, (b) provide incentives and mechanisms for source separation, and (c) establish recycling opportunities for the source separated waste.

(7) The waste reduction and recycling element shall include the following:

(a) Waste reduction strategies;

(b) Source separation strategies, including:

(i) Programs for the collection of source separated materials from residences in urban and rural areas. In urban areas, these programs shall include collection of source separated recyclable materials from single and multiple family residences, unless the department approves an alternative program, according to the criteria in the planning guidelines. Such criteria shall include: Anticipated recovery rates and levels of public participation, availability of environmentally sound disposal capacity, access to markets for recyclable materials, unreasonable cost impacts on the ratepayer over the six-year planning period, utilization of environmentally sound waste reduction and recycling technologies, and other factors as appropriate. In rural areas, these programs shall include but not be limited to drop-off boxes, buy-back centers, or a combination of both, at each solid waste transfer, processing, or disposal site, or at locations convenient to the residents of the county. The drop-off boxes and buy-back centers may be owned or operated by public, nonprofit, or private persons;

(ii) Programs to monitor the collection of source separated waste at nonresidential sites where there is sufficient density to sustain a program;

(iii) Programs to collect yard waste, if the county or city submitting the plan finds that there are adequate markets or capacity for composted yard waste within or near the service area to consume the majority of the material collected; and

(iv) Programs to educate and promote the concepts of waste reduction and recycling;

(c) Recycling strategies, including a description of markets for recyclables, a review of waste generation trends, a description of waste composition, a discussion and description of existing programs and any additional programs needed to assist public and private sector recycling, and an implementation schedule for the designation of specific materials to be collected for recycling, and for the provision of recycling collection services;

(d) Consideration of residential collection rate structures that provide economic incentives for customers to reduce their level of solid waste collection service and increase their participation in waste reduction, recycling, and yard waste collection programs. Any jurisdiction that is a signatory to a comprehensive solid waste plan that adopts residential incentive rates shall adopt ordinances to implement rate structures that are consistent with the guidelines in the comprehensive plans. The utilities and

transportation commission is authorized to issue rules to implement this section for solid waste companies regulated under Title 81 RCW; and

(e) Other information the county or city submitting the plan determines is necessary.

(8) An assessment of the plan's impact on the costs of solid waste collection. The assessment shall be prepared in conformance with guidelines established by the utilities and transportation commission. The commission shall cooperate with the Washington state association of counties and the association of Washington cities in establishing such guidelines.

(9) A review of potential areas that meet the criteria as outlined in RCW 70.95.165.

Sec. 7. RCW 70.95.290 and 1988 c 184 s 3 are each amended to read as follows:

(1) The evaluation of the solid waste stream required in RCW 70.95.280 shall include the following elements:

(a) The department shall determine which management method for each category of solid waste will have the least environmental impact; and

(b) The department shall evaluate the costs of various management options for each category of solid waste, including a review of market availability, and shall take into consideration the economic impact on affected parties;

(c) Based on the results of (a) and (b) of this subsection, the department shall determine the best management for each category of solid waste. Different management methods for the same categories of waste may be developed for different parts of the state.

(2) The department shall give priority to evaluating categories of solid waste that, in relation to other categories of solid waste, comprise a large volume of the solid waste stream or present a high potential of harm to human health. At a minimum the following categories of waste shall be evaluated:

(a) By January 1, 1989, yard ((~~waste~~)) debris and other biodegradable materials, paper products, disposable diapers, and batteries; ((~~and~~))

(b) By January 1, 1990, metals, glass, plastics, styrofoam or rigid lightweight cellular polystyrene, and tires; and

(c) By January 1, 2004, construction, demolition, and land-clearing debris, manure, and major food-processing wastes.

(3) The department is prohibited from adopting rules that mandate best management practices for the categories of solid waste identified in subsection (2) of this section.

Sec. 8. RCW 43.19.1905 and 1995 c 269 s 1402 are each amended to read as follows:

The director of general administration shall establish overall state policy for compliance by all state agencies, including educational institutions, regarding the following purchasing and material control functions:

(1) Development of a state commodity coding system, including common stock numbers for items maintained in stores for reissue;

(2) Determination where consolidations, closures, or additions of stores operated by state agencies and educational institutions should be initiated;

(3) Institution of standard criteria for determination of when and where an item in the state supply system should be stocked;

(4) Establishment of stock levels to be maintained in state stores, and formulation of standards for replenishment of stock;

(5) Formulation of an overall distribution and redistribution system for stock items which establishes sources of supply support for all agencies, including interagency supply support;

(6) Determination of what function data processing equipment, including remote terminals, shall perform in state-wide purchasing and material control for improvement of service and promotion of economy;

(7) Standardization of records and forms used state-wide for supply system activities involving purchasing, receiving, inspecting, storing, requisitioning, and issuing functions, including a standard notification form for state agencies to report cost-effective direct purchases, which shall at least identify the price of the goods as available through the division of purchasing, the price of the goods as available from the alternative source, the total savings, and the signature of the notifying agency's director or the director's designee;

(8) Screening of supplies, material, and equipment excess to the requirements of one agency for overall state need before sale as surplus;

(9) Establishment of warehouse operation and storage standards to achieve uniform, effective, and economical stores operations;

(10) Establishment of time limit standards for the issuing of material in store and for processing requisitions requiring purchase;

(11) Formulation of criteria for determining when centralized rather than decentralized purchasing shall be used to obtain maximum benefit of volume buying of identical or similar items, including procurement from federal supply sources;

(12) Development of criteria for use of leased, rather than state owned, warehouse space based on relative cost and accessibility;

(13) Institution of standard criteria for purchase and placement of state furnished materials, carpeting, furniture, fixtures, and nonfixed equipment, in newly constructed or renovated state buildings;

(14) Determination of how transportation costs incurred by the state for materials, supplies, services, and equipment can be reduced by improved freight and traffic coordination and control;

(15) Establishment of a formal certification program for state employees who are authorized to perform purchasing functions as agents for the state under the provisions of chapter 43.19 RCW;

(16) Development of performance measures for the reduction of total overall expense for material, supplies, equipment, and services used each biennium by the state;

(17) Establishment of a standard system for all state organizations to record and report dollar savings and cost avoidance which are attributable to the establishment and implementation of improved purchasing and material control procedures;

(18) Development of procedures for mutual and voluntary cooperation between state agencies, including educational institutions, and political subdivisions for exchange of purchasing and material control services;

(19) Resolution of all other purchasing and material matters which require the establishment of overall state-wide policy for effective and economical supply management;

(20) Development of guidelines and criteria for the purchase of vehicles, alternate vehicle fuels and systems, equipment, and materials that reduce overall energy-related costs and energy use by the state, including the requirement that new passenger vehicles purchased by the state meet the minimum standards for passenger automobile fuel economy established by the United States secretary of transportation pursuant to the energy policy and conservation act (15 U.S.C. Sec. 2002);

(21) Development of goals for state use of recycled and environmentally preferable products through specifications for products and services, processes for requests for proposals and requests for qualifications, contractor selection, and contract negotiations."

MOTIONS

On motion of Senator Eide, the following title amendment was adopted:

On page 1, line 1 of the title, after "reduction;" strike the remainder of the title and insert "amending RCW 43.19A.020, 39.04.133, 70.95.010, 70.95.030, 70.95.090, 70.95.290, and 43.19.1905; and creating a new section."

On motion of Senator Eide, the rules were suspended, Substitute House Bill 2939, as amended by the Senate under suspension of the rules, was advanced to third reading the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2939, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2939, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Hargrove and Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 2939, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6531 with the following amendment(s):

On page 4, after line 37, insert the following:

"NEW SECTION. **Sec. 4.** The joint committee on pension policy shall study the feasibility of providing an option of plan 2 or plan 3 for school employees retirement systems and teachers' retirement systems new employees, and it shall provide recommendations to the appropriate legislative committees by January 1, 2001." Renumber remaining sections consecutively and correct title and internal references accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Long, the Senate concurred in the House amendment to Substitute Senate Bill No. 6531.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6531, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6531, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 46.

Absent: Senator West - 1.

Excused: Senators Hargrove and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 6531, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2000

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6534 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.400.210 and 1997 c 13 s 9 are each amended to read as follows:

Every school district board of directors may, in accordance with chapters 41.56 and 41.59 RCW, establish an attendance incentive program for all certificated and classified employees in the following manner, including covering persons who were employed during the 1982-'83 school year:

(1) In January of the year following any year in which a minimum of sixty days of leave for illness or injury is accrued, and each January thereafter, any eligible employee may exercise an option to receive remuneration for unused leave for illness or injury accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued leave for illness or injury in excess of sixty days. Leave for illness or injury for which compensation has been received shall be deducted from accrued leave for illness or injury at the rate of four days for every one day's monetary compensation. No employee may receive compensation under this section for any portion of leave for illness or injury accumulated at a rate in excess of one day per month.

(2) Except as provided in RCW 28A.400.212, at the time of separation from school district employment ((~~due to retirement or death~~)) an eligible employee or the employee's estate shall receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days accrued leave for illness or injury. For purposes of this subsection, "eligible employee" means (a) employees who separate from employment due to retirement or death; (b) employees who separate from employment and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in RCW 41.32.010(40), or under the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010(31); or (c) employees who separate from employment and who are at least age fifty-five and have at least fifteen years of

service under the teachers' retirement system plan 2 as defined in RCW 41.32.010(39), under the Washington school employees' retirement system plan 2 as defined in RCW 41.35.010(30), or under the public employees' retirement system plan 2 as defined in RCW 41.40.010(34).

(3) In lieu of remuneration for unused leave for illness or injury as provided in subsections (1) and (2) of this section, a school district board of directors may, with equivalent funds, provide eligible employees a benefit plan that provides reimbursement for medical expenses. Any benefit plan adopted after July 28, 1991, shall require, as a condition of participation under the plan, that the employee sign an agreement with the district to hold the district harmless should the United States government find that the district or the employee is in debt to the United States as a result of the employee not paying income taxes due on the equivalent funds placed into the plan, or as a result of the district not withholding or deducting any tax, assessment, or other payment on such funds as required under federal law.

Moneys or benefits received under this section shall not be included for the purposes of computing a retirement allowance under any public retirement system in this state.

The superintendent of public instruction in its administration hereof, shall promulgate uniform rules and regulations to carry out the purposes of this section.

Should the legislature revoke any benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Bauer, the Senate concurred in the House amendment to Senate Bill No. 6534.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6534, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6534, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Hargrove and Sellar - 2.

SENATE BILL NO. 6534, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9286, Nadine L. Romero, as a member of the Board of Trustees for Central Washington University, was confirmed.

APPOINTMENT OF NADINE L. ROMERO

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Snyder - 1.

Excused: Senators Hargrove and Sellar - 2.

MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9300, John Warring, as a member of the Board of Trustees for Grays Harbor Community College District No. 2, was confirmed.

APPOINTMENT OF JOHN WARRING

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Hargrove and Sellar - 2.

MOTION

On motion of Senator Costa, Gubernatorial Appointment No. 9301, Jenny Wieland, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF JENNY WIELAND

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

MOTION

On motion of Senator Thibaudeau, Gubernatorial Appointment No. 9305, Charlie Brydon, as Chair of the Tax Appeals Board, was confirmed.

APPOINTMENT OF CHARLIE BRYDON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 34; Nays, 13; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 34.

Voting nay: Senators Benton, Hochstatter, Honeyford, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, West and Zarelli - 13.

Absent: Senator Deccio - 1.

Excused: Senator Sellar - 1.

MOTION

On motion of Senator Rasmussen, Senator Spanel was excused.

MOTION

On motion of Senator McAuliffe, Gubernatorial Appointment No. 9217, Margaret Bates, as a member of the Academic Achievement and Accountability Commission, was confirmed.

Senators McAuliffe and Bauer spoke to Margaret Bates as a member of the Academic Achievement and Accountability Commission.

APPOINTMENT OF MARGARET BATES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senators Hargrove, Kohl-Welles and Snyder - 3.

Excused: Senators Sellar and Spanel - 2.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fifth order of business.

INTRODUCTION AND FIRST READING

SJM 8030 by Senators Fraser, Spanel, Swecker, Jacobsen, Eide, Morton and McAuliffe

Petitioning Congress to amend the Oil Pollution Act of 1990 to grant additional authority to states and to strengthen federal tanker, large cargo, and passenger vessel safety standards.

MOTION

On motion of Senator Betti Sheldon the rules were suspended, Senate Joint Memorial No. 8030 was advanced to second reading and placed on the second reading calendar.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Vice Governor Oh and other dignitaries from the Sichuan Province in China, our Sister State.

The Governor and his delegation are here to visit Weyerhaeuser officials about reforestation programs.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Eide, Senator Brown was excused.

MOTION

On motion of Senator Sheahan, Senator Honeyford was excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator McAuliffe, Gubernatorial Appointment No. 9289, Leonora Schmidt, as a member of the Academic Achievement and Accountability Commission, was confirmed.

Senators McAuliffe and Bauer spoke to Leonora Schmidt as a member of the Academic Achievement and Accountability Commission.

APPOINTMENT OF LEONORA SCHMIDT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3. Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Hale, Hargrove, Haugen, Heavey, Hochstatter, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senators Fraser, Goings and Horn - 3.

Excused: Senators Brown, Honeyford and Sellar - 3.

President Pro Tempore Wojahn assumed the Chair.

MOTION

On motion of Senator Patterson, Senator Kline was excused.

MOTION

On motion of Senator Johnson, Gubernatorial Appointment No. 9294, Jim Spady, as a member of the Academic Achievement and Accountability Commission, was confirmed.

APPOINTMENT OF JIM SPADY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 4; Excused, 4.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41.

Absent: Senators Fraser, Kohl-Welles, Morton and Shin - 4.

Excused: Senators Brown, Honeyford, Kline and Sellar - 4.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9265, James O. Luce, as a member of the Columbia River Gorge Bi-State Commission, was confirmed.

Senators Bauer and Finkbeiner spoke to the confirmation of James O. Luce as a member of the Columbia River Gorge Bi-State Commission.

APPOINTMENT OF JAMES O. LUCE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44. Absent: Senator Shin - 1. Excused: Senators Brown, Honeyford, Kline and Sellar - 4.

MOTION

On motion of Senator Eide, Senator Thibaudeau was excused.

MOTION

On motion of Senator McDonald, Senator Long was excused.

MOTION

On motion of Senator Fairley, Gubernatorial Appointment No. 9220, Rick S. Bender, as a member of the Work Force Training and Education Coordinating Board, was confirmed.

Senators Fairley and Bauer spoke to the confirmation of Rick S. Bender as a member of the Work Force Training and Education Coordinating Board.

APPOINTMENT OF RICK S. BENDER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 34; Nays, 10; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kohl-Welles, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Snyder, Spanel, Swecker, Winsley, Wojahn and Zarelli - 34.

Voting nay: Senators Finkbeiner, Hochstatter, Honeyford, Johnson, McCaslin, McDonald, Morton, Sheahan, Stevens and West - 10.

Absent: Senator Shin - 1.

Excused: Senators Kline, Long, Sellar and Thibaudeau - 4.

MOTION

On motion of Senator Hochstatter, Senator Rossi was excused.

MOTION

On motion of Senator Franklin, Senator Loveland was excused.

MOTION

On motion of Senator Fairley, Gubernatorial Appointment No. 9222, Donald C. Brunell, as a member of the Work Force Training and Education Coordinating Board, was confirmed.

APPOINTMENT OF DONALD C. BRUNELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Loveland, Rossi and Sellar - 3.

Vice President Pro Tempore Bauer assumed the Chair.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGE FROM HOUSE

March 9, 2000

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 2392,
SUBSTITUTE HOUSE BILL NO. 2491,
SUBSTITUTE HOUSE BILL NO. 2850.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MESSAGE FROM HOUSE

March 8, 2000

MR. PRESIDENT:

The House receded from its amendment on page 8, line 13, to SENATE BILL NO. 6775 and passed the bill without that amendment, but with the House amendments on page 2, line 27, page 4, line 33, and page 6, line 13, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

Having concurred in the House amendments on page 2, line 17, page 4, line 33, and page 6, line 13, on March 7, 2000, the Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6775, as amended by the House without the amendment on page 8, line 13.

POINT OF INQUIRY

Senator Zarelli: "Senator Patterson, under this bill, would we then not be allowed to file anyway but electronically?"

Senator Patterson: "In the Year 2002, the state of Washington filing requirements will be identical to thirty-seven other states in the union. Those requirements will be that our campaign treasurers will be required to file electronically."

Senator Zarelli: "Does that mean that candidates would have to file electronically?"

Senator Patterson: "Candidates for political office where they expect to raise twenty-five thousand dollars or more will be required to. All other candidates will not have that requirement."

Senator Zarelli: "Thank you."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6775, as amended by the House without the amendment on page 8, line 13, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 7; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 37. Voting nay: Senators Benton, Deccio, Heavey, McCaslin, Roach, Sheldon, T. and Zarelli - 7. Absent: Senator Morton - 1. Excused: Senators Honeyford, Loveland, Rossi and Sellar - 4. SENATE BILL NO. 6775, as amended by the House without the amendment on page 8, line 13, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 6775.

MOTION

On motion of Senator Goings, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6858, by Senators Kohl-Welles, Heavey, Horn, Goings, Rasmussen, Eide and Winsley

Providing financing mechanisms to fund local government services

The bill was read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles and Horn be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) If the legislative authority of a city with a population over one hundred fifty thousand that is not in a metropolitan park district contracts with one or more nonprofit corporations or other public organizations for the overall management and operation of a zoo, an aquarium, or both, that contract shall be subject to this section. No such contract for the overall management and operation of zoo or aquarium facilities by a nonprofit corporation or other public organization shall have an initial term or any renewal term longer than twenty years, but may be renewed by the legislative authority of the city upon the expiration of an initial term or any renewal term.

(2) Before approving each initial and any renewal contract with a nonprofit corporation or other public organization for the overall management and operation of any facilities, the city legislative authority shall hold a public hearing on the proposed

management and operation by the nonprofit corporation or other public organization. At least thirty days prior to the hearing, a public notice setting forth the date, time, and place of the hearing must be published at least once in a local newspaper of general circulation. Notice of the hearing shall also be mailed or otherwise delivered to all who would be entitled to notice of a special meeting of the city legislative authority under RCW 42.30.080. The notice shall identify the facilities involved and the nonprofit corporation or other public organization proposed for management and operation under the contract with the city. The terms and conditions under which the city proposes to contract with the nonprofit corporation or other public organization for management and operation shall be available upon request from and after the date of publication of the hearing notice and at the hearing, but after the public hearing the city legislative authority may amend the proposed terms and conditions at open public meetings.

(3) As part of the management and operation contract, the legislative authority of the city may authorize the managing and operating entity to grant to any nonprofit corporation or public or private organization franchises or concessions that further the public use and enjoyment of the zoo or aquarium, as the case may be, and may authorize the managing and operating entity to contract with any public or private organization for any specific services as are routinely so procured by the city.

(4) Notwithstanding any provision in the charter of the city so contracting for the overall management and operation of a zoo or an aquarium, or any other provision of law, the nonprofit corporation or other public organization with responsibility for overall management or operation of any such facilities pursuant to a contract under this section may, in carrying out that responsibility under such contract, manage, supervise, and control those employees of the city employed in connection with the zoo or aquarium and may hire, fire, and otherwise discipline those employees. Notwithstanding any provision in the charter of the city so contracting for the overall management and operation of a zoo or an aquarium, or any other provision of law, the civil service system of any such city shall provide for the nonprofit corporation or other public organization to manage, supervise, control, hire, fire, and otherwise discipline those employees of the city employed in connection with the zoo or aquarium.

(5) As part of the management and operation contract, the legislative authority of the city shall provide for oversight of the managing and operating entity to ensure public accountability of the entity and its performance in a manner consistent with the contract.

NEW SECTION. **Sec. 2.** Nothing in this chapter shall be construed to affect any terms, conditions, or practices contained in a collective bargaining agreement in effect on the effective date of this act.

NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act constitute a new chapter in Title 35 RCW."

POINT OF INQUIRY

Senator West: "Senator Kohl-Welles, will you assure us that if we vote for this that we will never have to deal with this again?"

Senator Kohl-Welles: "I will swear that I will never deal with it again."

Senator West: "Thank you."

POINT OF INQUIRY

Senator Deccio: "Senator Kohl-Welles, if I vote for this one, will you promise we will never see it again? I voted against the last one, but I will vote for this one if it goes away and disappears forever. "

Senator Kohl-Welles: "That is something that I certainly will promise. Thank you."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles and Horn to Senate Bill No. 6858.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Kohl-Welles, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "zoos and aquariums in cities with populations over one hundred fifty thousand that are not within a metropolitan park district; and adding a new chapter to Title 35 RCW."

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 6858 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6858.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6858 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senator Heavey - 1.

Absent: Senator Morton - 1.

Excused: Senators Honeyford, Loveland, Rossi and Sellar - 4.

ENGROSSED SENATE BILL NO. 6858, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Goings, the Senate returned to the fourth order of business.

MESSAGE FROM HOUSE

March 9, 2000

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2985 and again asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 2000

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2460 and asks the Senate to recede therefrom., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTIONS

On motion of Senator Brown, the Senate receded from its amendment(s) to Substitute House Bill No. 2460.

On motion of Senator Brown, the rules were suspended, Substitute House Bill No. 2460 was returned to second reading and read the second time.

MOTION

On motion of Senator Brown, the following striking amendment by Senators Brown and Loveland was adopted:

On page 1, strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) There are geographic areas within communities that are characterized by a lack of employment opportunities, an average income level that is below the median income level for the surrounding community, a lack of affordable housing, deteriorating infrastructure, and a lack of facilities for community services, job training, and education;

(b) Strategies to encourage reinvestment in these areas by assisting local businesses to become stronger and area residents to gain economic power involve a variety of activities and partnerships;

(c) Reinvestment in these areas cannot be accomplished with only governmental resources and require a comprehensive approach that integrates various incentives, programs, and initiatives to meet the economic, physical, and social needs of the area;

(d) Successful reinvestment depends on a local government's ability to coordinate public resources in a cohesive, comprehensive strategy that is designed to leverage long-term private investment in an area;

(e) Reinvestment can strengthen the overall tax base through increased tax revenue from expanded and new business activities and physical property improvement;

(f) Local governments, in cooperation with area residents, can provide leadership as well as planning and coordination of resources and necessary supportive services to address reinvestment in the area; and

(g) It is in the public interest to adopt a targeted approach to revitalization and enlist the resources of all levels of government, the private sector, community-based organizations, and community residents to revitalize an area.

(2) The legislature declares that the purposes of the community empowerment zone act are to:

(a) Encourage reinvestment through strong partnerships and cooperation between all levels of government, community-based organizations, area residents, and the private sector;

(b) Involve the private sector and stimulate private reinvestment through the judicious use of public resources;

(c) Target governmental resources to those areas of greatest need; and

(d) Include all levels of government, community individuals, organizations, and the private sector in the policy-making process.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Area" means a geographic area within a local government that is described by a close perimeter boundary.

(2) "Community empowerment zone" means an area meeting the requirements of RCW 43.63A.700 (as recodified by this act) and officially designated by the director.

(3) "Department" means the department of community, trade, and economic development.

(4) "Director" means the director of the department of community, trade, and economic development.

(5) "Local government" means a city, code city, town, or county.

Sec. 3. RCW 43.63A.700 and 1994 sp.s. c 7 s 702 are each amended to read as follows:

(1) The department, in cooperation with the department of revenue, the employment security department, and the office of financial management, ((~~shall~~)) may approve applications submitted by local governments for an area's designation as a community empowerment zone under this ((~~section~~)) chapter. The application for designation shall be in the form and manner and contain such information as the department may prescribe, provided that the application ((~~for designation~~)) shall:

(a) Contain information sufficient for the director to determine if the criteria established in RCW 43.63A.710 (as recodified by this act) have been met((~~.~~));

(b) Be submitted on behalf of the local government by its chief elected official, or, if none, by the governing body of the local government((~~.~~));

(c) Contain a five-year community empowerment plan that ((~~describes the proposed designated community empowerment zone's community development needs and present a strategy for meeting those needs. The plan shall address the following categories: Housing needs; public infrastructure needs, such as transportation, water, sanitation, energy, and drainage/flood control; other public facilities needs, such as neighborhood facilities or facilities for provision of health, education, recreation, public safety, or other services; community economic development needs, such as commercial/industrial revitalization, job creation and retention considering the unemployment and underemployment of area residents, accessibility to financial resources by area residents and businesses, investment within the area, or other related components of community economic development; and social service needs.~~

~~The local government is required to provide a description of its strategy for meeting the needs identified in this subsection (1)(c). As part of the strategy, the local government is required to identify the needs for which specific plans are~~

~~currently in place and the source of funds expected to be used. For the balance of the area's needs, the local government must identify the source of funds expected to become available during the next two-year period and actions the local government will take to acquire those funds.~~)) meets the requirements of section 5 of this act; and

(d) Certify that ((~~neighborhood~~)) area residents were given the opportunity to participate in the development of the five-year community empowerment strategy required under (((~~(c) of this subsection~~)) section 5 of this act.

(2) No local government shall submit more than two ((~~neighborhoods~~)) areas to the department for possible designation as a ((~~designated~~)) community empowerment zone under this ((~~section~~)) chapter.

(3)(a) ((~~Within ninety days after January 1, 1994,~~)) The director may designate up to six ((~~designated~~)) community empowerment zones, state-wide, from among the applications ((~~eligible~~)) submitted for designation as a ((~~designated~~)) community empowerment zone.

(b) The director shall make determinations of designated community empowerment zones on the basis of the following factors:

(i) The strength and quality of the local government commitments to meet the needs identified in the five-year community empowerment plan required under ((~~this~~)) section 5 of this act.

(ii) The level of private ((~~commitments by private entities~~)) sector commitment of additional resources and contribution to the ((~~designated~~)) community empowerment zone.

(iii) The potential for revitalization of the area as a result of designation as a ((~~designated~~)) community empowerment zone.

(iv) Other factors the director deems necessary.

(c) The determination of the director as to the areas designated as community empowerment zones shall be final.

(4) Except as provided in section 6 of this act, an area that was designated a community empowerment zone before January 1, 1996, under this section, automatically and without additional action by the local government continues its designation under this chapter.

(5) The department may not designate additional community empowerment zones after January 1, 2004, but may amend or rescind designation of community empowerment zones in accordance with section 6 of this act.

Sec. 4. RCW 43.63A.710 and 1994 sp.s. c 7 s 703 are each amended to read as follows:

(1) The director may not designate an area as a ((~~designated~~)) community empowerment zone unless that area meets the following requirements:

(a) The area must be designated by the legislative authority of the local government as an area to receive federal, state, and local assistance designed to increase economic, physical, or social activity in the area;

(b) The area must have at least fifty-one percent of the households in the area with incomes at or below eighty percent of the county's median income, adjusted for household size;

(c) The average unemployment rate for the area, for the most recent twelve-month period for which data is available must be at least one hundred twenty percent of the average unemployment rate of the county; and

(d) A five-year community empowerment plan for the area that meets the requirements of ((~~RCW 43.63A.700(1)(c) and as further defined by the director~~)) section 5 of this act must be adopted.

(2) The director may establish, by rule, such other requirements as the director may reasonably determine necessary and appropriate to assure that the purposes of this ((~~section~~)) chapter are satisfied.

(3) In determining if an area meets the requirements of this section, the director may consider data provided by the United States bureau of the census from the most recent census or any other reliable data that the director determines to be acceptable for the purposes for which the data is used.

NEW SECTION. **Sec. 5.** (1) The five-year community empowerment plan required under RCW 43.63A.700 (as recodified by this act) shall contain information that describes the community development needs of the proposed community empowerment zone and present a strategy for meeting those needs. The plan shall address the following categories:

(a) Housing needs for all economic segments of the proposed community empowerment zone;

(b) Public infrastructure needs, such as transportation, water, sanitation, energy, and drainage and flood control;

(c) Other public facilities needs, such as neighborhood facilities or facilities for the provision of health, education, recreation, public safety, and other services;

(d) Community economic development needs, such as commercial and industrial revitalization, job creation and retention considering the unemployment and underemployment of area residents, accessibility to financial resources by area residents and businesses, investment within the area, and other related components of community economic development; and

(e) Social service needs of residents in the proposed community empowerment zone.

(2) The local government must provide a description of its strategy for meeting the needs identified in subsection (1) of this section. As part of the community empowerment zone strategy, the local government must identify the needs for which

specific plans are currently in place and the source of funds expected to be used. For the balance of the area's needs, the local government must identify the source of funds expected to become available during the next two-year period and actions the local government will take to acquire those funds.

(3) The local government must submit an annual progress report to the department that details the extent to which the local government is working to meet the needs identified in the five-year community empowerment plan. If applicable, the progress report must also contain a discussion on the impediments to meeting the needs outlined in the five-year community empowerment plan. The department must determine the date the annual progress reports are due from each local government.

NEW SECTION. **Sec. 6.** (1) The terms or conditions of a community empowerment zone approved under this chapter may be amended to:

(a) Alter the boundaries of the community empowerment zone; or

(b) Terminate the designation of a community empowerment zone.

(2)(a) A request for an amendment under subsection (1)(a) of this section may not be in effect until the department issues an amended designation for the community empowerment zone that approves the requested amendment. The local government must promptly file with the department a request for approval that contains information the department deems necessary to evaluate the proposed changes and its impact on the area's designation as a community empowerment zone under RCW 43.63A.710 (as recodified by this act). The local government must hold at least two public hearings on the proposed changes and include the information in its request for an amendment to its community empowerment zone.

(b) The department shall approve or disapprove a proposed amendment to a community empowerment zone within sixty days of its receipt of a request under subsection (1)(a) of this section. The department may not approve changes to a community empowerment zone that are not in conformity with this chapter.

(3)(a) The termination of an area's designation as a community empowerment zone under subsection (1)(b) of this section is not effective until the department issues a finding stating the reasons for the termination, which may include lack of commitment of resources to activities in the community empowerment zone by the public, private, and community-based sectors. The local government may file an appeal to the department's findings within sixty days of the notice to terminate the area's designation. The department must notify the local government of the results within thirty days of the filing of the appeal.

(b) A termination of an area's designation as a community empowerment zone has no effect on benefits previously extended to individual businesses. The local government may not commit benefits to a business after the effective date of the termination of an area's designation as a community empowerment zone.

(4) The department may request applications from local governments for designation as community empowerment zones under this chapter as a result of a termination of an area's designation as a community empowerment zone under this section.

NEW SECTION. **Sec. 7.** The department must administer this chapter and has the following powers and duties:

(1) To monitor the implementation of chapter . . ., Laws of 2000 (this act) and submit reports evaluating the effectiveness of the program and any suggestions for legislative changes to the governor and legislature by December 1, 2000;

(2) To develop evaluation and performance measures for local governments to measure the effectiveness of the program at the local level on meeting the objectives of this chapter;

(3) To provide information and appropriate assistance to persons desiring to locate and operate a business in a community empowerment zone;

(4) To work with appropriate state agencies to coordinate the delivery of programs, including but not limited to housing, community and economic development, small business assistance, social service, and employment and training programs which are carried on in a community empowerment zone; and

(5) To develop rules necessary for the administration of this chapter.

NEW SECTION. **Sec. 8.** The administration of a community empowerment zone is under the jurisdiction of the local government. Each local government must, by ordinance, designate a community empowerment zone administrator for the area designated as a community empowerment zone that is within its jurisdiction. A community empowerment zone administrator must be an officer or employee of the local government. The community empowerment zone administrator is the liaison between the local government, the department, the business community, and labor and community-based organizations within the community empowerment zone.

NEW SECTION. **Sec. 9.** This chapter may be known and cited as the Washington community empowerment zone act.

NEW SECTION. **Sec. 10.** Sections 1, 2, and 5 through 9 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 11.** RCW 43.63A.700 and 43.63A.710, as amended by this act, are each recodified as sections in chapter 43.-- RCW (sections 1, 2, and 5 through 9 of this act).

NEW SECTION. **Sec. 12.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the

conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

Sec. 13. RCW 82.60.049 and 1999 c 164 s 304 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Eligible area" also means a designated community empowerment zone approved before January 1, 2000, under RCW 43.63A.700 or a county containing a community empowerment zone approved before January 1, 2000.

(b) "Eligible investment project" also means an investment project in an eligible area as defined in this section.

(2) In addition to the provisions of RCW 82.60.040, the department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW, on each eligible investment project that is located in an eligible area, if the applicant establishes that at the time the project is operationally complete:

(a) The applicant will hire at least one qualified employment position for each seven hundred fifty thousand dollars of investment on which a deferral is requested; and

(b) The positions will be filled by persons who at the time of hire are residents of the community empowerment zone in which the project is located. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section. The persons must be hired after the date the application is filed with the department.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

(4) If a person does not meet the requirements of this section by the end of the calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

NEW SECTION. **Sec. 14.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Renumber the sections consecutively and correct any internal references accordingly.

MOTIONS

On motion of Senator Brown, the following title amendment was adopted:

On page 1, on line 1 of the title, after "zones;" strike the remainder of the title and insert "amending RCW 43.63A.700, 43.63A.710, and 82.60.049; adding a new chapter to Title 43 RCW; creating new sections; and recodifying RCW 43.63A.700 and 43.63A.710."

On motion of Senator Brown, the rules were suspended, Substitute House Bill No. 2460, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2460, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2460, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46. Excused: Senators Honeyford, Morton and Sellar - 3. SUBSTITUTE HOUSE BILL NO. 2460, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Goings, Substitute House Bill No. 2460, as amended by the Senate under suspension of the rules, was ordered to be immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Hale, Senator West was excused.

MOTION

On motion of Senator Goings, the Senate advanced to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9315, Dean Sutherland, as a member of the Public Disclosure Commission, was confirmed.

Senators Bauer, Oke and Finkbeiner spoke to the confirmation of Dean Sutherland as a member of the Public Disclosure Commission.

APPOINTMENT OF DEAN SUTHERLAND

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Sellar and West - 2.

MOTION

On motion of Senator Eide, Senator Snyder was excused.

MOTION

On motion of Senator Patterson, Gubernatorial Appointment No. 9319, Gerald A. Marsh, as a member of the Public Disclosure Commission, was confirmed.

APPOINTMENT OF GERALD A. MARSH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Horn - 1.

Excused: Senators Sellar, Snyder and West - 3.

MOTION

On motion of Senator Honeyford, Senator Johnson was excused.

MOTION

On motion of Senator Franklin, Senator Loveland was excused.

MOTION

On motion of Senator Hochstatter, Gubernatorial Appointment No. 9248, Erika Hennings, as a member of the Board of Trustees for Big Bend Community College District No. 18, was confirmed.

APPOINTMENT OF ERIKA HENNINGS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 43.

Absent: Senator Finkbeiner - 1.

Excused: Senators Johnson, Loveland, Sellar, Snyder and West - 5.

MOTION

On motion of Senator Hochstatter, Gubernatorial Appointment No. 9268, Kenneth J. Martin, as a member of the Board of Trustees for Central Washington University, was confirmed.

APPOINTMENT OF KENNETH J. MARTIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 1; Absent, 1; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 41.

Voting nay: Senator Heavey - 1.

Absent: Senator Deccio - 1.

Excused: Senators Finkbeiner, Johnson, Loveland, Sellar, Snyder and West - 6.

MOTION

On motion of Senator Jacobsen, Gubernatorial Appointment No. 9307, Dawn M. Reynolds, as a member of the Fish and Wildlife Commission, was confirmed.

APPOINTMENT OF DAWN M. REYNOLDS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 3; Absent, 1; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Wojahn - 39.

Voting nay: Senators Honeyford, Morton and Sheahan - 3.

Absent: Senator Zarelli - 1.

Excused: Senators Finkbeiner, Johnson, Loveland, Sellar, Snyder and West - 6.

MOTION

On motion of Senator Eide, Senator Prentice was excused.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9320, Lyle Lovingfoss, as a member of the Board of Trustees for Lower Columbia Community College District No. 13, was confirmed.

APPOINTMENT OF LYLE LOVINGFOSS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 42.

Excused: Senators Finkbeiner, Johnson, Loveland, Prentice, Sellar, Snyder and West - 7.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9295, Mary Grant Tompkins, as a member of the Board of Trustees for Walla Walla Community College District No. 20, was confirmed.

APPOINTMENT OF MARY GRANT TOMPKINS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Finkbeiner, Johnson, Prentice, Sellar, Snyder and West - 6.

MOTION

On motion of Senator Eide, Senator Kline was excused.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9249, Jerry R. Hendrickson, as a member of the Board of Trustees for Walla Walla Community College District No. 20, was confirmed.

APPOINTMENT OF JERRY R. HENDRICKSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 41.

Absent: Senator Jacobsen - 1.

Excused: Senators Finkbeiner, Johnson, Kline, Prentice, Sellar, Snyder and West - 7.

MOTION

On motion of Senator Costa, Gubernatorial Appointment No. 9261, Alicia P. Lalas, as a member of the Board of Trustees for Everett Community College District No. 5, was confirmed.

APPOINTMENT OF ALICIA P. LALAS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 42.

Absent: Senator Franklin - 1.

Excused: Senators Finkbeiner, Kline, Prentice, Sellar, Snyder and West - 6.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9240, Charles W. Fromhold, as a member of the Board of Trustees for Clark Community College District No. 14, was confirmed.

Senators Bauer and Benton spoke to the confirmation of Charles W. Fromhold as a member of the Board of Trustees for Clark Community College District No. 14.

APPOINTMENT OF CHARLES W. FROMHOLD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 42.

Absent: Senator Deccio - 1.

Excused: Senators Finkbeiner, Kline, Prentice, Sellar, Snyder and West - 6.

MOTION

On motion of Senator McCaslin, Senator Deccio was excused.

MOTION

On motion of Senator Heavey, Gubernatorial Appointment No. 9184, Robert W. Winsor, as a member of the Clemency and Pardons Board, was confirmed.

APPOINTMENT OF ROBERT W. WINSOR

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 43. Excused: Senators Deccio, Finkbeiner, Franklin, Sellar, Snyder and West - 6.

MOTION

At 5:10 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 6:42 p.m. by President Owen.

MOTION

On motion of Senator Goings, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

March 9, 2000

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2760, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

March 9, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6062, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

March 9, 2000

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675 and passed the bill as amended by the Senate.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

March 9, 2000

MR. PRESIDENT:

The Co-Speakers have signed:
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1987,
HOUSE BILL NO. 2353,

SUBSTITUTE HOUSE BILL NO. 2378,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2380,
HOUSE BILL NO. 2400,
SUBSTITUTE HOUSE BILL NO. 2418,
SUBSTITUTE HOUSE BILL NO. 2441,
HOUSE BILL NO. 2510,
HOUSE BILL NO. 2531,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2588,

HOUSE BILL NO. 2595,
SECOND SUBSTITUTE HOUSE BILL NO. 2637,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2647,
ENGROSSED HOUSE BILL NO. 2648,
SECOND SUBSTITUTE HOUSE BILL NO. 2663,
HOUSE BILL NO. 2807,
SUBSTITUTE HOUSE BILL NO. 2903,
SUBSTITUTE HOUSE BILL NO. 2912,
HOUSE JOINT MEMORIAL NO. 4026,
SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4428, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

March 9, 2000

MR. PRESIDENT:

The Co-Speakers have signed:
SUBSTITUTE SENATE BILL NO. 6336,
ENGROSSED SENATE BILL NO. 6555,
SUBSTITUTE SENATE BILL NO. 6675, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 6062.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 6531,
SENATE BILL NO. 6534.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1987,
HOUSE BILL NO. 2353,
SUBSTITUTE HOUSE BILL NO. 2378,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2380,
HOUSE BILL NO. 2400,
SUBSTITUTE HOUSE BILL NO. 2418,
SUBSTITUTE HOUSE BILL NO. 2441,
HOUSE BILL NO. 2510,
HOUSE BILL NO. 2531,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2588,
HOUSE BILL NO. 2595,
SECOND SUBSTITUTE HOUSE BILL NO. 2637,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2647,

ENGROSSED HOUSE BILL NO. 2648,
SECOND SUBSTITUTE HOUSE BILL NO. 2663,
HOUSE BILL NO. 2807,
SUBSTITUTE HOUSE BILL NO. 2903,
SUBSTITUTE HOUSE BILL NO. 2912,
HOUSE JOINT MEMORIAL NO. 4026,
SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4428.

MOTION

On motion of Senator Goings, the Senate advanced to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Heavey, Gubernatorial Appointment No. 9215, John Austin, as a member of the Indeterminate Sentence Review Board, was confirmed.

APPOINTMENT OF JOHN AUSTIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Finkbeiner and Sellar - 2.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

There being no objection, the Senate resumed consideration of the House Message requesting the Senate to recede from it amendment(s) to Engrossed House Bill No. 2985, read in earlier today.

MOTION

On motion of Senator Patterson, the Senate insists on its position regarding the Senate amendments to Engrossed House Bill No. 2985 and asks the House to concur therein.

MESSAGE FROM HOUSE

March 9, 2000

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6561 with the following amendment(s):

On page 2, line 1, after "agency." insert "The Washington state national guard shall not otherwise request, instigate, or exercise the powers, rights, duties, or authority of a law enforcement agency and may not exercise any police powers except as ordered by the governor under article X, Washington state constitution, as provided for under R.W. 38.08.500, or as requested in writing by another law enforcement agency. Such writing shall specify the purpose of the request and the police powers to be exercised and shall be considered a public record."

On page 2, beginning on line 4, strike "Whether the national guard retained or disposed of the property; the" and insert "The"

On page 2, line 7, strike "disposition" and insert "the sale"

On page 2, beginning on line 7, strike "a description and record of the national guard's use of the money or property" and insert "if the money or the proceeds of sale of any property were promptly deposited into the public safety and education account established in RCW 43.08.250"

On page 2, after line 16, insert "All money received by the Washington national guard under this section shall be promptly deposited into the public safety and education account established in RCW 43.08.250. All property received by the Washington national guard under this section shall be promptly sold and the proceeds of sale promptly deposited into the public safety and education account established in RCW 43.08.250.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Patterson, the Senate concurred in the House amendments on page 2, beginning on line 4; page 2, line 7; page 2, beginning on line 7; and page 2, after line 16; to Engrossed Senate Bill No. 6561, but refuses to concur in the House amendment on page 2, line 1, and asks the House to recede therefrom.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Heavey, Gubernatorial Appointment No. 9243, Julia L. Garratt, as a member of the Indeterminate Sentence Review Board, was confirmed.

APPOINTMENT OF JULIA L. GARRATT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Finkbeiner and Sellar - 2.

MOTION

On motion of Senator Goings, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 9, 2000

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6530 with the following amendments.

Strike everything after the enacting clause and insert the following:

""PROVISIONS APPLICABLE TO PUBLIC EMPLOYEES'

RETIREMENT SYSTEM PLANS 2 AND 3"

Sec. 101. RCW 41.40.005 and 1992 c 72 s 8 are each amended to read as follows:

RCW 41.40.010 through 41.40.112 shall apply to members of plan 1 ((~~and~~)), plan 2, and plan 3.

Sec. 102. RCW 41.40.010 and 1998 c 341 s 601 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the public employees' retirement system provided for in this chapter.

(2) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(3) "State treasurer" means the treasurer of the state of Washington.

(4)(a) "Employer" for plan 1 members, means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 35.63.070 and 36.70.060 or chapter 39.34 RCW; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(b) "Employer" for plan 2 and plan 3 members, means every branch, department, agency, commission, board, and office of the state, and any political subdivision and municipal corporation of the state admitted into the retirement system, including public agencies created pursuant to RCW 35.63.070, 36.70.060, and 39.34.030; except that after August 31, 2000, school districts and educational service districts will no longer be employers for the public employees' retirement system plan 2.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.023. RCW 41.26.045 does not prohibit a person otherwise eligible for membership in the retirement system from establishing such membership effective when he or she first entered an eligible position.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided the member has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8)(a) "Compensation earnable" for plan 1 members, means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money, maintenance compensation shall be included upon the basis of the schedules established by the member's employer.

(i) "Compensation earnable" for plan 1 members also includes the following actual or imputed payments, which are not paid for personal services:

(A) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable and the individual shall receive the equivalent service credit;

(B) If a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employee;

(C) Assault pay only as authorized by RCW 27.04.100, 72.01.045, and 72.09.240;

(D) Compensation that a member would have received but for a disability occurring in the line of duty only as authorized by RCW 41.40.038;

(E) Compensation that a member receives due to participation in the leave sharing program only as authorized by RCW 41.04.650 through 41.04.670; and

(F) Compensation that a member receives for being in standby status. For the purposes of this section, a member is in standby status when not being paid for time actually worked and the employer requires the member to be prepared to report immediately for work, if the need arises, although the need may not arise.

(ii) "Compensation earnable" does not include:

(A) Remuneration for unused sick leave authorized under RCW 41.04.340, 28A.400.210, or 28A.310.490;

(B) Remuneration for unused annual leave in excess of thirty days as authorized by RCW 43.01.044 and 43.01.041.

(b) "Compensation earnable" for plan 2 and plan 3 members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude nonmoney maintenance compensation and lump sum or other payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay.

"Compensation earnable" for plan 2 and plan 3 members also includes the following actual or imputed payments, which are not paid for personal services:

(i) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable to the extent provided above, and the individual shall receive the equivalent service credit;

(ii) In any year in which a member serves in the legislature, the member shall have the option of having such member's compensation earnable be the greater of:

(A) The compensation earnable the member would have received had such member not served in the legislature; or

(B) Such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under (b)(ii)(A) of this subsection is greater than compensation earnable under (b)(ii)(B) of this subsection shall be paid by the member for both member and employer contributions;

(iii) Assault pay only as authorized by RCW 27.04.100, 72.01.045, and 72.09.240;

(iv) Compensation that a member would have received but for a disability occurring in the line of duty only as authorized by RCW 41.40.038;

(v) Compensation that a member receives due to participation in the leave sharing program only as authorized by RCW 41.04.650 through 41.04.670; and

(vi) Compensation that a member receives for being in standby status. For the purposes of this section, a member is in standby status when not being paid for time actually worked and the employer requires the member to be prepared to report immediately for work, if the need arises, although the need may not arise.

(9)(a) "Service" for plan 1 members, except as provided in RCW 41.40.088, means periods of employment in an eligible position or positions for one or more employers rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Compensation earnable earned in full time work for seventy hours or more in any given calendar month shall constitute one service credit month except as provided in RCW 41.40.088. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service except as provided in RCW 41.40.088. Only service credit months and one-quarter service credit months shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits. Time spent in standby status, whether compensated or not, is not service.

(i) Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system.

(ii) An individual shall receive no more than a total of twelve service credit months of service during any calendar year. If an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for seventy or more hours is rendered.

(iii) A school district employee may count up to forty-five days of sick leave as creditable service solely for the purpose of determining eligibility to retire under RCW 41.40.180 as authorized by RCW 28A.400.300. For purposes of plan 1 "forty-five days"

as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

(A) Less than twenty-two days equals one-quarter service credit month;

(B) Twenty-two days equals one service credit month;

(C) More than twenty-two days but less than forty-five days equals one and one-quarter service credit month.

(b) "Service" for plan 2 and plan 3 members, means periods of employment by a member in an eligible position or positions for one or more employers for which compensation earnable is paid. Compensation earnable earned for ninety or more hours in any calendar month shall constitute one service credit month except as provided in RCW 41.40.088. Compensation earnable earned for at least seventy hours but less than ninety hours in any calendar month shall constitute one-half service credit month of service. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service. Time spent in standby status, whether compensated or not, is not service.

Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits.

(i) Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the Washington school employees' retirement system, teachers' retirement system, or law enforcement officers' and fire fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the Washington school employees' retirement system, teachers' retirement system, or law enforcement officers' and fire fighters' retirement system.

(ii) A member shall receive a total of not more than twelve service credit months of service for such calendar year. If an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for ninety or more hours is rendered.

(iii) Up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.40.180 as authorized by RCW 28A.400.300. For purposes of plan 2 and plan 3 "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

(A) Less than eleven days equals one-quarter service credit month;

(B) Eleven or more days but less than twenty-two days equals one-half service credit month;

(C) Twenty-two days equals one service credit month;

(D) More than twenty-two days but less than thirty-three days equals one and one-quarter service credit month;

(E) Thirty-three or more days but less than forty-five days equals one and one-half service credit month.

(10) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(11) "Service credit month" means a month or an accumulation of months of service credit which is equal to one.

(12) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(13) "Membership service" means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system for which member and employer contributions, plus interest as required by RCW 41.50.125, have been paid under RCW 41.40.056 or 41.40.057;

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member;

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of five percent of such member's salary during said period of probationary service, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member.

(14)(a) "Beneficiary" for plan 1 members, means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(b) "Beneficiary" for plan 2 and plan 3 members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(15) "Regular interest" means such rate as the director may determine.

(16) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in the member's individual account, including any amount paid under RCW 41.50.165(2), together with the regular interest thereon.

(17)(a) "Average final compensation" for plan 1 members, means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service credit months for which service credit is allowed; or if the member has less than two years of service credit months then the annual average compensation earnable during the total years of service for which service credit is allowed.

(b) "Average final compensation" for plan 2 and plan 3 members, means the member's average compensation earnable of the highest consecutive sixty months of service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.40.710(2).

(18) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of employment.

(19) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(20) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(21) "Retirement allowance" means the sum of the annuity and the pension.

(22) "Employee" or "employed" means a person who is providing services for compensation to an employer, unless the person is free from the employer's direction and control over the performance of work. The department shall adopt rules and interpret this subsection consistent with common law.

(23) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the director.

(24) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(25) "Eligible position" means:

(a) Any position that, as defined by the employer, normally requires five or more months of service a year for which regular compensation for at least seventy hours is earned by the occupant thereof. For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position;

(b) Any position occupied by an elected official or person appointed directly by the governor, or appointed by the chief justice of the supreme court under RCW 2.04.240(2) or 2.06.150(2), for which compensation is paid.

(26) "Ineligible position" means any position which does not conform with the requirements set forth in subsection (25) of this section.

(27) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(28) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

(29) "Retiree" means any person who has begun accruing a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer while a member.

(30) "Director" means the director of the department.

(31) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(32) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(33) "Plan 1" means the public employees' retirement system, plan 1 providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(34) "Plan 2" means the public employees' retirement system, plan 2 providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977, and are not included in plan 3.

(35) "Plan 3" means the public employees' retirement system, plan 3 providing the benefits and funding provisions covering persons who:

(a) First become a member on or after:

(i) March 1, 2002, and are employed by a state agency or institute of higher education and who did not choose to enter plan 2; or

(ii) September 1, 2002, and are employed by other than a state agency or institute of higher education and who did not choose to enter plan 2; or

(b) Transferred to plan 3 under section 304 of this act.

(36) "Index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

(((~~36~~))) (37) "Index A" means the index for the year prior to the determination of a postretirement adjustment.

(((~~37~~))) (38) "Index B" means the index for the year prior to index A.

(((~~38~~))) (39) "Index year" means the earliest calendar year in which the index is more than sixty percent of index A.

(((~~39~~))) (40) "Adjustment ratio" means the value of index A divided by index B.

(((~~40~~))) (41) "Annual increase" means, initially, fifty-nine cents per month per year of service which amount shall be increased each July 1st by three percent, rounded to the nearest cent.

(((~~41~~))) (42) "Separation from service" occurs when a person has terminated all employment with an employer.

(43) "Member account" or "member's account" for purposes of plan 3 means the sum of the contributions and earnings on behalf of the member in the defined contribution portion of plan 3.

Sec. 103. RCW 41.40.042 and 1991 c 35 s 89 are each amended to read as follows:

The deductions from the compensation of members, provided for in RCW 41.40.330 ((~~or 41.40.650~~)), 41.45.060, 41.45.061, or section 507 of this act, shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for in this chapter and receipt in full for his or her salary or compensation, and payment less the deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by the person during the period covered by the payment, except as to benefits provided for under this chapter.

Sec. 104. RCW 41.40.054 and 1997 c 103 s 3 are each amended to read as follows:

A member shall not receive a disability retirement benefit under RCW 41.40.200, 41.40.220, 41.40.230, 41.40.235, 41.40.250, ((~~or~~)) 41.40.670, or section 310 of this act if the disability is the result of criminal conduct by the member committed after April 21, 1997.

Sec. 105. RCW 41.40.057 and 1995 c 286 s 3 are each amended to read as follows:

(1) This section applies to the establishment of membership service with employers admitted to the retirement system after July 23, 1995.

(2) For current employees, membership service may be established for periods of employment with an employer prior to the employer's admission into the retirement system by making the payments required by this section.

The employer must select one of the options in this subsection and apply it uniformly, except as provided in subsection (3) of this section. The required payment shall include the total member and employer contributions that would have been required from the date of each current member's hire.

(a) Option A: The employer makes all the required payments within fifteen years from the date of the employer's admission.

(b) Option B: The employer makes a portion of the required payments and the member pays the balance. The employer shall not be required to make its payments until the member has made his or her payments. Each member shall have the option to purchase the membership service.

(c) Option C: The member makes all of the required payments. Each member shall have the option to purchase the membership service.

All payments under options B and C of this subsection must be completed within five years from the date of the employer's admission, or prior to the retirement of the member, whichever occurs sooner. A member may not receive membership service credit under option B or C of this subsection until all required payments have been made.

(3) An employer shall not be required to purchase membership service under option A or B for periods of employment for which the employer made contributions to a qualified retirement plan as defined by 26 U.S.C. Sec. 401(a), if the contributions plus interest accrued cannot be transferred to the retirement system. If the employer does not purchase the membership credit under this subsection, the member may purchase the membership service under subsection (2)(c) of this section.

(4) A former employee who is an active member of the system and is not covered by subsection (2) of this section may establish membership service by making the required payments under subsection (2)(c) of this section prior to the retirement of the member.

(5) All payments made by the member under this section shall be placed in the member's individual account in the members' savings fund or the member's account for those members entering plan 3.

Sec. 106. RCW 41.40.062 and 1998 c 341 s 602 are each amended to read as follows:

(1) The members and appointive and elective officials of any political subdivision or association of political subdivisions of the state may become members of the retirement system by the approval of the local legislative authority.

(2) On and after September 1, 1965, every school district of the state of Washington shall be an employer under this chapter. Every member of each school district who is eligible for membership under RCW 41.40.023 shall be a member of the retirement system and participate on the same basis as a person who first becomes a member through the admission of any employer into the retirement system on and after April 1, 1949, except that after August 31, 2000, school districts will no longer be employers for the public employees' retirement system plan 2 or plan 3.

Sec. 107. RCW 41.40.088 and 1998 c 341 s 603 are each amended to read as follows:

(1) A plan 1 member who is employed by a school district or districts, an educational service district, the state school for the deaf, the state school for the blind, institutions of higher education, or community colleges:

(a) Shall receive a service credit month for each month of the period from September through August of the following year if he or she is employed in an eligible position, earns compensation earnable for six hundred thirty hours or more during that period, and is employed during nine months of that period, except that a member may not receive credit for any period prior to the member's employment in an eligible position;

(b) If a member in an eligible position does not meet the requirements of (a) of this subsection, the member is entitled to a service credit month for each month of the period he or she earns earnable compensation for seventy or more hours; and the member is entitled to a one-quarter service credit month for those calendar months during which he or she earned compensation for less than seventy hours.

(2) Except for any period prior to the member's employment in an eligible position, a plan 2 or plan 3 member who is employed by a school district or districts, an educational service district, the state school for the blind, the state school for the deaf, institutions of higher education, or community colleges:

(a) Shall receive a service credit month for each month of the period from September through August of the following year if he or she is employed in an eligible position, earns compensation earnable for eight hundred ten hours or more during that period, and is employed during nine months of that period;

(b) If a member in an eligible position for each month of the period from September through August of the following year does not meet the hours requirements of (a) of this subsection, the member is entitled to one-half service credit month for each month of the period if he or she earns earnable compensation for at least six hundred thirty hours but less than eight hundred ten hours during that period, and is employed nine months of that period.

(c) In all other instances, a member in an eligible position is entitled to service credit months as follows:

(i) One service credit month for each month in which compensation is earned for ninety or more hours;

(ii) One-half service credit month for each month in which compensation is earned for at least seventy hours but less than ninety hours; and

(iii) One-quarter service credit month for each month in which compensation is earned for less than seventy hours.

(d) After August 31, 2000, school districts and educational service districts will no longer be employers for the public employees' retirement system plan 2 or plan 3.

(3) The department shall adopt rules implementing this section.

Sec. 108. RCW 41.40.092 and 1983 c 81 s 3 are each amended to read as follows:

(1) Active members of the Washington state patrol retirement system who have previously established service credit in the public employees' retirement system, plan 1 or plan 2 while employed by the state patrol as a cadet as defined in RCW 43.43.120(6)(b) may have such service credit transferred to the state patrol retirement system subject to the terms and conditions specified in chapter 43.43 RCW, including reestablishment of such service for the sole purpose of transfer. Service reestablishment shall be subject to the interest requirements of RCW 41.40.150(2).

(2) Service credit established for employment other than that specified in subsection (1) of this section is not eligible for transfer.

NEW SECTION. **Sec. 109.** RCW 41.40.094 is decodified.

"PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 2"

Sec. 201. RCW 41.40.610 and 1991 c 35 s 97 are each amended to read as follows:

RCW 41.40.620 through ((~~41.40.740~~)) 41.40.750 shall apply only to plan 2 members.

NEW SECTION. **Sec. 202.** RCW 41.40.650 (Employer and member contributions) and 1989 c 273 s 24, 1986 c 268 s 6, 1984 c 184 s 12, & 1977 ex.s. c 295 s 6 are each repealed.

"PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 3"

NEW SECTION. **Sec. 301.** (1) Sections 301 through 316 of this act apply only to plan 3 members.

(2) Plan 3 consists of two separate elements: (a) A defined benefit portion covered under this subchapter; and (b) a defined contribution portion covered under chapter 41.34 RCW.

(3) Unless otherwise specified, all references to "plan 3" in this subchapter refer to the defined benefit portion of plan 3.

NEW SECTION. **Sec. 302.** (1) All employees who first become employed by an employer in an eligible position on or after March 1, 2002, for state agencies or institutes of higher education, or September 1, 2002, for other employers, shall have a

period of ninety days to make an irrevocable choice to become a member of plan 2 or plan 3. At the end of ninety days, if the member has not made a choice to become a member of plan 2, he or she becomes a member of plan 3.

(2) For administrative efficiency, until a member elects to become a member of plan 3, or becomes a member of plan 3 by default pursuant to subsection (1) of this section, the member shall be reported to the department in plan 2, with member and employer contributions. Upon becoming a member of plan 3 by election or by default, all service credit shall be transferred to the member's plan 3 defined benefit, and all employee accumulated contributions shall be transferred to the member's plan 3 defined contribution account.

NEW SECTION. **Sec. 303.** (1) A member of the retirement system shall receive a retirement allowance equal to one percent of such member's average final compensation for each service credit year.

(2) The retirement allowance payable under section 309 of this act to a member who separates after having completed at least twenty service credit years shall be increased by twenty-five one-hundredths of one percent, compounded for each month from the date of separation to the date that the retirement allowance commences.

NEW SECTION. **Sec. 304.** (1) As used in this section, unless the context clearly requires otherwise:

(a) "Transfer period" means the time during which a member of one of the groups of plan 2 members identified in subsection (2) of this section may choose to irrevocably transfer from plan 2 to plan 3.

(b) "Transfer basis" means the accumulated contributions present in a member's savings fund on March 1, 2002, less fifty percent of any contributions made pursuant to RCW 41.50.165(2), which is the basis for calculation of the plan 2 to plan 3 additional transfer payment.

(c) "Additional transfer payment date" means June 1, 2003, the date of the additional transfer payment made according to subsection (6) of this section.

(2) Every plan 2 member employed by an employer in an eligible position has the option during their transfer period to make an irrevocable transfer to plan 3 according to the following schedule:

(a) For those members employed by state agencies and institutes of higher education the transfer period means the period between March 1, 2002, and September 1, 2002.

(b) For those members employed by other organizations the transfer period means the period between September 1, 2002, and June 1, 2003.

(c) For those members employed by more than one employer within the retirement system, and whose transfer period is different between one employer and another, the member's transfer period is the last period that is available from any of that member's employers within the retirement system.

(3) All service credit in plan 2 shall be transferred to the defined benefit portion of plan 3.

(4)(a) Anyone who first became a state or higher education member of plan 2 before March 1, 2002, or a local government member of plan 2 before September 1, 2002, who wishes to transfer to plan 3 after their transfer period may transfer during the month of January in any following year, provided that the member earns service credit for that month.

(b) Anyone who chose to become a state or higher education member of plan 2 on or after March 1, 2002, or a local government member of plan 2 on or after September 1, 2002, is prohibited from transferring to plan 3 under (a) of this subsection.

(5) The accumulated contributions in plan 2, less fifty percent of any contributions made pursuant to RCW 41.50.165(2) shall be transferred to the member's account in the defined contribution portion established in chapter 41.34 RCW, pursuant to procedures developed by the department and subject to RCW 41.34.090. Contributions made pursuant to RCW 41.50.165(2) that are not transferred to the member's account shall be transferred to the fund created in RCW 41.50.075(3), except that interest earned on all such contributions shall be transferred to the member's account.

(6) Anyone who requests to transfer under this section during their transfer period, and establishes service credit for February 2003, shall have their member account:

(a) If a member's transfer period is that described in subsection (2)(a) of this section, increased by one hundred ten percent of the transfer basis;

(b) If a member's transfer period is that described in subsection (2)(b) of this section, increased by one hundred eleven percent of the transfer basis; and

(c) Deposited into the member's individual account on the additional transfer payment date.

(7) If a member who requests to transfer dies before June 1, 2003, the additional payment provided by this section shall be paid to the member's estate, or the person or persons, trust, or organization the member nominated by written designation duly executed and filed with the department.

(8) Anyone previously retired from plan 2 is prohibited from transferring to plan 3.

(9) The legislature reserves the right to discontinue the right to transfer under this section and to modify and to discontinue the right to an additional payment under this section for any plan 2 members who have not previously transferred to plan 3.

NEW SECTION. **Sec. 305.** Any member or beneficiary eligible to receive a retirement allowance under the provisions of section 309, 310, or 312 of this act is eligible to commence receiving a retirement allowance after having filed written application with the department.

(1) Retirement allowances paid to members shall accrue from the first day of the calendar month immediately following such member's separation from employment.

(2) Retirement allowances payable to eligible members no longer in service, but qualifying for such an allowance pursuant to RCW 41.40.068 shall accrue from the first day of the calendar month immediately following such qualification.

(3) Disability allowances paid to disabled members shall accrue from the first day of the calendar month immediately following such member's separation from employment for disability.

(4) Retirement allowances paid as death benefits shall accrue from the first day of the calendar month immediately following the member's death.

NEW SECTION. **Sec. 306.** (1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit.

(2) A member who receives compensation from an employer while on an authorized leave of absence to serve as an elected official of a labor organization, and whose employer is reimbursed by the labor organization for the compensation paid to the member during the period of absence, may also be considered to be on a paid leave of absence. This subsection shall only apply if the member's leave of absence is authorized by a collective bargaining agreement that provides that the member retains seniority rights with the employer during the period of leave. The earnable compensation reported for a member who establishes service credit under this subsection may not be greater than the salary paid to the highest paid job class covered by the collective bargaining agreement.

(3) Except as specified in subsection (4) of this section, a member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if:

(a) The member makes the contribution on behalf of the employer, plus interest, as determined by the department; and

(b) The member makes the employee contribution, plus interest, as determined by the department, to the defined contribution portion.

The contributions required shall be based on the average of the member's earnable compensation at both the time the authorized leave of absence was granted and the time the member resumed employment.

(4) A member who leaves the employ of an employer to enter the armed forces of the United States shall be entitled to retirement system service credit for up to five years of military service if within ninety days of the member's honorable discharge from the United States armed forces, the member applies for reemployment with the employer who employed the member immediately prior to the member entering the United States armed forces. This subsection shall be administered in a manner consistent with the requirements of the federal uniformed services employment and reemployment rights act.

The department shall establish the member's service credit and shall bill the employer for its contribution required under RCW 41.45.060 and section 507 of this act for the period of military service, plus interest as determined by the department. Service credit under this subsection may be obtained only if the member makes the employee contribution to the defined contribution portion as determined by the department.

The contributions required shall be based on the compensation the member would have earned if not on leave, or if that cannot be estimated with reasonable certainty, the compensation reported for the member in the year prior to when the member went on military leave.

NEW SECTION. **Sec. 307.** (1) Contributions on behalf of the employer paid by the employee to purchase plan 3 service credit shall be allocated to the defined benefit portion of plan 3 and shall not be refundable when paid to the fund described in RCW 41.50.075(3). Contributions on behalf of the employee shall be allocated to the member account. If the member fails to meet the statutory time limitations to purchase plan 3 service credit, it may be purchased under the provisions of RCW 41.50.165(2). One-half of the purchase payments under RCW 41.50.165(2), plus interest, shall be allocated to the member's account.

(2) No purchased plan 3 membership service may be credited until all payments required of the member are made, with interest. Upon receipt of all payments owed by the member, the department shall bill the employer for any contributions, plus interest, required to purchase membership service.

NEW SECTION. **Sec. 308.** (1) The director may pay a member eligible to receive a retirement allowance or the member's beneficiary a lump sum payment in lieu of a monthly benefit if the initial monthly benefit would be less than one hundred dollars. The one hundred dollar limit shall be increased annually as determined by the director. The lump sum payment shall be the actuarial equivalent of the monthly benefit.

(2) Persons covered under the provisions of subsection (1) of this section may upon returning to member status reinstate all previous service by depositing the lump sum payment received, with interest as computed by the director, within two years of

returning to service or prior to retiring again, whichever comes first. In computing the amount due, the director shall exclude the accumulated value of the normal payments the member would have received while in beneficiary status if the lump sum payment had not occurred.

(3) Any member who receives a settlement under this section is deemed to be retired from this system.

NEW SECTION. **Sec. 309.** (1) NORMAL RETIREMENT. Any member who is at least age sixty-five and who has:

(a) Completed ten service credit years; or

(b) Completed five service credit years, including twelve service credit months after attaining age fifty-four; or

(c) Completed five service credit years by the transfer payment date specified in section 304 of this act, under the public employees' retirement system plan 2 and who transferred to plan 3 under section 304 of this act;

shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 303 of this act.

(2) EARLY RETIREMENT. Any member who has attained at least age fifty-five and has completed at least ten years of service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 303 of this act, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) ALTERNATE EARLY RETIREMENT. Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 303 of this act, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

NEW SECTION. **Sec. 310.** (1) A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the department shall be eligible to receive an allowance under the provisions of plan 3. The member shall receive a monthly disability allowance computed as provided for in section 303 of this act and shall have this allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age sixty-five.

Any member who receives an allowance under the provisions of this section shall be subject to comprehensive medical examinations as required by the department. If these medical examinations reveal that a member has recovered from the incapacitating disability and the member is offered reemployment by an employer at a comparable compensation, the member shall cease to be eligible for the allowance.

(2) If the recipient of a monthly retirement allowance under this section dies, any further benefit payments shall be conditioned by the payment option selected by the retiree as provided in section 314 of this act.

NEW SECTION. **Sec. 311.** (1) Any member who elects to transfer to plan 3 and has eligible unrestored withdrawn contributions in plan 2, may restore such contributions under the provisions of RCW 41.40.740 with interest as determined by the department. The restored plan 2 service credit will be automatically transferred to plan 3. Restoration payments will be transferred to the member account in plan 3. If the member fails to meet the time limitations of RCW 41.40.740, they may restore such contributions under the provisions of RCW 41.50.165(2). The restored plan 2 service credit will be automatically transferred to plan 3. One-half of the restoration payments under RCW 41.50.165(2) plus interest shall be allocated to the member's account.

(2) Any member who elects to transfer to plan 3 may purchase plan 2 service credit under RCW 41.40.740. Purchased plan 2 service credit will be automatically transferred to plan 3. Contributions on behalf of the employer paid by the employee shall be allocated to the defined benefit portion of plan 3 and shall not be refundable when paid to the fund described in RCW 41.50.075(3). Contributions on behalf of the employee shall be allocated to the member account. If the member fails to meet the time limitations of RCW 41.40.740, they may subsequently restore such contributions under the provisions of RCW 41.50.165(2). Purchased plan 2 service credit will be automatically transferred to plan 3. One-half of the payments under RCW 41.50.165(2), plus interest, shall be allocated to the member's account.

NEW SECTION. **Sec. 312.** If a member dies prior to retirement, the surviving spouse or eligible child or children shall receive a retirement allowance computed as provided in section 303 of this act actuarially reduced to reflect a joint and one hundred percent survivor option and if the member was not eligible for normal retirement at the date of death a further reduction as described in section 309 of this act.

If the surviving spouse who is receiving the retirement allowance dies leaving a child or children under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority.

If there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance, share and share alike. The allowance shall be calculated with the assumption that the age of the spouse and member were equal at the time of the member's death.

NEW SECTION. **Sec. 313.** Beginning July 1, 1979, and every year thereafter, the department shall determine the following information for each retired member or beneficiary whose retirement allowance has been in effect for at least one year:

(1) The original dollar amount of the retirement allowance;

(2) The index for the calendar year prior to the effective date of the retirement allowance, to be known as "index A";

(3) The index for the calendar year prior to the date of determination, to be known as "index B"; and

(4) The ratio obtained when index B is divided by index A.

The value of the ratio obtained shall be the annual adjustment to the original retirement allowance and shall be applied beginning with the July payment. In no event, however, shall the annual adjustment:

(a) Produce a retirement allowance which is lower than the original retirement allowance;

(b) Exceed three percent in the initial annual adjustment; or

(c) Differ from the previous year's annual adjustment by more than three percent.

For the purposes of this section, "index" means, for any calendar year, that year's average consumer price index--Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

NEW SECTION. **Sec. 314.** (1) Upon retirement for service as prescribed in section 309 of this act or retirement for disability under section 310 of this act, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) of this subsection.

(b) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

NEW SECTION. **Sec. 315.** (1) Except as provided in RCW 41.40.037, no retiree under the provisions of plan 3 shall be eligible to receive such retiree's monthly retirement allowance if he or she is employed in an eligible position as defined in RCW 41.40.010, 41.32.010, or 41.35.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030, except that a retiree who ends his or her membership in the retirement system pursuant to RCW 41.40.023(3)(b) is not subject to this section if the retiree's only employment is as an elective official of a city or town.

(2) If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

(3) The department shall adopt rules implementing this section.

NEW SECTION. **Sec. 316.** The benefits provided pursuant to chapter . . ., Laws of 2000 (this act) are not provided to employees as a matter of contractual right prior to March 1, 2002. The legislature retains the right to alter or abolish these benefits at any time prior to March 1, 2002.

NEW SECTION. **Sec. 317.** Sections 301 through 316 of this act are each added to chapter 41.40 RCW and codified with the subchapter heading "PLAN 3."

"DEFINED CONTRIBUTION"

Sec. 401. RCW 41.34.020 and 1998 c 341 s 301 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated:

(1) "Actuary" means the state actuary or the office of the state actuary.

(2) "Board" means the employee retirement benefits board authorized in chapter 41.50 RCW.

(3) "Department" means the department of retirement systems.

(4)(a) "Compensation" for teachers for purposes of this chapter is the same as "earnable compensation" for plan 3 in chapter 41.32 RCW except that the compensation may be reported when paid, rather than when earned.

(b) "Compensation" for classified employees for purposes of this chapter is the same as "compensation earnable" for plan 3 in RCW 41.35.010, except that the compensation may be reported when paid, rather than when earned.

(c) "Compensation" for public employees for purposes of this chapter is the same as "compensation earnable" for plan 3 in RCW 41.40.010, except that the compensation may be reported when paid, rather than when earned.

(5)(a) "Employer" for teachers for purposes of this chapter means the same as "employer" for plan 3 in chapter 41.32 RCW.

(b) "Employer" for classified employees for purposes of this chapter means the same as "employer" for plan 3 in RCW 41.35.010.

(c) "Employer" for public employees for purposes of this chapter means the same as "employer" for plan 3 in RCW 41.40.010.

(6) "Member" means any employee included in the membership of a retirement system as provided for in chapter 41.32 RCW of plan 3 ((~~or~~)), chapter 41.35 RCW of plan 3, or chapter 41.40 RCW of plan 3.

(7) "Member account" or "member's account" means the sum of the contributions and earnings on behalf of the member.

(8) "Retiree" means any member in receipt of an allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(9) "Teacher" means a member of the teachers' retirement system plan 3 as defined in RCW 41.32.010(29).

(10) "Classified employee" means a member of the school employees' retirement system plan 3 as defined in RCW 41.35.010.

(11) "Public employee" means a member of the public employees' retirement system plan 3 as defined in RCW 41.40.010.

Sec. 402. RCW 41.34.030 and 1998 c 341 s 302 are each amended to read as follows:

(1) This chapter applies only to members of plan 3 retirement systems created under chapters 41.32 ((~~and~~)), 41.35, and 41.40 RCW.

(2) Plan 3 consists of two separate elements:

(a) A defined benefit portion covered under:

(i) Sections 101 through 117, chapter 239, Laws of 1995; or

(ii) Sections 1 through 25 and 201 through 213, chapter 341, Laws of 1998; or

(iii) Sections 101 through 316, chapter . . ., Laws of 2000 (sections 101 through 316 of this act); and

(b) A defined contribution portion covered under this chapter. Unless specified otherwise, all references to "plan 3" in this chapter refer to the defined contribution portion of plan 3.

Sec. 403. RCW 41.34.040 and 1996 c 39 s 14 are each amended to read as follows:

(1) A member shall contribute from his or her compensation according to one of the following rate structures:

Option A	Contribution Rate
All Ages	5.0% fixed
Option B	
Up to Age 35	5.0%
Age 35 to 44	6.0%
Age 45 and above	7.5%
Option C	
Up to Age 35	6.0%
Age 35 to 44	7.5%
Age 45 and above	8.5%

(2) The board shall have the right to offer contribution rate options in addition to those listed in subsection (1) of this section, provided that no significant additional administrative costs are created. All options offered by the board shall conform to the requirements stated in subsections (3) and (4) of this section.

(3)(a) For members of the teachers' retirement system entering plan 3 under RCW 41.32.835 or members of the school employees' retirement system entering plan 3 under RCW 41.35.610, within ninety days of becoming a member he or she has an

irrevocable option to choose one of the above contribution rate structures. If the member does not select an option within the ninety-day period, he or she shall be assigned option A. Such assignment shall be irrevocable.

(b) For members of the public employees' retirement system entering plan 3 under section 302 of this act, within the ninety days described in section 302 an employee who irrevocably chooses plan 3 shall select one of the above contribution rate structures. If the member does not select an option within the ninety-day period, he or she shall be assigned option A. Such assignment shall be irrevocable.

(c) For members of the teachers' retirement system transferring to plan 3 under RCW 41.32.817, members of the school employees' retirement system transferring to plan 3 under RCW 41.35.510, or members of the public employees' retirement system transferring to plan 3 under section 304 of this act, upon election to plan 3 he or she must irrevocably choose one of the above contribution rate structures.

(d) Within ninety days of the date that an employee ((~~becomes a member of plan III or~~)) changes employers, he or she has an irrevocable option to choose one of the above contribution rate structures. If the member does not select an option within this ninety-day period, he or she shall be assigned option A. Such assignment shall be irrevocable.

(4) Contributions shall begin the first day of the pay cycle in which the rate option is made, or the first day of the pay cycle in which the end of the ninety-day period occurs.

Sec. 404. RCW 41.34.060 and 1999 c 265 s 1 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, the member's account shall be invested by the state investment board. In order to reduce transaction costs and address liquidity issues, based upon recommendations of the state investment board, the department may require members to provide up to ninety days' notice prior to moving funds from the state investment board portfolio to self-directed investment options provided under subsection (3) of this section.

(a) For members of the retirement system as provided for in chapter 41.32 RCW of plan 3, investment shall be in the same portfolio as that of the teachers' retirement system combined plan 2 and 3 fund under RCW 41.50.075(2).

(b) For members of the retirement system as provided for in chapter 41.35 RCW of plan 3, investment shall be in the same portfolio as that of the school employees' retirement system combined plan 2 and 3 fund under RCW 41.50.075(4).

(c) For members of the retirement system as provided for in chapter 41.40 RCW of plan 3, investment shall be in the same portfolio as that of the public employees' retirement system combined plan 2 and 3 fund under RCW 41.50.075(3).

(2) The state investment board shall declare monthly unit values for the portfolios or funds, or portions thereof, utilized under subsection (1)(a) and (b) of this section. The declared values shall be an approximation of portfolio or fund values, based on internal procedures of the state investment board. Such declared unit values and internal procedures shall be in the sole discretion of the state investment board. The state investment board may delegate any of the powers and duties under this subsection, including discretion, pursuant to RCW 43.33A.030. Member accounts shall be credited by the department with a rate of return based on changes to such unit values.

(3) Members may elect to self-direct their investments as set forth in RCW 41.34.130 and 43.33A.190.

Sec. 405. RCW 41.34.080 and 1998 c 341 s 304 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, a retirement allowance, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the various funds created by chapter 239, Laws of 1995((~~, and~~)); chapter 341, Laws of 1998; and chapter . . ., Laws of 2000 (this act) and all moneys and investments and income thereof, is hereby exempt from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, and shall be unassignable.

(2) This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions and that has been approved for deduction in accordance with rules that may be adopted by the state health care authority and/or the department. This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of dues and other membership fees to any retirement association or organization the membership of which is composed of retired public employees, if a total of three hundred or more of such retired employees have authorized such deduction for payment to the same retirement association or organization.

(3) Subsection (1) of this section shall not prohibit the department from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued by the department, (e) a court order directing the department to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with RCW 41.50.670 and 41.50.700, or (f) any administrative or court order expressly authorized by federal law.

Sec. 406. RCW 41.34.100 and 1998 c 341 s 305 are each amended to read as follows:

(1) The benefits provided pursuant to chapter 239, Laws of 1995 are not provided to employees as a matter of contractual right prior to July 1, 1996. The legislature retains the right to alter or abolish these benefits at any time prior to July 1, 1996.

(2) The benefits provided pursuant to chapter 341, Laws of 1998 are not provided to employees as a matter of contractual right prior to September 1, 2000. The legislature retains the right to alter or abolish these benefits at any time prior to September 1, 2000.

(3) The benefits provided pursuant to chapter . . ., Laws of 2000 (this act) are not provided to employees as a matter of contractual right prior to March 1, 2002. The legislature retains the right to alter or abolish these benefits at any time prior to March 1, 2002.

"GAIN SHARING"

Sec. 407. RCW 41.31A.010 and 1998 c 341 s 311 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context requires otherwise.

(1) "Actuary" means the state actuary or the office of the state actuary.

(2) "Department" means the department of retirement systems.

(3) "Teacher" means any employee included in the membership of the teachers' retirement system as provided for in chapter 41.32 RCW.

(4) "Member account" or "member's account" means the sum of any contributions as provided for in chapter 41.34 RCW and the earnings on behalf of the member.

(5) "Classified employee" means the same as in RCW 41.35.010.

(6) "Public employee" means the same as "member" as defined in RCW 41.40.010(5).

Sec. 408. RCW 41.31A.020 and 1998 c 341 s 312 are each amended to read as follows:

(1) On January 1, ((~~2002~~)) 2004, and on January 1st of even-numbered years thereafter, the member account of a person meeting the requirements of this section shall be credited by the extraordinary investment gain amount.

(2) The following persons shall be eligible for the benefit provided in subsection (1) of this section:

(a) Any member of the teachers' retirement system plan 3 ((~~or~~)), the Washington school employees' retirement system plan 3, or the public employees' retirement system plan 3 who earned service credit during the twelve-month period from September 1st to August 31st immediately preceding the distribution and had a balance of at least one thousand dollars in their member account on August 31st of the year immediately preceding the distribution; or

(b) Any person in receipt of a benefit pursuant to RCW 41.32.875 ((~~or~~)), 41.35.680, or section 309 of this act; or

(c) Any person who is a retiree pursuant to RCW 41.34.020(8) and who:

(i) Completed ten service credit years; or

(ii) Completed five service credit years, including twelve service months after attaining age fifty-four; or

(d) Any teacher who is a retiree pursuant to RCW 41.34.020(8) and who has completed five service credit years by July 1, 1996, under plan 2 and who transferred to plan 3 under RCW 41.32.817; or

(e) Any classified employee who is a retiree pursuant to RCW 41.34.020(8) and who has completed five service credit years by September 1, 2000, and who transferred to plan 3 under RCW 41.35.510; or

(f) Any public employee who is a retiree pursuant to RCW 41.40.010(29) and who has completed five service credit years by March 1, 2002, and who transferred to plan 3 under section 304 of this act; or

(g) Any person who had a balance of at least one thousand dollars in their member account on August 31st of the year immediately preceding the distribution and who:

(i) Completed ten service credit years; or

(ii) Completed five service credit years, including twelve service months after attaining age fifty-four; or

(((~~g~~))) (h) Any teacher who had a balance of at least one thousand dollars in their member account on August 31st of the year immediately preceding the distribution and who has completed five service credit years by July 1, 1996, under plan 2 and who transferred to plan 3 under RCW 41.32.817; or

(((~~(h)~~))) (i) Any classified employee who had a balance of at least one thousand dollars in their member account on August 31st of the year immediately preceding the distribution and who has completed five service credit years by September 1, 2000, and who transferred to plan 3 under RCW 41.35.510; or

(j) Any public employee who had a balance of at least one thousand dollars in their member account on August 31st of the year immediately preceding the distribution and who has completed five service credit years by March 1, 2002, and who transferred to plan 3 under section 304 of this act.

(3) The extraordinary investment gain amount shall be calculated as follows:

(a) One-half of the sum of the value of the net assets held in trust for pension benefits in the teachers' retirement system combined plan 2 and 3 fund ((~~and~~)), the Washington school employees' retirement system combined plan 2 and 3 fund, and the public employees' retirement system combined plan 2 and 3 fund at the close of the previous state fiscal year not including the amount attributable to member accounts;

(b) Multiplied by the amount which the compound average of investment returns on those assets over the previous four state fiscal years exceeds ten percent;

(c) Multiplied by the proportion of:

(i) The sum of the service credit on August 31st of the previous year of all persons eligible for the benefit provided in subsection (1) of this section; to

(ii) The sum of the service credit on August 31st of the previous year of:

(A) All persons eligible for the benefit provided in subsection (1) of this section;

(B) Any person who earned service credit in the teachers' retirement system plan 2 ((~~or~~)), the Washington school employees' retirement system plan 2, or the public employees' retirement system plan 2 during the twelve-month period from September 1st to August 31st immediately preceding the distribution;

(C) Any person in receipt of a benefit pursuant to RCW 41.32.765 ((~~or~~)), 41.35.420, or 41.40.630; and

(D) Any person with five or more years of service in the teachers' retirement system plan 2 ((~~or~~)), the Washington school employees' retirement system plan 2, or the public employees' retirement system plan 2;

(d) Divided proportionally among persons eligible for the benefit provided in subsection (1) of this section on the basis of their service credit total on August 31st of the previous year.

(4) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to receive this distribution not granted prior to that time.

NEW SECTION. **Sec. 409.** A new section is added to chapter 41.31A RCW to read as follows:

(1) On June 1, 2003, the member account of a person meeting the requirements of this section shall be credited by the 2000 retroactive extraordinary investment gain amount and the 2002 retroactive extraordinary investment gain amount.

(2) The following persons shall be eligible for the benefits provided in subsection (1) of this section:

(a) Any public employee who earned service credit during the twelve-month period from September 1st to August 31st immediately preceding the distribution and who transferred to plan 3 under section 304 of this act; or

(b) Any public employee in receipt of a benefit pursuant to section 309 of this act and who has completed five service credit years by September 1, 2002, and who transferred to plan 3 under section 304 of this act; or

(c) Any public employee who is a retiree pursuant to RCW 41.34.020(8) and who has completed five service credit years by September 1, 2002, and who transferred to plan 3 under section 304 of this act; or

(d) Any public employee who has a balance of at least one thousand dollars in either his or her member account or in plan 2 accumulated contributions and who has completed five service credit years by September 1, 2002, and who transferred to plan 3 under section 304 of this act.

(3) The 2000 retroactive extraordinary investment gain amount shall be calculated as follows:

(a) An amount equal to the average benefit per year of service paid in 2000 to members of the teachers' retirement system plan 3 under section 309, chapter 341, Laws of 1998;

(b) Distributed to persons eligible for the benefit in subsection (1) of this section on the basis of their service credit total on July 1, 1999.

(4) The 2002 retroactive extraordinary investment gain amount shall be calculated as follows:

(a) An amount equal to the average benefit per year of service paid in 2002 to members of the teachers' retirement system plan 3 and the school employees' retirement system plan 3 under RCW 41.31A.020;

(b) Distributed to persons eligible for the benefit provided in subsection (1) of this section on the basis of their service credit total on July 1, 2001.

(5) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to receive this distribution not granted prior to that time.

"ACTUARIAL FUNDING"

Sec. 501. RCW 41.45.010 and 1998 c 341 s 401 are each amended to read as follows:

It is the intent of the legislature to provide a dependable and systematic process for funding the benefits provided to members and retirees of the public employees' retirement system, chapter 41.40 RCW; the teachers' retirement system, chapter 41.32 RCW; the law enforcement officers' and fire fighters' retirement system, chapter 41.26 RCW; the school employees' retirement system, chapter 41.35 RCW; and the Washington state patrol retirement system, chapter 43.43 RCW.

The funding process established by this chapter is intended to achieve the following goals:

(1) To continue to fully fund the public employees' retirement system plans 2 and 3, the teachers' retirement system plans 2 and 3, the school employees' retirement system plans 2 and 3, and the law enforcement officers' and fire fighters' retirement system plan 2 as provided by law;

(2) To fully amortize the total costs of the public employees' retirement system plan 1, the teachers' retirement system plan 1, and the law enforcement officers' and fire fighters' retirement system plan 1 not later than June 30, 2024;

(3) To establish predictable long-term employer contribution rates which will remain a relatively constant proportion of the future state budgets; and

(4) To fund, to the extent feasible, benefit increases for plan 1 members and all benefits for plan 2 and 3 members over the working lives of those members so that the cost of those benefits are paid by the taxpayers who receive the benefit of those members' service.

Sec. 502. RCW 41.45.020 and 1998 c 341 s 402 and 1998 c 283 s 1 are each reenacted and amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Council" means the pension funding council created in RCW 41.45.100.

(2) "Department" means the department of retirement systems.

(3) "Law enforcement officers' and fire fighters' retirement system plan 1" and "law enforcement officers' and fire fighters' retirement system plan 2" mean the benefits and funding provisions under chapter 41.26 RCW.

(4) "Public employees' retirement system plan 1," ((and)) "public employees' retirement system plan 2," and "public employees' retirement system plan 3" mean the benefits and funding provisions under chapter 41.40 RCW.

(5) "Teachers' retirement system plan 1," "teachers' retirement system plan 2," and "teachers' retirement system plan 3" mean the benefits and funding provisions under chapter 41.32 RCW.

(6) "School employees' retirement system plan 2" and "school employees' retirement system plan 3" mean the benefits and funding provisions under chapter 41.35 RCW.

(7) "Washington state patrol retirement system" means the retirement benefits provided under chapter 43.43 RCW.

(8) "Unfunded liability" means the unfunded actuarial accrued liability of a retirement system.

(9) "Actuary" or "state actuary" means the state actuary employed under chapter 44.44 RCW.

(10) "State retirement systems" means the retirement systems listed in RCW 41.50.030.

(11) "Work group" means the pension funding work group created in RCW 41.45.120.

(12) "Classified employee" means a member of the Washington school employees' retirement system plan 2 or plan 3 as defined in RCW 41.35.010.

(13) "Teacher" means a member of the teachers' retirement system as defined in RCW 41.32.010(15).

Sec. 503. RCW 41.45.050 and 1998 c 341 s 403 are each amended to read as follows:

(1) Employers of members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, and the Washington state patrol retirement system shall make contributions to those systems based on the rates established in RCW 41.45.060 and 41.45.070.

(2) The state shall make contributions to the law enforcement officers' and fire fighters' retirement system based on the rates established in RCW 41.45.060 and 41.45.070. The state treasurer shall transfer the required contributions each month on the basis of salary data provided by the department.

(3) The department shall bill employers, and the state shall make contributions to the law enforcement officers' and fire fighters' retirement system, using the combined rates established in RCW 41.45.060 and 41.45.070 regardless of the level of pension funding provided in the biennial budget. Any member of an affected retirement system may, by mandamus or other appropriate proceeding, require the transfer and payment of funds as directed in this section.

(4) The contributions received for the public employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the public employees' retirement system combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the public employees' retirement system combined plan 2 and plan 3 employer contribution ((required by RCW 41.40.650)) shall first be deposited in the public employees' retirement system combined plan 2 and plan 3 fund. All remaining public employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(5) The contributions received for the teachers' retirement system shall be allocated between the plan 1 fund and the combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the combined plan 2 and plan 3 employer contribution shall first be deposited in the combined plan 2 and plan 3 fund. All remaining teachers' retirement system employer contributions shall be deposited in the plan 1 fund.

(6) The contributions received for the school employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the school employees' retirement system combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the combined plan 2 and plan 3 employer contribution shall first be deposited in the combined plan 2 and plan 3 fund. All remaining school employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(7) The contributions received under RCW ((~~41.26.450~~)) 41.45.060, 41.45.061, and section 507 of this act for the law enforcement officers' and fire fighters' retirement system shall be allocated between the law enforcement officers' and fire fighters' retirement system plan 1 and the law enforcement officers' and fire fighters' retirement system plan 2 fund as follows: The contributions necessary to fully fund the law enforcement officers' and fire fighters' retirement system plan 2 employer contributions shall be first deposited in the law enforcement officers' and fire fighters' retirement system plan 2 fund. All remaining law enforcement officers' and fire fighters' retirement system employer contributions shall be deposited in the law enforcement officers' and fire fighters' retirement system plan 1 fund.

Sec. 504. RCW 41.45.060 and 1998 c 341 s 404, 1998 c 340 s 11, and 1998 c 283 s 6 are each reenacted and amended to read as follows:

(1) The state actuary shall provide actuarial valuation results based on the assumptions adopted under RCW 41.45.030.

(2) Not later than September 30, 1998, and every two years thereafter, consistent with the assumptions adopted under RCW 41.45.030, the council shall adopt and may make changes to:

(a) A basic state contribution rate for the law enforcement officers' and fire fighters' retirement system;

(b) Basic employer contribution rates for the public employees' retirement system ((~~plan 1~~)), the teachers' retirement system ((~~plan 1~~)), and the Washington state patrol retirement system to be used in the ensuing biennial period; and

(c) A basic employer contribution rate for the school employees' retirement system for funding the public employees' retirement system plan 1.

(3) The employer and state contribution rates adopted by the council shall be the level percentages of pay that are needed:

(a) To fully amortize the total costs of the public employees' retirement system plan 1, the teachers' retirement system plan 1, the law enforcement officers' and fire fighters' retirement system plan 1, and the unfunded liability of the Washington state patrol retirement system not later than June 30, 2024, except as provided in subsection (5) of this section; ((~~and~~))

(b) To also continue to fully fund the public employees' retirement system plans 2 and 3, the teachers' retirement system plans 2 and 3, the school employees' retirement system plans 2 and 3, and the law enforcement officers' and fire fighters' retirement system plan 2 in accordance with RCW ((~~41.40.650, 41.26.450,~~)) 41.45.061, section 507 of this act, and this section; and

(c) For the law enforcement officers' and fire fighters' system plan 2 the rate charged to employers, except as provided in RCW 41.26.450, shall be thirty percent of the cost of the retirement system and the rate charged to the state shall be twenty percent of the cost of the retirement system.

(4) The aggregate actuarial cost method shall be used to calculate a combined plan 2 and 3 employer contribution rate.

(5) An amount equal to the amount of extraordinary investment gains as defined in RCW 41.31.020 shall be used to shorten the amortization period for the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

(6) The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted.

(7) The director of the department of retirement systems shall collect those rates adopted by the council.

Sec. 505. RCW 41.45.070 and 1998 c 341 s 406 and 1998 c 340 s 10 are each reenacted and amended to read as follows:

(1) In addition to the basic employer contribution rate established in RCW 41.45.060, the department shall also charge employers of public employees' retirement system, teachers' retirement system, school employees' retirement system, or Washington state patrol retirement system members an additional supplemental rate to pay for the cost of additional benefits, if any, granted to members of those systems. Except as provided in subsections (6) and (7) of this section, the supplemental contribution rates required by this section shall be calculated by the state actuary and shall be charged regardless of language to the contrary contained in the statute which authorizes additional benefits.

(2) In addition to the basic state contribution rate established in RCW 41.45.060 for the law enforcement officers' and fire fighters' retirement system the department shall also establish a supplemental rate to pay for the cost of additional benefits, if any, granted to members of the law enforcement officers' and fire fighters' retirement system. Except as provided in subsection (6) of this section, this supplemental rate shall be calculated by the state actuary and the state treasurer shall transfer the additional required contributions regardless of language to the contrary contained in the statute which authorizes the additional benefits.

(3) The supplemental rate charged under this section to fund benefit increases provided to active members of the public employees' retirement system plan 1, the teachers' retirement system plan 1, the law enforcement officers' and fire fighters'

retirement system plan 1, and Washington state patrol retirement system, shall be calculated as the level percentage of all members' pay needed to fund the cost of the benefit not later than June 30, 2024.

(4) The supplemental rate charged under this section to fund benefit increases provided to active and retired members of the public employees' retirement system plan 2 and plan 3, the teachers' retirement system plan 2 and plan 3, the school employees' retirement system plan 2 and plan 3, or the law enforcement officers' and fire fighters' retirement system plan 2, shall be calculated as the level percentage of all members' pay needed to fund the cost of the benefit, as calculated under RCW ((~~41.40.650 or 41.26.450, respectively~~)) 41.45.060, 41.45.061, or section 507 of this act.

(5) The supplemental rate charged under this section to fund postretirement adjustments which are provided on a nonautomatic basis to current retirees shall be calculated as the percentage of pay needed to fund the adjustments as they are paid to the retirees. The supplemental rate charged under this section to fund automatic postretirement adjustments for active or retired members of the public employees' retirement system plan 1 and the teachers' retirement system plan 1 shall be calculated as the level percentage of pay needed to fund the cost of the automatic adjustments not later than June 30, 2024.

(6) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members pursuant to chapter 340, Laws of 1998.

(7) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members pursuant to chapter 41.31A RCW; section 309, chapter 341, Laws of 1998; or section 701, chapter 341, Laws of 1998.

Sec. 506. RCW 41.45.061 and 1998 c 341 s 405 are each amended to read as follows:

(1) The required contribution rate for members of the plan 2 teachers' retirement system shall be fixed at the rates in effect on July 1, 1996, subject to the following:

(a) Beginning September 1, 1997, except as provided in (b) of this subsection, the employee contribution rate shall not exceed the employer plan 2 and 3 rates adopted under RCW 41.45.060 and 41.45.070 for the teachers' retirement system;

(b) In addition, the employee contribution rate for plan 2 shall be increased by fifty percent of the contribution rate increase caused by any plan 2 benefit increase passed after July 1, 1996;

(c) In addition, the employee contribution rate for plan 2 shall not be increased as a result of any distributions pursuant to section 309, chapter 341, Laws of 1998 and RCW 41.31A.020.

(2) The required contribution rate for members of the school employees' retirement system plan 2 shall be fixed at the rates in effect on September 1, 2000, for members of the public employees' retirement system plan 2, subject to the following:

(a) Except as provided in (b) of this subsection, the member contribution rate shall not exceed the school employees' retirement system employer plan 2 and 3 contribution rate adopted under RCW 41.45.060 and 41.45.070;

(b) The member contribution rate for the school employees' retirement system plan 2 shall be increased by fifty percent of the contribution rate increase caused by any plan 2 benefit increase passed after September 1, 2000.

(3) The required contribution rate for members of the public employees' retirement system plan 2 shall be set at the same rate as the employer combined plan 2 and plan 3 rate.

(4) The required contribution rate for members of the law enforcement officers' and fire fighters' retirement system plan 2 shall be set at fifty percent of the cost of the retirement system.

(5) The employee contribution rates for plan 2 under subsections (3) and (4) of this section shall not ((~~be increased~~)) include any increase as a result of any distributions pursuant to RCW 41.31A.020 and 41.31A.030.

(((~~4~~))) (6) The required plan 2 and 3 contribution rates for employers shall be adopted in the manner described in RCW 41.45.060.

NEW SECTION. **Sec. 507.** A new section is added to chapter 41.45 RCW to read as follows:

(1) Any increase in the contribution rate required as the result of a failure of the state or of an employer to make any contribution required by this section shall be borne in full by the state or by that employer not making the contribution.

(2) The director shall notify all employers of any pending adjustment in the required contribution rate and such pending adjustment in the required contribution rate and any increase shall be announced at least thirty days prior to the effective date of the change.

(3) Members' contributions required by RCW 41.45.060 and 41.45.061 shall be deducted from the members' compensation each payroll period. The members' contribution and the employers' contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.

(4) The state's contribution required for the law enforcement officers' and fire fighters' retirement system plan 2 shall be transferred to the appropriate fund from the total contributions transferred by the state treasurer under RCW 41.45.060 and 41.45.070.

"NECESSARY FOR IMPLEMENTATION"

Sec. 601. RCW 41.50.075 and 1998 c 341 s 503 are each amended to read as follows:

(1) Two funds are hereby created and established in the state treasury to be known as the Washington law enforcement officers' and fire fighters' system plan 1 retirement fund, and the Washington law enforcement officers' and fire fighters' system plan 2 retirement fund which shall consist of all moneys paid into them in accordance with the provisions of this chapter and chapter 41.26 RCW, whether such moneys take the form of cash, securities, or other assets. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and fire fighters' retirement system plan 1, and the plan 2 fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and fire fighters' retirement system plan 2.

(2) All of the assets of the Washington state teachers' retirement system shall be credited according to the purposes for which they are held, to two funds to be maintained in the state treasury, namely, the teachers' retirement system plan 1 fund and the teachers' retirement system combined plan 2 and 3 fund. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan 1, and the combined plan 2 and 3 fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan 2 and 3.

(3) There is hereby established in the state treasury two separate funds, namely the public employees' retirement system plan 1 fund and the public employees' retirement system combined plan 2 and plan 3 fund. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plan 1, and the combined plan 2 and plan 3 fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plans 2 and 3.

(4) There is hereby established in the state treasury the school employees' retirement system combined plan 2 and 3 fund. The combined plan 2 and 3 fund shall consist of all moneys paid to finance the benefits provided to members of the school employees' retirement system plan 2 and plan 3.

Sec. 602. RCW 41.50.088 and 1998 c 341 s 507 and 1998 c 116 s 10 are each reenacted and amended to read as follows:

(1) The board shall adopt rules as necessary and exercise ((~~all~~)) the following powers and ((~~perform all~~)) duties ((~~prescribed by law with respect to~~)):

(a) The board shall recommend to the state investment board types of options for member self-directed investment in the teachers' retirement system plan 3 ((~~and~~)), the school employees' retirement system plan 3, and the public employees' retirement system plan 3 as deemed by the board to be reflective of the members' preferences;

(b) ((~~The selection of optional benefit payment schedules available to members and survivors of members upon the death, disability, retirement, or termination of the member. The optional benefit payments may include but not be limited to: Fixed and participating annuities, joint and survivor annuities, and payments that bridge to social security or defined benefit plan payments;~~

~~(c) Approval of actuarially equivalent annuities~~)) By July 1, 2005, the board shall make optional actuarially equivalent life annuity benefit payment schedules available to members and survivors that may be purchased from the combined plan 2 and plan 3 funds under RCW 41.50.075 (((~~(2) or (3)~~)); and

(((~~(d)~~))) (c) Determination of the basis for administrative charges to the self-directed investment fund to offset self-directed account expenses;

(2) The board shall recommend to the state investment board types of options for participant self-directed investment in the state deferred compensation plan, as deemed by the board to be reflective of the participants' preferences.

Sec. 603. RCW 41.50.500 and 1998 c 341 s 512 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 41.50.500 through 41.50.650, 41.50.670 through 41.50.720, and 26.09.138.

(1) "Benefits" means periodic retirement payments or a withdrawal of accumulated contributions.

(2) "Disposable benefits" means that part of the benefits of an individual remaining after the deduction from those benefits of any amount required by law to be withheld. The term "required by law to be withheld" does not include any deduction elective to the member.

(3) "Dissolution order" means any judgment, decree, or order of spousal maintenance, property division, or court-approved property settlement incident to a decree of divorce, dissolution, invalidity, or legal separation issued by the superior court of the state of Washington or a judgment, decree, or other order of spousal support issued by a court of competent jurisdiction in another state or country, that has been registered or otherwise made enforceable in this state.

(4) "Mandatory benefits assignment order" means an order issued to the department of retirement systems pursuant to RCW 41.50.570 to withhold and deliver benefits payable to an obligor under chapter 2.10, 2.12, 41.26, 41.32, 41.40, 41.35, or 43.43 RCW.

(5) "Obligee" means an ex spouse or spouse to whom a duty of spousal maintenance or property division obligation is owed.

(6) "Obligor" means the spouse or ex spouse owing a duty of spousal maintenance or a property division obligation.

(7) "Periodic retirement payments" means periodic payments of retirement allowances, including but not limited to service retirement allowances, disability retirement allowances, and survivors' allowances. The term does not include a withdrawal of accumulated contributions.

(8) "Property division obligation" means any outstanding court-ordered property division or court-approved property settlement obligation incident to a decree of divorce, dissolution, or legal separation.

(9) "Standard allowance" means a benefit payment option selected under RCW 2.10.146(1)(a), 41.26.460(1)(a), 41.32.785(1)(a), 41.40.188(1)(a), 41.40.660(1), section 314(1)(a) of this act, or 41.35.220 that ceases upon the death of the retiree. Standard allowance also means the benefit allowance provided under RCW 2.10.110, 2.10.130, 43.43.260, 41.26.100, 41.26.130(1)(a), or chapter 2.12 RCW. Standard allowance also means the maximum retirement allowance available under RCW 41.32.530(1) following member withdrawal of accumulated contributions, if any.

(10) "Withdrawal of accumulated contributions" means a lump sum payment to a retirement system member of all or a part of the member's accumulated contributions, including accrued interest, at the request of the member including any lump sum amount paid upon the death of the member.

Sec. 604. RCW 41.05.011 and 1998 c 341 s 706 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Administrator" means the administrator of the authority.

(2) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(3) "Authority" means the Washington state health care authority.

(4) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.

(5) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(6) "Employee" includes all full-time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; and includes any or all part-time and temporary employees under the terms and conditions established under this chapter by the authority; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970. "Employee" also includes: (a) Employees of a county, municipality, or other political subdivision of the state if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205; (b) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization; and (c) employees of a school district if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350.

(7) "Board" means the public employees' benefits board established under RCW 41.05.055.

(8) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32, 41.35, or 41.40 RCW;

(c) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32, 41.35, or 41.40 RCW.

(9) "Benefits contribution plan" means a premium only contribution plan, a medical flexible spending arrangement, or a cafeteria plan whereby state and public employees may agree to a contribution to benefit costs which will allow the employee to participate in benefits offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(10) "Salary" means a state employee's monthly salary or wages.

(11) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the benefits contribution plan.

(12) "Plan year" means the time period established by the authority.

(13) "Separated employees" means persons who separate from employment with an employer as defined in:

(a) RCW 41.32.010(11) on or after July 1, 1996; or

(b) RCW 41.35.010 on or after September 1, 2000; or

(c) RCW 41.40.010 on or after March 1, 2002;

and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in RCW 41.32.010(40) ((~~or~~)), the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010, or the public employees' retirement system plan 3 as defined in RCW 41.40.010.

"FUND INVESTMENTS AND INTEREST EARNINGS"

Sec. 701. RCW 43.33A.190 and 1998 c 341 s 707 are each amended to read as follows:

Pursuant to RCW 41.34.130, the state investment board shall invest all self-directed investment moneys under teachers' retirement system plan 3 ((~~and~~)), the school employees' retirement system plan 3, and the public employees' retirement system plan 3 with full power to establish investment policy, develop investment options, and manage self-directed investment funds.

Sec. 702. RCW 43.84.092 and 1999 c 380 s 9, 1999 c 309 s 929, 1999 c 268 s 5, and 1999 c 94 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal ((~~account~~)) fund, the volunteer fire fighters' ((~~relief and pension~~)) and reserve officers' administrative ((~~account~~)) fund, the Washington judicial retirement

system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

"LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2"

Sec. 801. RCW 41.26.450 and 1996 c 38 s 3 are each amended to read as follows:

(((~~(1) The required contribution rates to the plan II system for members, employers, and the state of Washington shall be established by the director from time to time as may be necessary upon the advice of the state actuary. The state actuary shall use the aggregate actuarial cost method to calculate contribution rates.~~

~~(2) Except as provided in subsection (3) of this section, the member, the employer and the state shall each contribute the following shares of the cost of the retirement system:~~

~~Member 50%~~
~~Employer 30%~~
~~State 20%~~

~~(3)~~))) Port districts established under Title 53 RCW and institutions of higher education as defined in RCW 28B.10.016 shall contribute both the employer and state shares of the cost of the retirement system for any of their employees who are law enforcement officers. Institutions of higher education shall contribute both the employer and the state shares of the cost of the retirement system for any of their employees who are fire fighters.

(((~~(4) Effective January 1, 1987, however, no member or employer contributions are required for any calendar month in which the member is not granted service credit.~~

~~(5) Any adjustments in contribution rates required from time to time for future costs shall likewise be shared proportionally by the members, employers, and the state.~~

~~(6) Any increase in the contribution rate required as the result of a failure of the state or of an employer to make any contribution required by this section shall be borne in full by the state or by that employer not making the contribution.~~

~~(7) The director shall notify all employers of any pending adjustment in the required contribution rate and such increase shall be announced at least thirty days prior to the effective date of the change.~~

~~(8) Members' contributions required by this section shall be deducted from the members basic salary each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends. The state's contribution required by this section shall be transferred to the plan II fund from the total contributions transferred by the state treasurer under RCW 41.45.060 and 41.45.070.~~))

"EARLY RETIREMENT REDUCTION FACTORS"

Sec. 901. RCW 41.40.630 and 1991 c 343 s 11 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member with at least five service credit years who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620.

(2) EARLY RETIREMENT. Any member who has completed at least twenty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) ALTERNATE EARLY RETIREMENT. Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

Sec. 902. RCW 41.32.765 and 1991 c 343 s 5 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member with at least five service credit years of service who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760.

(2) EARLY RETIREMENT. Any member who has completed at least twenty service credit years of service who has attained at least age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) ALTERNATE EARLY RETIREMENT. Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

Sec. 903. RCW 41.32.875 and 1996 c 39 s 6 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member who is at least age sixty-five and who has:

(a) Completed ten service credit years; or

(b) Completed five service credit years, including twelve service credit months after attaining age fifty-four; or

(c) Completed five service credit years by July 1, 1996, under plan 2 and who transferred to plan 3 under RCW 41.32.817;

shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840.

(2) EARLY RETIREMENT. Any member who has attained at least age fifty-five and has completed at least ten years of service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) ALTERNATE EARLY RETIREMENT. Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

Sec. 904. RCW 41.26.430 and 1993 c 517 s 3 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member with at least five service credit years of service who has attained at least age ((~~fifty-five~~)) fifty-three shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.26.420.

(2) EARLY RETIREMENT. Any member who has completed at least twenty service credit years of service and has attained age fifty shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.26.420, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age ((~~fifty-five~~)) fifty-three.

(3) ALTERNATE EARLY RETIREMENT. Any member who has completed at least twenty service credit years and has attained age fifty shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.26.420, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age fifty-three.

Sec. 905. RCW 41.35.420 and 1998 c 341 s 103 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member with at least five service credit years who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400.

(2) EARLY RETIREMENT. Any member who has completed at least twenty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) ALTERNATE EARLY RETIREMENT. Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

Sec. 906. RCW 41.35.680 and 1998 c 341 s 209 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member who is at least age sixty-five and who has:

(a) Completed ten service credit years; or

(b) Completed five service credit years, including twelve service credit months after attaining age fifty-four; or

(c) Completed five service credit years by September 1, 2000, under the public employees' retirement system plan 2 and who transferred to plan 3 under RCW 41.35.510;

shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620.

(2) EARLY RETIREMENT. Any member who has attained at least age fifty-five and has completed at least ten years of service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) ALTERNATE EARLY RETIREMENT. Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

"DEATH BENEFITS"

Sec. 1001. RCW 41.26.510 and 1995 c 245 s 1 and 1995 c 144 s 19 are each reenacted and amended to read as follows:

(1) Except as provided in RCW 11.07.010, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 41.26.430(((~~(1)~~))), actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 41.26.460 and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.26.430(((~~(2)~~))); if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b)(i) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670; or

(ii) If the member dies on or after July 25, 1993, one hundred fifty percent of the member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670. Any accumulated contributions attributable to restorations made under RCW 41.50.165(2) shall be refunded at one hundred percent.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies after October 1, 1977, and is not survived by a spouse or an eligible child, then the accumulated contributions standing to the member's

credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To an estate, a person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

Sec. 1002. RCW 41.32.805 and 1995 c 144 s 16 are each amended to read as follows:

(1) Except as provided in RCW 11.07.010, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, at the time of such member's death shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 41.32.765(((~~(1)~~))), actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 41.32.785 and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.32.765(((~~(2)~~))); if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies after October 1, 1977, and is not survived by a spouse or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To an estate, a person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

Sec. 1003. RCW 41.32.895 and 1996 c 39 s 7 are each amended to read as follows:

If a member dies prior to retirement, the surviving spouse or eligible child or children shall receive a retirement allowance computed as provided in RCW 41.32.851 actuarially reduced to reflect a joint and one hundred percent survivor option and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.32.875(((~~(2)~~))).

If the surviving spouse who is receiving the retirement allowance dies leaving a child or children under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority.

If there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance, share and share alike. The allowance shall be calculated with the assumption that the age of the spouse and member were equal at the time of the member's death.

Sec. 1004. RCW 41.40.700 and 1995 c 144 s 8 are each amended to read as follows:

(1) Except as provided in RCW 11.07.010, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's estate, or such person or persons, trust, or organization as

the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 41.40.630((~~(1)~~)), actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 41.40.660 and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.40.630((~~(2)~~)); if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies after October 1, 1977, and is not survived by a spouse or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To a person or persons, estate, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

"CONFORMING AMENDMENTS"

Sec. 1101. RCW 41.04.440 and 1995 c 239 s 322 are each amended to read as follows:

(1) The sole purpose of RCW 41.04.445 and 41.04.450 is to allow the members of the retirement systems created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, 41.34, and 43.43 RCW to enjoy the tax deferral benefits allowed under 26 U.S.C. 414(h). Chapter 227, Laws of 1984 does not alter in any manner the provisions of RCW ((~~41.26.450 and 41.40.650~~)) 41.45.060, 41.45.061, and section 507 of this act which require that the member contribution rates shall be set so as to provide fifty percent of the cost of the respective retirement plans.

(2) Should the legislature revoke any benefit allowed under 26 U.S.C. 414(h), no affected employee shall be entitled thereafter to receive such benefit as a matter of contractual right.

Sec. 1102. RCW 41.04.445 and 1995 c 239 s 323 are each amended to read as follows:

(1) This section applies to all members who are:

(a) Judges under the retirement system established under chapter 2.10, 2.12, or 2.14 RCW;

(b) Employees of the state under the retirement system established by chapter 41.32, 41.40, or 43.43 RCW;

(c) Employees of school districts under the retirement system established by chapter 41.32 or 41.40 RCW, except for substitute teachers as defined by RCW 41.32.010;

(d) Employees of educational service districts under the retirement system established by chapter 41.32 or 41.40 RCW; or

(e) Employees of community college districts under the retirement system established by chapter 41.32 or 41.40 RCW.

(2) Only for compensation earned after the effective date of the implementation of this section and as provided by section 414(h) of the federal internal revenue code, the employer of all the members specified in subsection (1) of this section shall pick up only those member contributions as required under:

(a) RCW 2.10.090(1);

(b) RCW 2.12.060;

(c) RCW 2.14.090;

(d) RCW 41.32.263;

(e) RCW 41.32.350;

(f) RCW 41.40.330 (1) and (3);

(g) RCW ((~~41.40.650~~)) 41.45.061 and section 507 of this act;

(h) RCW 41.34.070;

(i) RCW 43.43.300; and

(j) RCW 41.34.040.

(3) Only for the purposes of federal income taxation, the gross income of the member shall be reduced by the amount of the contribution to the respective retirement system picked up by the employer.

(4) All member contributions to the respective retirement system picked up by the employer as provided by this section, plus the accrued interest earned thereon, shall be paid to the member upon the withdrawal of funds or lump-sum payment of accumulated contributions as provided under the provisions of the retirement systems.

(5) At least forty-five days prior to implementing this section, the employer shall provide:

(a) A complete explanation of the effects of this section to all members; and

(b) Notification of such implementation to the director of the department of retirement systems.

Sec. 1103. RCW 41.04.450 and 1995 c 239 s 324 are each amended to read as follows:

(1) Employers of those members under chapters 41.26, 41.40, and 41.34 RCW who are not specified in RCW 41.04.445 may choose to implement the employer pick up of all member contributions without exception under RCW 41.26.080(1), 41.26.450, 41.40.330(1), ((~~41.40.650,~~)) 41.45.060, 41.45.061, and section 507 of this act and chapter 41.34 RCW. If the employer does so choose, the employer and members shall be subject to the conditions and limitations of RCW 41.04.445 (3), (4), and (5) and RCW 41.04.455.

(2) An employer exercising the option under this section may later choose to withdraw from and/or reestablish the employer pick up of member contributions only once in a calendar year following forty-five days prior notice to the director of the department of retirement systems.

Sec. 1104. RCW 41.26.470 and 1999 c 135 s 1 are each amended to read as follows:

(1) A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the director shall be eligible to receive an allowance under the provisions of RCW 41.26.410 through 41.26.550. Such member shall receive a monthly disability allowance computed as provided for in RCW 41.26.420 and shall have such allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age fifty-five.

(2) Any member who receives an allowance under the provisions of this section shall be subject to such comprehensive medical examinations as required by the department. If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member is no longer entitled to benefits under Title 51 RCW, the retirement allowance shall be canceled and the member shall be restored to duty in the same civil service rank, if any, held by the member at the time of retirement or, if unable to perform the duties of the rank, then, at the member's request, in such other like or lesser rank as may be or become open and available, the duties of which the member is then able to perform. In no event shall a member previously drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than the current salary attached to the rank or position held by the member at the date of the retirement for disability. If the department determines that the member is able to return to service, the member is entitled to notice and a hearing. Both the notice and the hearing shall comply with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

(3) Those members subject to this chapter who became disabled in the line of duty on or after July 23, 1989, and who receive benefits under RCW 41.04.500 through 41.04.530 or similar benefits under RCW 41.04.535 shall receive or continue to receive service credit subject to the following:

(a) No member may receive more than one month's service credit in a calendar month.

(b) No service credit under this section may be allowed after a member separates or is separated without leave of absence.

(c) Employer contributions shall be paid by the employer at the rate in effect for the period of the service credited.

(d) Employee contributions shall be collected by the employer and paid to the department at the rate in effect for the period of service credited.

(e) State contributions shall be as provided in RCW ((~~41.26.450~~)) 41.45.060 and section 507 of this act.

(f) Contributions shall be based on the regular compensation which the member would have received had the disability not occurred.

(g) The service and compensation credit under this section shall be granted for a period not to exceed six consecutive months.

(h) Should the legislature revoke the service credit authorized under this section or repeal this section, no affected employee is entitled to receive the credit as a matter of contractual right.

(4)(a) If the recipient of a monthly retirement allowance under this section dies before the total of the retirement allowance paid to the recipient equals the amount of the accumulated contributions at the date of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the recipient has nominated by written designation duly executed and filed with the director, or, if there is no such designated person or persons still living at the time of the recipient's death, then to the surviving spouse, or, if there is neither such designated person or persons still living at the time of his or her death nor a surviving spouse, then to his or her legal representative.

(b) If a recipient of a monthly retirement allowance under this section died before April 27, 1989, and before the total of the retirement allowance paid to the recipient equaled the amount of his or her accumulated contributions at the date of retirement, then the department shall pay the balance of the accumulated contributions to the member's surviving spouse or, if there is no surviving spouse, then in equal shares to the member's children. If there is no surviving spouse or children, the department shall retain the contributions.

(5) Should the disability retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into service or retirement for service, he or she shall be paid the excess, if any, of the accumulated contributions at the time of retirement over all payments made on his or her behalf under this chapter.

Sec. 1105. RCW 41.26.520 and 1996 c 61 s 1 are each amended to read as follows:

(1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided for under the provisions of RCW 41.26.410 through 41.26.550.

(2) A member who receives compensation from an employer while on an authorized leave of absence to serve as an elected official of a labor organization, and whose employer is reimbursed by the labor organization for the compensation paid to the member during the period of absence, may also be considered to be on a paid leave of absence. This subsection shall only apply if the member's leave of absence is authorized by a collective bargaining agreement that provides that the member retains seniority rights with the employer during the period of leave. The basic salary reported for a member who establishes service credit under this subsection may not be greater than the salary paid to the highest paid job class covered by the collective bargaining agreement.

(3) Except as specified in subsection (6) of this section, a member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if the member makes the employer, member, and state contributions plus interest as determined by the department for the period of the authorized leave of absence within five years of resumption of service or prior to retirement whichever comes sooner.

(4) If a member fails to meet the time limitations of subsection (3) of this section, the member may receive a maximum of two years of service credit during a member's working career for those periods when a member is on unpaid leave of absence authorized by an employer. This may be done by paying the amount required under RCW 41.50.165(2) prior to retirement.

(5) For the purpose of subsection (3) of this section the contribution shall not include the contribution for the unfunded supplemental present value as required by RCW ((~~41.26.450~~)) 41.45.060, 41.45.061, and section 507 of this act. The contributions required shall be based on the average of the member's basic salary at both the time the authorized leave of absence was granted and the time the member resumed employment.

(6) A member who leaves the employ of an employer to enter the armed forces of the United States shall be entitled to retirement system service credit for up to five years of military service. This subsection shall be administered in a manner consistent with the requirements of the federal uniformed services employment and reemployment rights act.

(a) The member qualifies for service credit under this subsection if:

(i) Within ninety days of the member's honorable discharge from the United States armed forces, the member applies for reemployment with the employer who employed the member immediately prior to the member entering the United States armed forces; and

(ii) The member makes the employee contributions required under RCW ((~~41.26.450~~)) 41.45.060, 41.45.061, and section 507 of this act within five years of resumption of service or prior to retirement, whichever comes sooner; or

(iii) Prior to retirement and not within ninety days of the member's honorable discharge or five years of resumption of service the member pays the amount required under RCW 41.50.165(2).

(b) Upon receipt of member contributions under (a)(ii) of this subsection, the department shall establish the member's service credit and shall bill the employer and the state for their respective contributions required under RCW 41.26.450 for the period of military service, plus interest as determined by the department.

(c) The contributions required under (a)(ii) of this subsection shall be based on the compensation the member would have earned if not on leave, or if that cannot be estimated with reasonable certainty, the compensation reported for the member in the year prior to when the member went on military leave.

(7) A member receiving benefits under Title 51 RCW who is not receiving benefits under this chapter shall be deemed to be on unpaid, authorized leave of absence.

Sec. 1106. RCW 41.40.710 and 1996 c 61 s 4 are each amended to read as follows:

(1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided for under the provisions of RCW 41.40.610 through 41.40.740.

(2) A member who receives compensation from an employer while on an authorized leave of absence to serve as an elected official of a labor organization, and whose employer is reimbursed by the labor organization for the compensation paid to the member during the period of absence, may also be considered to be on a paid leave of absence. This subsection shall only apply if the member's leave of absence is authorized by a collective bargaining agreement that provides that the member retains seniority rights with the employer during the period of leave. The compensation earnable reported for a member who establishes service credit under this subsection may not be greater than the salary paid to the highest paid job class covered by the collective bargaining agreement.

(3) Except as specified in subsection (4) of this section, a member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if:

(a) The member makes both the plan 2 employer and member contributions plus interest as determined by the department for the period of the authorized leave of absence within five years of resumption of service or prior to retirement whichever comes sooner; or

(b) If not within five years of resumption of service but prior to retirement, pay the amount required under RCW 41.50.165(2).

The contributions required under (a) of this subsection shall be based on the average of the member's compensation earnable at both the time the authorized leave of absence was granted and the time the member resumed employment.

(4) A member who leaves the employ of an employer to enter the armed forces of the United States shall be entitled to retirement system service credit for up to five years of military service. This subsection shall be administered in a manner consistent with the requirements of the federal uniformed services employment and reemployment rights act.

(a) The member qualifies for service credit under this subsection if:

(i) Within ninety days of the member's honorable discharge from the United States armed forces, the member applies for reemployment with the employer who employed the member immediately prior to the member entering the United States armed forces; and

(ii) The member makes the employee contributions required under RCW ((~~41.40.650~~)) 41.45.061 and section 507 of this act within five years of resumption of service or prior to retirement, whichever comes sooner; or

(iii) Prior to retirement and not within ninety days of the member's honorable discharge or five years of resumption of service the member pays the amount required under RCW 41.50.165(2).

(b) Upon receipt of member contributions under (a)(ii) of this subsection, the department shall establish the member's service credit and shall bill the employer for its contribution required under RCW ((~~41.40.650~~)) 41.45.060, 41.45.061, and section 507 of this act for the period of military service, plus interest as determined by the department.

(c) The contributions required under (a)(ii) of this subsection shall be based on the compensation the member would have earned if not on leave, or if that cannot be estimated with reasonable certainty, the compensation reported for the member in the year prior to when the member went on military leave.

NEW SECTION. **Sec. 1107.** A new section is added to chapter 41.50 RCW to read as follows:

Employers, as defined in RCW 41.26.030, 41.32.010, 41.34.020, 41.35.010, and 41.40.010, must report all member data to the department in a format designed and communicated by the department. Employers failing to comply with this reporting requirement shall be assessed an additional fee as defined under RCW 41.50.110(5).

"MISCELLANEOUS"

NEW SECTION. **Sec. 1201.** (1) Except for sections 408 and 901 through 906 of this act, this act takes effect March 1, 2002.

(2) Section 408 of this act takes effect January 1, 2004.

(3) Sections 901 through 906 of this act take effect September 1, 2000.

NEW SECTION. **Sec. 1202.** Subchapter headings in this act are not any part of the law."

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 41.40.005, 41.40.010, 41.40.042, 41.40.054, 41.40.057, 41.40.062, 41.40.088, 41.40.092, 41.40.610, 41.34.020, 41.34.030, 41.34.040, 41.34.060, 41.34.080, 41.34.100, 41.31A.010, 41.31A.020, 41.45.010, 41.45.050, 41.45.061, 41.50.075, 41.50.500, 41.05.011, 43.33A.190, 41.26.450, 41.40.630, 41.32.765, 41.32.875, 41.26.430, 41.35.420, 41.35.680, 41.32.805, 41.32.895, 41.40.700, 41.04.440, 41.04.445, 41.04.450, 41.26.470, 41.26.520, and 41.40.710; reenacting and amending RCW 41.45.020, 41.45.060, 41.45.070, 41.50.088, 43.84.092, and 41.26.510; adding new sections to chapter 41.40 RCW; adding a new section to chapter 41.31A RCW; adding a new section to chapter 41.45 RCW; adding a new section to chapter 41.50 RCW; creating new sections; decodifying RCW 41.40.094; repealing RCW 41.40.650; and providing effective dates.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Fraser moved that the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 6530.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Fraser to concur in the House amendments to Engrossed Substitute Senate Bill No. 6530.

The motion by Senator Fraser carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6530.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6530, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6530, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Finkbeiner and Sellar - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6530, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 2000

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 3068, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 3068 by Representatives Kessler, Hankins, Delvin, Mastin, Grant, Linville and G. Chandler.

Exempting privatization contracts for the treatment of radioactive waste and hazardous substances from property taxes.

MOTION

On motion of Senator Betti Sheldon the rules were suspended, Engrossed House Bill No. 3068 was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Eide, Senator Snyder was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 3068, by Representatives Kessler, Hankins, Delvin, Mastin, Grant, Linville and G. Chandler.

Exempting privatization contracts for the treatment of radioactive waste and hazardous substances from property taxes.

The bill was read the second time.

MOTION

On motion of Senator Hale, the rules were suspended, Engrossed House Bill No. 3068 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 3068.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 3068 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 44.

Voting nay: Senators Jacobsen and Thibaudeau - 2.

Excused: Senators Finkbeiner, Sellar and Snyder - 3.

ENGROSSED HOUSE BILL NO. 3068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

March 9, 2000

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2420 and passed the bill as amended by the Senate.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

March 9, 2000

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2460 and passed the bill as amended by the Senate.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

March 9, 2000

MR. PRESIDENT:

The Co-Speakers have signed:
SUBSTITUTE HOUSE BILL NO. 2392,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2420,
SUBSTITUTE HOUSE BILL NO. 2491,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675,
SUBSTITUTE HOUSE BILL NO. 2850, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

March 9, 2000

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 3128, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

March 9, 2000

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6858, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 2392,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2420,
SUBSTITUTE HOUSE BILL NO. 2491,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675,
SUBSTITUTE HOUSE BILL NO. 2850.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 6858.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 3128 by House Committee on Finance (originally sponsored by Representatives Thomas, Dunshee and Santos) (by request of Department of Revenue)

Authorizing the governor to enter into cooperative agreements concerning the sales of cigarettes.

MOTIONS

On motion of Senator Betti Sheldon the rules were suspended, Engrossed Substitute House Bill No. 3128 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3128, by House Committee on Finance (originally sponsored by Representatives Thomas, Dunshee and Santos) (by request of Department of Revenue)

Authorizing the governor to enter into cooperative agreements concerning the sales of cigarettes.

The bill was read the second time.

MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Engrossed Substitute House Bill No. 3128 was advanced to third reading the second reading considered the third and the bill was placed on final passage.

POINT OF ORDER

Senator Wojahn: "A point of order, Mr. President. I do not believe that this bill is properly before us. It did not pass out of the House until after the cutoff. It is not needed to make up the budget. Therefore, I believe that it is improperly before the body."

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order by Senator Wojahn, the President finds that the last paragraph of Senate Concurrent Resolution No. 8421 provides that no bills may be considered after the fifty-fourth day except with certain exceptions. Engrossed Substitute House Bill No. 3128 does not fall within those exceptions.

"Therefore, the President finds that Engrossed Substitute House Bill No. 3128 does not fall within those exceptions and the point of order is well taken."

The President ruled that Engrossed Substitute House Bill No. 3128 was not properly before the Senate.

MOTION

On motion of Senator Goings, further consideration of Engrossed Substitute House Bill No. 3128 was deferred and the bill held its place on the third reading calendar.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 2760 by Representatives Quall, Carlson, Lovick, Constantine, Regala, Haigh, Tokuda, Linville, Keiser, Stensen, Conway, Wood, Morris, Kenney and Ogden (by request of Governor Locke)

Promoting standards for educator quality.

MOTION

On motion of Senator Betti Sheldon the rules were suspended, Engrossed House Bill No. 2760 was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 2760, by Representatives Quall, Carlson, Lovick, Constantine, Regala, Haigh, Tokuda, Linville, Keiser, Stensen, Conway, Wood, Morris, Kenney and Ogden (by request of Governor Locke)

Promoting standards for educator quality.

The bill was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended and Engrossed House Bill No. 2760 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF ORDER

Senator Heavey: "A point of order, Mr. President. I believe that Reed's Rules provide that no member may engage in conversation while another member is speaking and I am guilty of that very often, but I think we have a number of members that are guilty of that tonight."

REPLY BY THE PRESIDENT

President Owen: "The fact is you are right. As we read, Reed's Rules prohibits reading of papers, the talking while another member is talking, the moving around, the standing in front of, the walking in front of. Some of those rules have been violated a little bit this evening. The President would appreciate it if we would be a little bit careful of those matters and stay a little bit closer to the rules, so that the people speaking can be heard and respected."

Further debate ensued.

POINT OF ORDER

Senator McAuliffe: "A point of order. I would ask that the Senator please speak to the bill."

REPLY BY THE PRESIDENT

President Owen: "Senator Swecker--"

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2760.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2760 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli - 36.

Voting nay: Senators Benton, Deccio, Hochstatter, Johnson, McDonald, Morton, Roach, Rossi, Sheahan, Stevens and Swecker - 11.

Excused: Senators Finkbeiner and Sellar - 2.

ENGROSSED HOUSE BILL NO. 2760, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act earlier today.

There being no objection, the Senate resumed consideration of Senate Joint Memorial No. 8030, deferred after the rules were suspended and the memorial placed on the second reading calendar.

SECOND READING

SENATE JOINT MEMORIAL NO. 8030, by Senators Fraser, Spanel, Swecker, Jacobsen, Eide, Morton and McAuliffe

Petitioning Congress to amend the Oil Pollution Act of 1990 to grant additional authority to states and to strengthen federal tanker, large cargo, and passenger vessel safety standards.

The joint memorial was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Joint Memorial No. 8030 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8030.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8030 and the joint memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Finkbeiner and Sellar - 2.

SENATE JOINT MEMORIAL NO. 8030, having received the constitutional majority, was declared passed.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM HOUSE

March 9, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6525 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** In order to help reduce the current backlog of applications for changes, transfers, or amendments of existing water rights, the legislature intends to allow the processing of applications for such changes, transfers, or amendments without regard to possible impairment of pending applications for new water rights. While the legislature intends to assist the processing of such changes, transfers, and amendments, it does not intend to divert the department of ecology's efforts or in any other way deter the processing of applications for new water rights.

NEW SECTION. **Sec. 2.** A new section is added to chapter 90.03 RCW to read as follows:

(1) The department may process and render decisions on an application for change independently from processing and making decisions on pending applications for new water rights from the same water source without regard to the dates on which the applications for the new rights were filed.

(2) Except as provided in this section, the department and a water conservancy board shall process applications for change from the same water source in the order in which they were filed with the department or the board. The exceptions are:

(a) The proposed change would alleviate a public health and safety emergency or otherwise preserve public health and safety or would authorize an emergency withdrawal under RCW 43.83B.410;

(b) There is insufficient information to render a decision on a senior application or applications for change, and the information cannot be obtained in a timely manner;

(c) The proposed change was filed by a claimant in a water rights adjudication, and a decision is needed expeditiously to ensure that orders or decrees of the superior court will be representative of the current water situation;

(d) The proposed change will move a point of diversion or withdrawal, or replace a diversion with a withdrawal, or replace a withdrawal with a diversion, or change the season of use, when it assists in the recovery of fish listed under the federal endangered species act as threatened or endangered;

(e) The proposed change or group of changes will result in providing public water supplies for at least one city and one town or at least two cities and will meet the general needs of the public for a regional area; or

(f) The proposed change is for the purposes of RCW 90.03.390.

(3) The department, any other state agency, or a water conservancy board shall not require an applicant to give any part of an applicant's valid right or claim to a state agency, to the trust water rights program, or to other parties.

(4) The department may adopt rules to implement this section, but such rules must strictly adhere to the provisions of this section.

(5) Pending applications for new water rights are not entitled to protection from impairment or given priority for any available water if the department or a water conservancy board processes an application for change from the same water source. New water rights issued after an application for change is approved from the same water source are not entitled to protection from

impairment or priority for any available water in relation to the changed, transferred, or amended water right regardless of the dates on which the applications were filed with the department or the board.

(6) Notice of an application for a change of a water right must be published for the same period and in the same manner as prescribed for an application for a permit by RCW 90.03.280 in the county or counties in which water for the right is withdrawn or diverted and used, although the department may also post notice of the application on the internet at an electronic site containing other departmental information. The department or water conservancy board shall consider all comments received in writing by mail or personal delivery that are received within thirty days of the date of the last newspaper publication of the notice required under RCW 90.03.280.

(7) As used in this section:

(a) "Change of a water right" or "change" means a change or transfer of a water right referred to in RCW 90.03.380 or 90.03.390 or an amendment referred to in RCW 90.44.100 or 90.44.105; and

(b) "Water conservancy board" or "board" means a water conservancy board created under chapter 90.80 RCW."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

POINT OF ORDER

Senator Kline: "I rise to a point of order, Mr. President. The point of order concerns the House striking amendment to Substitute Senate Bill No. 6525 and particularly whether it is within the scope and object of the underlying bill. The underlying bill addresses the process and prioritizes the applications for transfers of water rights. The House amendment expands beyond that and they give the Water Conservancy Board the authority, which is new authority, to make changes as well as transfers. Those are two terms of art. They also--the current statutory authority is to process voluntary transfers between water users. The new authority has nothing to do with prioritizing the processing, but is rather a new statutory authority altogether. I urge the President to find this beyond the scope and object of the underlying bill."

PARLIAMENTARY INQUIRY

Senator Snyder: "I don’t necessarily rise only on this bill, but I think it is on the process. I think the presiding officer in the other House ruled that this is within the scope and object of the underlying bill and I just wonder if we would be setting a precedent here or if we have had rulings in the past that would let this house determine what the other house has already decided."

REPLY BY THE PRESIDENT

President Owen: "Senator Snyder, in researching the previous rulings, we have found that both houses are autonomous and neither house is bound by the other house rulings."

Further debate ensued.

MOTION

On motion of Senator Betti Sheldon, further consideration of Substitute Senate Bill No. 6525 was deferred and the bill held its place on the calendar.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fifth order of business

INTRODUCTION AND FIRST READING

SCR 8432 by Senator Tim Sheldon

Making exceptions to cutoff dates.

MOTION

On motion of Senator Betti Sheldon the rules were suspended, Senate Concurrent Resolution No. 8432 was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8432, by Senator Tim Sheldon

Making exceptions to cutoff dates.

The concurrent resolution was read the second time.

WHEREAS, Senate Concurrent Resolution No. 8421 established cutoff dates for consideration of legislation during the 2000 Regular Session of the Fifty-Sixth Legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That the cutoff dates established in Senate Concurrent Resolution No. 8421 do not apply to Engrossed Substitute House Bill No. 3128.

MOTION

Senator Tim Sheldon moved that the rules be suspended and Senate Concurrent Resolution No. 8432 be advanced to third reading the second reading considered the third and the concurrent resolution be placed on final passage.

PARLIAMENTARY INQUIRY

Senator Hargrove: "Mr. President, I would like the opportunity to offer an amendment to this concurrent resolution."

REPLY BY THE PRESIDENT

President Owen: "Senator Hargrove, for your information as to where we are--to make it clear--Senator Tim Sheldon has made the motion to suspend the rules and advance the bill. The only way that you could make an amendment at this time would be to defeat the motion or Senator Sheldon would have to withdraw the motion."

Senator Hargrove: "This concurrent resolution just hit our desks a few seconds ago. Many of us were unaware that this was coming. How would we have had time to prepare amendments for second reading?"

PERSONAL PRIVILEGE

Senator Franklin: "A point of personal privilege, Mr. President. I--"

REPLY BY THE PRESIDENT

President Owen: "Senator Franklin, if you are going to talk about the measure before us, that is really not a point of personal privilege."

Senator Franklin: "All right. Thank you, Mr. President."

Debate ensued.

FURTHER REMARKS BY THE PRESIDENT

President Owen: "Senator Hargrove, the procedures that were used were within the rules. The opportunity was there to object to the suspension of the rules to advance the bill--not at this point--but to advance it on to second reading in the first place or to hold it at second reading and amend it. You still have the opportunity to either defeat the motion or to have the motion withdrawn."

Senator Hargrove demanded a roll call.

PARLIAMENTARY INQUIRY

Senator Fraser: "A point of parliamentary inquiry, Mr. President. What is the motion that is before us?"

REPLY BY THE PRESIDENT

President Owen: "At this point, Senator Hargrove has demanded a roll call on whether or not to suspend the rules and advance the concurrent resolution to third reading and final passage. I am waiting to find out if one-sixth of the members sustain the demand for a roll call. The demand was not sustained."

The President declared the question before the Senate is the motion by Senator Tim Sheldon to suspend the rules and advance Senate Concurrent Resolution No. 8432 to third reading and final passage.

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Hargrove: "Mr. President, may I ask how many votes it takes for this suspension of the rules?"

RULING BY THE PRESIDENT

President Owen: "Senator Hargrove, within ten days of SINE DIE, it takes a simple majority."

The President declared the question before the Senate to be the motion by Senator Tim Sheldon to suspend the rules and advance Senate Concurrent Resolution No. 8432 to third reading and final passage.

The motion by Senator Tim Sheldon carried and the rules were suspended and Senate Concurrent Resolution No. 8432 was placed on third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution No. 8432.

ROLL CALL

The Secretary called roll on the final passage of Senate Concurrent Resolution No. 8432 and the concurrent resolution passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Fairley, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Voting nay: Senators Eide, Franklin, Hargrove and Wojahn - 4.

Excused: Senators Finkbeiner and Sellar - 2.

SENATE CONCURRENT RESOLUTION NO. 8432, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Goings, Senate Concurrent Resolution No. 8432 was immediately transmitted to the House of Representatives.

PARLIAMENTARY INQUIRY

Senator Snyder: "A parliamentary inquiry, Mr. President. Will it be necessary for the resolution that we just passed to pass the House and have a message returned from the House of Representatives that they have passed the resolution before we can consider the underlying bill?"

REPLY BY THE PRESIDENT

President Owen: "The President finds that it has been the tradition to pass a cutoff exemption resolution together with a Senate Bill. Whether the same is true of a House Bill is a case of first impression. The President finds that both bodies must first pass a cutoff exemption resolution before the Senate can pass a House measure that is not exempt. Otherwise, the Senate could pass the bill, it would go to the Governor and the cutoff resolution would be meaningless. The answer is 'yes.'"

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGE FROM HOUSE

March 9, 2000

MR. PRESIDENT:
The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5802, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SECOND SUBSTITUTE SENATE BILL NO. 5802.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 6530.

MOTION

At 8:20 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 8:57 p.m. by President Owen.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6525, deferred on second reading earlier today.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order by Senator Kline to the scope and object of the House striking amendment to Substitute Senate Bill No. 6525, the President finds that Substitute Senate Bill No. 6525 is a measure which establishes a new method of processing applications for changes and transfers of water rights to help reduce the current backlog of such applications.

"The House amendment would also establish a new method of processing applications for changes and transfers of water rights; albeit in a more detailed fashion.

"The President, therefore, finds that the House striking amendment does not change the scope and object of the bill, and the point of order is not well taken."

The President ruled that Substitute Senate Bill No. 6525 to be in order.

MOTION

Senator Honeyford moved that the Senate concur in the House amendment to Substitute Senate Bill No. 6525.

POINT OF ORDER

Senator Thibaudeau: "A point of order, Mr. President. I would like to request a ruling on whether this bill is properly before us. First, the bill did not pass the House prior to the cutoff for passage of Senate Bills. Second, the bill is not necessary to implement the budget and this is one of the criteria that the President has delineated earlier. Therefore, Mr. President, I urge you to determine that this bill is not properly before the Senate at this time."

Debate ensued.

RULING BY THE PRESIDENT

President Owen: "Senator Thibaudeau, the President finds that the cutoff resolution clearly states that after the fifty-fourth day the Senate may take up messages between the Houses and matters of differences between the Houses. In considering the House amendment to Substitute Senate Bill No. 6525, we are considering a matter of difference between the Houses. The measure is, therefore, properly before us."

The President ruled that Substitute Senate Bill No. 6525 to be properly before the Senate.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendments to Substitute Senate Bill No. 6525.

REMARKS BY SENATOR FRASER

Senator Fraser: "Thank you, Mr. President, and members of the Senate. With reluctance, because of the hour and the day of the session, I need to urge you to vote ‘no.’ We all want a good little water bill. We all want a bill that will make changes and transfers easier for everybody. That is what the Senate sent over twice. What we have received back is quite different and I think that generated some of the prior points that were raised. This bill does give additional authority to Water Conservancy Boards. You have to decide for yourself if that is a good idea or a bad idea. I think there are a number of provisions in this amendment that is before us that create a great deal of confusion in processing water rights.

"We all know our water code is very complicated. Virtually every word either has been or will be litigated. I don’t think the people of the state want us to create further confusion, but I think that will be a sad outcome of this. I could go on, but I won’t. That is probably enough on the substance.

"I would also like to comment on the process. This amendment with all it complexities that affect thousands of people around the state was made available for review by its authors at noon today. So, here we are with a very complicated, potentially very high stakes water bill - translate water as gold--that people all over the state have not had a chance to review. I would echo the comments of the good Senator from the Twenty-ninth District that were made earlier, 'This is not the right way to do the people's business.' We should have more transparency and opportunity for democratic participation when we do a significant water bill.

"I think we will have other opportunities this year to work on water bills. I think we should collaborate and come up with a good water bill we can all agree on. In the meantime, because of the great controversy that this is generating now and will generate, if it is passed, I urge a 'no' vote."

POINT OF INQUIRY

Senator Tim Sheldon: "Senator Honeyford, on page 1, line 23, do the words 'department and a water conservancy board shall process applications for change' mean that they both must process the same application or does it mean that the applicant may go to either the department or a water conservancy board, where one exits?"

Senator Honeyford: "This bill is designed to be consistent with the underlying statute related to water conservancy boards. In the underlying statute, Chapter 90.80 RCW, an applicant for a water right change or transfer may choose to apply with the department or a conservancy board. This measure is an extension of that current authority. Under no circumstances would the application have to be processed by both the department and a water conservancy board."

POINT OF ORDER

Senator Fraser: "Mr. President, this is a point of order that I have never raised before and I am not sure I have heard it raised before, but if I understand the colloquy that was just given, it appears to me--I don't have a written copy of it--but it sounded like they were trying to make a point to interpret the bill differently than what it reads. So, I would like to make that point that the colloquy that was stated--perhaps I should look at a written copy--but it appears to attempt to rewrite the underlying bill and I object to that."

PARLIAMENTARY INQUIRY

Senator Heavey: "A point of parliamentary inquiry, Mr. President. I understand that because the bill has been amended by the House that it is now in dispute and is here for concurrence. When this day started, it had not been addressed by the House and assuming it wasn't necessary to implement the budget--just because no motion was made challenging it--we now allow it to violate the cutoff resolution. Is that the ruling?"

RULING BY THE PRESIDENT

President Owen: "No, Senator, it is not. It is the opinion of the President that it does not violate the cutoff resolution as written."

REMARKS BY SENATOR FRASER

Senator Fraser: "Mr. President, I would like to ask that my remarks be added to the record of the day."

REPLY BY THE PRESIDENT

President Owen: "They will be--the point of order that you made."

REMARKS BY SENATOR SWECKER

Senator Swecker: "Thank you, Mr. President. I rise to speak in favor of concurrence if that is appropriate at this time. Ladies and gentlemen, I think it is time that we do something in this state that we put off for a very long time. In order for us to have a future in this state, a future for economic development, a future for growth, a future for

economizing on the way we use our water. What we have to have is a mechanism to move water to the most appropriate use. That is, we have to take existing water rights and convert them to new things--things like agriculture and things like home development, things like instream flows, all kinds of kinds of new strategies. With the problems we have with the Endangered Species Act, there is not much hope on the horizon anymore for new water rights for people, because there just isn't enough water at this time to pass around.

"If we really want to move ahead, we have to find strategies to use the water that we have in more efficient, more effective and more appropriate manners. We can't freeze water use in this state at any point in time and right now, because we haven't any decent mechanism to move water from one water right holder to a new water right holder, we are basically frozen in time and we are losing time rapidly. In my district, where we have mostly rural uses, rural activities, things have changed radically. We don't have the timber industry anymore. We are producing different kinds of agriculture products. The dairy industry is going away; we are looking for new products to fill new niches--new strategies for producing things. Our population is growing, hopefully, under the control of things like the Growth Management Act. We just have to have a method to move water to its most appropriate use.

"I think this is the first step in that process. Maybe, it is not perfect, but it is the first step. I think we need to move ahead with this and then continue to prefect the process over the years as time goes on. I'm pleading with you, on behalf of my constituents to please give us the chance to take opportunities and make something of our lives. I urge your support."

REMARKS BY SENATOR KLINE

Senator Kline: "Thank you, Mr. President. The purposes of the use of water, which the good Senator has just mentioned, are certainly a good idea. We certainly cannot freeze the use of water as he eloquently put it. The underlying bill would not have done that. We now have a striker which does something considerably more than that. I think in pointing to that, I would like to have some consistency among those

of this body who have constantly sought to stop the bureaucratization of our legislative power--who have not wanted to see our legislative power vested in the bureaucracy. One Senator, in particular, is very adamant about this. I would like to test his, and there are others, consistency. This bill does exactly that. It gives power to the Water Conservancy Board to administer, not simply transfers of water rights, which are relatively simple--for which people ought to be able to go to the head of a different line--but also to administer changes in water rights--that is changes of the point of diversion--changes of the amount--changes of the place or the nature of use. These are a much bigger animal and a much more environmentally sensitive animal. To allow this to go to the bureaucracy, rather than to maintain it as a legislative power, I believe is wrong.

"Many others in this body, typically on the other side of this aisle, have in other contexts, argued the same thing. Is there consistency here? Are we going to continuously give to the bureaucracy the power to administer a legislative right? Now, I will be the first to agree that consistency is the hobgoblin of little minds, but there is an element here that I think is not addressed by those who seek to make changes in water rights freer and easier to grant. This is a very important and very typically legislative matter. We have it in our power now. It is in the current water law. It is the Department of Ecology's own right to do that. It is not dispersed to Water Conservancy Boards across the state that have no particular expertise in that, nor have they demonstrated any great adeptness at that. Yet, we are about to do it. I ask the members who have consistently sought not to bureaucratize that right to address that issue. Thank you and I certainly urge a 'no' vote on the underlying bill. Thank you."

REMARKS BY SENATOR MORTON

Senator Morton: "Thank you, Mr. President, and ladies and gentlemen of the Senate. Mr. President, I would like to read a sentence, with your permission, from a letter that several of us received a few hours ago from the Governor, concerning this specific bill. Then I would like to comment on an answer to that. Ladies and gentlemen of the Senate, one sentence from the Governor's letter, which troubled me says, 'This bill would create two lines for water right applications and allow water right changes to be processed ahead of applications for new water.' "I talked then, Mr. President, with the Director of Ecology as has been referenced by the Senator from the Thirty-seventh District, and he agreed to resolve this with a short--very short--letter. The contents of which I would like to

share with the body and I think it might answer some of the questions as deliberate upon the matter in which they are going to vote.

"This is signed by Tom Fitzsimmons, the Director of Ecology. It reads, 'Dear Senator Morton, I appreciate your concern about whether or not the Department of Ecology will continue to process new water right applications, subsequent to the passage of Substitute Senate Bill No. 6525. I assure you it is our intent to continue to process all applications for water, whether they be changes, transfers, or for new appropriations.' With this, I felt somewhat satisfied, because I was deeply concerned that as we established, what has been called two lines--I personally think it more like three lines--but as these lines may be established that only the one line would be administered and followed and the other one for new water right applications would be left untouched. I feel now some assurance with this letter from the Governor's administrative office through the Department of Ecology, that both lines will be addressed. I think that is important for us to have as an item out here on the floor in your consideration. I am going, therefore, to vote for this bill. Thank you."

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
P. O. Box 47600, Olympia, Washington 98504-7600

March 9, 2000

The Honorable Bob Morton
Washington State Senator
P.O. Box 40482
Olympia,WA 98504-9482

Dear Senator Morton:

I appreciate your concern about whether or not the Department of Ecology will continue to process new water right applications, subsequent to the passage of Substitute Senate Bill No. 6525. I assure you it is our intent to continue to process all applications for water, whether they be changes, transfers, or for new appropriations.

Thank you for bringing your concern to my attention.

Sincerely,

TOM FITZIMMONS, Director

MOTION BY SENATOR JOHNSON

Senator Johnson: "I move that the remarks by the Senator from the Seventh District, including the reference--the letter from the Department of Ecology, be placed in the Journal."

REMARKS BY THE PRESIDENT

President Owen: "Senator Johnson has moved that the remarks by Senator Morton be spread upon the Journal. If there are no objections--Senator Johnson has moved that the remarks by Senator Morton be spread upon the Journal and the letter from the Department of Ecology be included, as well. All those in favor, will signify by saying 'aye.' Those opposed 'no.' The 'ayes' appear to have it--the 'ayes' have it, the motion carries."

MOTION BY SENATOR SNYDER

Senator Snyder: "Thank you, Mr. President. I feel to have the proper understanding of the debate that went on here today, I believe we should include all the debate and remarks made on this bill, so I would so move that all remarks on Substitute Senate Bill No. 6525 be spread upon the Journal."

REMARKS BY THE PRESIDENT

President Owen: "Senator Snyder has moved that all remarks on Substitute Senate Bill No. 6525 be spread upon the Journal. If there are not objections, so ordered."

POINT OF INQUIRY

Senator Rasmussen: "Senator Honeyford, now knowing that this is going to be spread upon the Journal, I would like to be articulate and I probably can't. However, my concern is and in the last colloquy, you have said that it could be one or the other. It could either be the Conservancy Board or the Department of Ecology. Is that not true?"

Senator Honeyford: "That is correct, but as I understand the underlying law is that all actions of the Conservancy Board have to be approved by the Department of Ecology."

Senator Rasmussen: "Okay, maybe that makes me feel a little bit better, but may I perhaps ask if--what I am concerned about is our underlying private property rights, which include water rights. While I know that some industries, whatever, would like to jump forward in the process, because they may be transferring that water to a use that the Conservancy Board, which is appointed by the counties, may want. "Let's just use for a little example--I have a company called 'Lonestar' that is in Pierce County. They have a substantial amount of water rights that they need in the processing of gravel. If the Conservancy Board says 'Aha, we'll transfer that water right that you use in your company and use it for municipal,' it is almost like a conflict of interest. I am not sure that my private property rights, as part of being on either the same aquifer or whatever would be secure under those types of scenarios.

"Now, that is not saying that if the Conservancy Boards would happen to do this without another overall factor such as the Department of Ecology having the final say. If that is the case, as the Senator from the Fifteenth District said, then I may have a little better feeling towards this bill. I do believe in the two line system, but I don't want to give up my water rights for the benefit of a municipality or another entity and I think that is one of my biggest concerns."

DEMAND FOR THE PREVIOUS QUESTION

Senators Snyder, Franklin and Betti Sheldon demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate do concur in the House amendments to Substitute Senate Bill No. 6525.

The motion by Senator Honeyford to concur in the House amendments to Substitute Senate Bill No. 6525 carried on a rising vote.

POINT OF ORDER

Senator Heavey: "A point of order, Mr. President. Let me see if I can articulate this. The cutoff resolution says that after the fifty-fourth day the bills with certain exceptions are not supposed to be considered, except those that are amended and those that are in dispute. I would submit that that applies to bills that were put into dispute or amended prior to the fifty-fourth day. So, therefore, even though it was amended today, this bill is out of order and I believe that is the ruling of prior Presidents and I would encourage your ruling in that direction."

RULING BY THE PRESIDENT

President Owen: "Senator Heavey, if the rule said, 'Messages pertaining to amendments, matters and differences between the two houses that are placed in dispute by the fiftieth day,' you would have a point well taken. The rule does not say that. Therefore, the President must interpret the rule as the rule is written. Your point is not well taken."

MOTION BY SENATOR PATTERSON

Senator Patterson: "I move that there be a democratic caucus immediately."

REPLY BY THE PRESIDENT

President Owen: "Senator Patterson has moved that there be a democratic--Senator Patterson, the President is not familiar with such a motion. Are you asking for a recess?"

Senator Patterson: "I withdraw that motion and I move that the Senate be at ease subject to the call of the President."

Senator Snyder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Patterson that the Senate be at ease subject to the call of the President."

ROLL CALL

The Secretary called the roll and the motion to go at ease carried by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Snyder, Spanel, Thibaudeau and Wojahn - 25. Voting nay: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 22. Excused: Senators Finkbeiner and Sellar - 2.

MOTION

At 9:38 p.m., on motion of Senator Patterson, the Senate was declared to be at ease.

The Senate was called to order at 10:06 p.m. by President Owen.

MOTION

On motion of Senator Snyder, Substitute Senate Bill No. 6525 will hold its place on the concurrence calendar.

MESSAGES FROM HOUSE

March 9, 2000

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8432, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

March 9, 2000

MR. PRESIDENT:

The Co-Speakers have signed:

SUBSTITUTE HOUSE BILL NO. 2460,

ENGROSSED HOUSE BILL NO. 2760,

ENGROSSED HOUSE BILL NO. 3068, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

March 9, 2000

MR. PRESIDENT:

The Co-Speakers have signed:
SECOND SUBSTITUTE SENATE BILL NO. 5802,
SUBSTITUTE SENATE BILL NO. 6062,
SUBSTITUTE SENATE BILL NO. 6194,
SUBSTITUTE SENATE BILL NO. 6255,
SUBSTITUTE SENATE BILL NO. 6277,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6530,
SUBSTITUTE SENATE BILL NO. 6531,
SENATE BILL NO. 6534,
SUBSTITUTE SENATE BILL NO. 6621,
SENATE BILL NO. 6775,
SUBSTITUTE SENATE BILL NO. 6781,
ENGROSSED SENATE BILL NO. 6858,
ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8425, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 2460,
ENGROSSED HOUSE BILL NO. 2760,
ENGROSSED HOUSE BILL NO. 3068.

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8432.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 8430 by Senators Snyder and West

Transmitting measure to the house of origin.

SCR 8431 by Senators Snyder and West

Adjourning SINE DIE.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8430 and Senate Concurrent Resolution No. 8431 were advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8430, by Senators Snyder and West

Transmitting measures to the house of origin.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8430 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted.

SENATE CONCURRENT RESOLUTION NO. 8430 was adopted by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8431, by Senators Snyder and West

Adjourning SINE DIE.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8431 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted.

SENATE CONCURRENT RESOLUTION NO. 8431 was adopted by voice vote.

MOTION

Under the provisions of Senate Concurrent Resolution No. 8430, on motion of Senator Betti Sheldon, the following House Bills were returned to the House of Representatives:

ENGROSSED HOUSE BILL NO. 1085,
SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1059,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1210,
HOUSE BILL NO. 1383,
HOUSE BILL NO. 1579,
SUBSTITUTE HOUSE BILL NO. 1945,
ENGROSSED HOUSE BILL NO. 1968,
SUBSTITUTE HOUSE BILL NO. 1990,
SUBSTITUTE HOUSE BILL NO. 2060,
ENGROSSED HOUSE BILL NO. 2120,

SUBSTITUTE HOUSE BILL NO. 2326,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2331,

HOUSE BILL NO. 2341,
HOUSE BILL NO. 2342,
SECOND SUBSTITUTE HOUSE BILL NO. 2359,
SECOND SUBSTITUTE HOUSE BILL NO. 2364,
HOUSE BILL NO. 2365,
ENGROSSED HOUSE BILL NO. 2396,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2409,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2439,
HOUSE BILL NO. 2440,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2451,
SUBSTITUTE HOUSE BILL NO. 2453,
HOUSE BILL NO. 2456,
SUBSTITUTE HOUSE BILL NO. 2457,
SUBSTITUTE HOUSE BILL NO. 2461,
SUBSTITUTE HOUSE BILL NO. 2462,
HOUSE BILL NO. 2464,
SUBSTITUTE HOUSE BILL NO. 2476,
SUBSTITUTE HOUSE BILL NO. 2477,
SUBSTITUTE HOUSE BILL NO. 2481,
HOUSE BILL NO. 2498,
SUBSTITUTE HOUSE BILL NO. 2513,
SUBSTITUTE HOUSE BILL NO. 2542,
HOUSE BILL NO. 2580,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2582,
SUBSTITUTE HOUSE BILL NO. 2608,
SUBSTITUTE HOUSE BILL NO. 2614,
HOUSE BILL NO. 2662,
SUBSTITUTE HOUSE BILL NO. 2667,
SUBSTITUTE HOUSE BILL NO. 2671,
SUBSTITUTE HOUSE BILL NO. 2673,
SUBSTITUTE HOUSE BILL NO. 2678,
HOUSE BILL NO. 2683,
SUBSTITUTE HOUSE BILL NO. 2685,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2712,
SUBSTITUTE HOUSE BILL NO. 2719,
SUBSTITUTE HOUSE BILL NO. 2729,
HOUSE BILL NO. 2733,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2735,
SECOND SUBSTITUTE HOUSE BILL NO. 2738,
SUBSTITUTE HOUSE BILL NO. 2767,
HOUSE BILL NO. 2771,
SUBSTITUTE HOUSE BILL NO. 2772,
SUBSTITUTE HOUSE BILL NO. 2803,
SUBSTITUTE HOUSE BILL NO. 2819,
HOUSE BILL NO. 2832,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2847,
SUBSTITUTE HOUSE BILL NO. 2858,
HOUSE BILL NO. 2861,
SUBSTITUTE HOUSE BILL NO. 2863,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2872,
SUBSTITUTE HOUSE BILL NO. 2874,
HOUSE BILL NO. 2920,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2929,
HOUSE BILL NO. 2931,
ENGROSSED HOUSE BILL NO. 2946,
SECOND SUBSTITUTE HOUSE BILL NO. 3016,
HOUSE BILL NO. 3028,
SUBSTITUTE HOUSE BILL NO. 3124,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3128,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4018,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4020,
HOUSE JOINT MEMORIAL NO. 4023,
HOUSE CONCURRENT RESOLUTION NO. 4407.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

March 9, 2000

MR. PRESIDENT:

The Co-Speakers have signed SENATE CONCURRENT RESOLUTION NO. 8432, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

March 9, 2000

MR. PRESIDENT:

The House has adopted:
SENATE CONCURRENT RESOLUTION NO. 8430,
SENATE CONCURRENT RESOLUTION NO. 8431, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8430,
SENATE CONCURRENT RESOLUTION NO. 8431.

MESSAGE FROM THE HOUSE

March 9, 2000

MR. PRESIDENT:

Under the provisions of Senate Concurrent Resolution No. 8431, the House herewith returns the following Senate Bills to the Senate:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5019,
SUBSTITUTE SENATE BILL NO. 5027,
SENATE BILL NO. 5033,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5049,
SENATE BILL NO. 5053,
SUBSTITUTE SENATE BILL NO. 5065,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5074,
SENATE BILL NO. 5084,
SENATE BILL NO. 5100,
SUBSTITUTE SENATE BILL NO. 5103,
SUBSTITUTE SENATE BILL NO. 5112,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5121,
SENATE BILL NO. 5123,
SUBSTITUTE SENATE BILL NO. 5132,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5212,
SENATE BILL NO. 5291,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5295,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5331,
SUBSTITUTE SENATE BILL NO. 5340,
SENATE BILL NO. 5341,
SUBSTITUTE SENATE BILL NO. 5349,
SUBSTITUTE SENATE BILL NO. 5378,
SENATE BILL NO. 5445,
SUBSTITUTE SENATE BILL NO. 5453,
SENATE BILL NO. 5464,
ENGROSSED SENATE BILL NO. 5490,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5540,
SENATE BILL NO. 5542,
SENATE BILL NO. 5570,
SENATE BILL NO. 5575,
ENGROSSED SENATE BILL NO. 5580,
ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 5598,
SUBSTITUTE SENATE BILL NO. 5604,
SUBSTITUTE SENATE BILL NO. 5607,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5611,
SUBSTITUTE SENATE BILL NO. 5641,
SECOND SUBSTITUTE SENATE BILL NO. 5659,
SENATE BILL NO. 5664,
ENGROSSED SENATE BILL NO. 5665,
SUBSTITUTE SENATE BILL NO. 5704,
SUBSTITUTE SENATE BILL NO. 5718,
SUBSTITUTE SENATE BILL NO. 5733,
ENGROSSED SENATE BILL NO. 5816,
THIRD SUBSTITUTE SENATE BILL NO. 5848,
SENATE BILL NO. 5862,
SUBSTITUTE SENATE BILL NO. 5874,
SUBSTITUTE SENATE BILL NO. 5881,
SENATE BILL NO. 5920,
SUBSTITUTE SENATE BILL NO. 5921,
SENATE BILL NO. 5944,
SECOND SUBSTITUTE SENATE BILL NO. 5953,

SECOND SUBSTITUTE SENATE BILL NO. 6004,
SUBSTITUTE SENATE BILL NO. 6008,
SUBSTITUTE SENATE BILL NO. 6034,
SENATE BILL NO. 6037,
SUBSTITUTE SENATE BILL NO. 6117,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6152,
SENATE BILL NO. 6157,
SENATE BILL NO. 6158,
SECOND SUBSTITUTE SENATE BILL NO. 6167,
SENATE BILL NO. 6168,
SENATE BILL NO. 6174,
SENATE BILL NO. 6201,
SUBSTITUTE SENATE BILL NO. 6202,
SUBSTITUTE SENATE BILL NO. 6207,
SENATE BILL NO. 6211,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6212,
SUBSTITUTE SENATE BILL NO. 6214,
SENATE BILL NO. 6216,
SUBSTITUTE SENATE BILL NO. 6219,
SENATE BILL NO. 6225,
SUBSTITUTE SENATE BILL NO. 6229,
ENGROSSED SENATE BILL NO. 6232,
ENGROSSED SENATE BILL NO. 6234,
SENATE BILL NO. 6238,
SECOND SUBSTITUTE SENATE BILL NO. 6241,
ENGROSSED SENATE BILL NO. 6250,
ENGROSSED SENATE BILL NO. 6252,
SENATE BILL NO. 6256,
SENATE BILL NO. 6257,
SUBSTITUTE SENATE BILL NO. 6259,
SUBSTITUTE SENATE BILL NO. 6263,
SENATE BILL NO. 6272,
SUBSTITUTE SENATE BILL NO. 6273,
SENATE BILL NO. 6274,
SENATE BILL NO. 6280,
SUBSTITUTE SENATE BILL NO. 6284,
SUBSTITUTE SENATE BILL NO. 6292,
SUBSTITUTE SENATE BILL NO. 6293,
SUBSTITUTE SENATE BILL NO. 6296,
SENATE BILL NO. 6298,
SUBSTITUTE SENATE BILL NO. 6304,
SUBSTITUTE SENATE BILL NO. 6310,
SUBSTITUTE SENATE BILL NO. 6328,
SENATE BILL NO. 6330,
SENATE BILL NO. 6331,
SUBSTITUTE SENATE BILL NO. 6333,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6354,
SENATE BILL NO. 6362,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6363,
ENGROSSED SENATE BILL NO. 6364,
SUBSTITUTE SENATE BILL NO. 6365,
SUBSTITUTE SENATE BILL NO. 6367,
SENATE BILL NO. 6368,
SECOND SUBSTITUTE SENATE BILL NO. 6369,

SUBSTITUTE SENATE BILL NO. 6383,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6391,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6395,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6396,
SUBSTITUTE SENATE BILL NO. 6399,
SUBSTITUTE SENATE BILL NO. 6401,
ENGROSSED SENATE BILL NO. 6402,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6404,
SUBSTITUTE SENATE BILL NO. 6411,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6416,
SENATE BILL NO. 6417,
ENGROSSED SENATE BILL NO. 6418,
SUBSTITUTE SENATE BILL NO. 6419,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6432,
SUBSTITUTE SENATE BILL NO. 6439,
ENGROSSED SENATE BILL NO. 6441,
SUBSTITUTE SENATE BILL NO. 6442,
ENGROSSED SENATE BILL NO. 6446,
ENGROSSED SENATE BILL NO. 6448,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6462,
SENATE BILL NO. 6463,
SUBSTITUTE SENATE BILL NO. 6464,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6478,
SUBSTITUTE SENATE BILL NO. 6479,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6499,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6513,
SENATE BILL NO. 6515,
SENATE BILL NO. 6518,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6524,
SENATE BILL NO. 6532,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6533,
ENGROSSED SENATE BILL NO. 6537,
SUBSTITUTE SENATE BILL NO. 6540,
SENATE BILL NO. 6547,
SUBSTITUTE SENATE BILL NO. 6548,
SENATE BILL NO. 6549,
SUBSTITUTE SENATE BILL NO. 6552,
SUBSTITUTE SENATE BILL NO. 6554,
SUBSTITUTE SENATE BILL NO. 6558,
SUBSTITUTE SENATE BILL NO. 6568,
SENATE BILL NO. 6579,
SUBSTITUTE SENATE BILL NO. 6586,
SENATE BILL NO. 6600,
ENGROSSED SENATE BILL NO. 6606,
ENGROSSED SENATE BILL NO. 6613,
ENGROSSED SENATE BILL NO. 6617,
SUBSTITUTE SENATE BILL NO. 6618,
SUBSTITUTE SENATE BILL NO. 6626,
SUBSTITUTE SENATE BILL NO. 6645,
SUBSTITUTE SENATE BILL NO. 6664,
SENATE BILL NO. 6666,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6668,
ENGROSSED SENATE BILL NO. 6677,
SUBSTITUTE SENATE BILL NO. 6680,

SUBSTITUTE SENATE BILL NO. 6682,
SUBSTITUTE SENATE BILL NO. 6686,
SENATE BILL NO. 6688,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6690,
ENGROSSED SENATE BILL NO. 6696,
SENATE BILL NO. 6700,
SENATE BILL NO. 6703,
SENATE BILL NO. 6713,
SENATE BILL NO. 6714,
SUBSTITUTE SENATE BILL NO. 6715,
SUBSTITUTE SENATE BILL NO. 6722,
SUBSTITUTE SENATE BILL NO. 6724,
SENATE BILL NO. 6743,
SUBSTITUTE SENATE BILL NO. 6749,
SENATE BILL NO. 6760,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6773,
SUBSTITUTE SENATE BILL NO. 6792,
ENGROSSED SENATE BILL NO. 6805,
ENGROSSED SENATE BILL NO. 6825,
SENATE BILL NO. 6829,
SENATE BILL NO. 6845,
SUBSTITUTE SENATE BILL NO. 6856,
SENATE JOINT MEMORIAL NO. 8020,
SENATE JOINT MEMORIAL NO. 8025,
SENATE JOINT MEMORIAL NO. 8030,
SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8205,
SENATE JOINT RESOLUTION NO. 8212,
ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8418,
ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8422,
SENATE CONCURRENT RESOLUTION NO. 8426, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

March 9,2000

MR. PRESIDENT:

The Co-Speakers have signed:
SENATE CONCURRENT RESOLUTION NO. 8430,
SENATE CONCURRENT RESOLUTION NO. 8431, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Betti Sheldon, the Senate Journal for the sixtieth day of the 2000 Regular Session of the Fifty-sixth Legislature was approved.

Vice President Pro Tempore Bauer assumed the Chair.

MOTION

At 10:21 p.m., on motion of Senator Betti Sheldon, the 2000 Regular Session of the Fifty-sixth Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIRST DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Friday, March 10, 2000

The Senate of the 2000 First Special Session of the Fifty-sixth Legislature of the state of Washington was called to order at 9:00 a.m. by Lieutenant Governor Brad Owen, President of the Senate. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio and Sellar. On motion of Senator Hale, Senator Deccio was excused. On motion of Senator Honeyford, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Pages Colleen Johnson and Scott VanHorn, presented the Colors. Reverend Terry Kaiser, pastor of the Faith Assembly Church in Lacey, offered the prayer.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Brad Owen
President of the Senate
The Legislature of the State of Washington
Olympia, Washington 98504

Mr. President:

I have attached a full, true and correct copy of the Proclamation by the Governor calling a special session of the Washington State Legislature to be convened at 9:00 a.m. on Friday, March 10, 2000.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington at Olympia, this ninth day of March, 2000.

(SEAL)

RALPH MUNRO, Secretary of State

by DONALD F. WHITING, Assistant Secretary of State

PROCLAMATION BY THE GOVERNOR

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2000 regular session on March 9, 2000, the 60th day of the session; and

WHEREAS, supplemental operating, transportation and capital budgets for the state, and measures necessary to implement them, were not passed; and

WHEREAS, substantial work remains to be done with respect to education, including measures to improve student achievement and Washington's Promise Scholarships; and

WHEREAS, work also remains to be done to pass legislation reforming civil service, assisting locked out workers, streamlining the granting of water rights, cigarette tax compacts, and demerging the Department of Community, Trade and Economic Development;

NOW, THEREFORE, I Gary Locke, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia at nine o'clock a.m. on Friday, March 10, 2000, for a period of not more than one week for the purpose of enacting legislation as described above.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the state of Washington to be affixed at Olympia, this ninth day of March, A.D., two thousand.

GARY LOCKE

Governor of Washington

(SEAL)

BY THE GOVERNOR:

DONALD F. WHITING
Secretary of State, Assistant

MOTION

On motion of Senator Betti Sheldon, Senate Concurrent Resolution No. 8429, which was held on the calendar March 1, 2000, was referred to the Committee on Commerce, Trade, Housing and Financial Institutions.

MOTION

On motion of Senator Betti Sheldon, Second Substitute Senate Bill No. 5243 and Senate Concurrent Resolution No. 8428, which were on the second reading calendar were referred to the Committee on Rules.

MOTION

On motion of Senator Betti Sheldon, the Gubernatorial Appointments will hold their place on the second reading calendar.

MOTION

On motion of Senator Betti Sheldon, Substitute Senate Bill No. 6525 and Engrossed Senate Bill No. 6561, which were on the concurring calendar, were referred to the Committee on Rules.

MOTION

On motion of Senator Betti Sheldon, the Committee on Rules was relieved of further consideration of Senate Bill No. 6845 and Engrossed Substitute Senate Bill No. 6404.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6845 and Engrossed Substitute Senate Bill No. 6404 were referred to the Committee on Ways and Means.

MOTION

On motion of Senator Betti Sheldon, the Committee on Rules was relieved of further consideration of Substitute Senate Bill No. 6856 and Engrossed Substitute Senate Bill No. 6499.

MOTION

On motion of Senator Betti Sheldon, Substitute Senate Bill No. 6856 and Engrossed Substitute Senate Bill No. 6499 were referred to the Committee on Transportation.

MOTION

At 9:15 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease

The Senate was called to order at 1:05 p.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

March 10, 2000

ESSB 6404 Prime Sponsor, Committee on Ways and Means: Making supplemental operating and capital appropriations. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6404 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford, Roach, West and Zarelli.

Passed to Committee on Rules for second reading.

March 10, 2000

ESSB 6499 Prime Sponsor, Committee on Transportation: Funding transportation. Reported by Committee on Transportation

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6499 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Heavey, Jacobsen, Patterson, Prentice, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

March 10, 2000

SB 6845 Prime Sponsor, Senator Loveland: Reconciling actual revenues and the expenditure limit. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6845 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Kline, Kohl-Welles, B. Sheldon, Snyder, Spanel, Thibaudeau and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford, Long, McDonald, Rossi, West and Zarelli.

Passed to Committee on Rules for second reading.

SSB 6856 Prime Sponsor, Committee on Transportation: Revising transportation funding. Reported by Committee on Transportation

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6856 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Heavey, Jacobsen, Patterson, Prentice, T. Sheldon and Shin.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Horn, Johnson, Morton and Sheahan.

Passed to Committee on Rules for second reading.

MOTION

At 1:07 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 2:10 p.m. by President Owen.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6845, by Senators Loveland and Snyder

Reconciling actual revenues and the expenditure limit.

MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 6845 was substituted for Senate Bill No. 6845 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Loveland, the rules were suspended, Substitute Senate Bill No. 6845 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6845.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6845 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 26.

Voting nay: Senators Benton, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 21.

Excused: Senators Deccio and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 6845, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6404, by Senate Committee on Ways and Means (originally sponsored by Senators Loveland and Rossi) (by request of Governor Locke)

Making supplemental operating and capital appropriations.

MOTIONS

On motion of Senator Loveland, Second Substitute Senate Bill No. 6404 was substituted for Engrossed Substitute Senate Bill No. 6404 and the second substitute bill was placed on second reading and read the second time.

Senator Rossi moved that the following amendment be adopted:

On page 274, after line 2, insert the following:

"**Sec. 918.** RCW 84.52.067 and 1997 ex.s. c 133 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, all property taxes levied by the state for the support of common schools shall be paid into the general fund of the state treasury as provided in RCW 84.56.280.

(2) Beginning with taxes collected in 2001, twenty percent of all receipts under this section shall be deposited by the state treasurer in the property tax reduction account hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used to replace funds lost from legislative reductions in the state property tax.

NEW SECTION. **Sec. 919.** If SJR 8212 in enacted by the legislature during any legislative session held in 2000, section 918 of this act is null and void."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rossi on page 274, after line 2, to Second Substitute Senate Bill No. 6404.

The motion by Senator Rossi failed and the amendment was not adopted.

MOTION

On motion of Senator Loveland, the rules were suspended, Second Substitute Senate Bill No. 6404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF ORDER

Senator West: "Mr. President, I rise to a point of order. Senate Rules provide that a bill contain one subject. This bill, in Section 907,
amends Initiative 601, which is substantive law. This is a budget document and in Legislature v. Locke, where the Legislature actually attempted to amend substantive law through the budget--I believe in that case it was day care and we challenged the Governor's Veto and the court found us wrong in attempting to amend substantive law in the budget document.

"I think there are many numerous other cases or other cases that would point to a similar issue. I don't think we are allowed to amend substantive law in a budget document. This is an act relating to fiscal matters; it is for purposes of adopting the budget. If we want to amend substantive law, we should introduce a bill and do that separately."

Further debate ensued.

There being no objection, President Owen deferred further consideration of Second Substitute Senate Bill No. 6404.

President Pro Tempore Wojahn assumed the Chair.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING

SENATE JOINT RESOLUTION NO. 8212, by Senators Loveland, Winsley, Fairley, Haugen, Snyder, Fraser, Patterson, Bauer, Wojahn, Spanel, B. Sheldon, Rasmussen, Oke, Gardner, Thibaudeau and Goings

Providing a tax credit on owner-occupied residential property.

The joint resolution was read the third time.

Senators Loveland. Rossi, Roach, Jacobsen, Brown, Swecker, Morton, Hargrove, T. Sheldon, Oke, Kline, Franklin, Horn and Hochstatter spoke to Senate Joint Resolution No. 8212.

DEMAND FOR THE PREVIOUS QUESTION

Senators Snyder, Loveland and Prentice demanded the previous question and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Resolution No.
8212.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8212 and the joint resolution passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, Winsley, Wojahn and Zarelli - 39.

Voting nay: Senators Hale, Hochstatter, Honeyford, Jacobsen, Morton, Sheahan, Swecker and West - 8.

Excused: Senators Deccio and Sellar - 2.

SENATE JOINT RESOLUTION NO. 8212, having received the constitutional two-thirds majority, was declared passed.

MOMENT OF SILENCE

The Senate stood in a moment of silence for Senator Roach's grandmother who passed away last night.

President Owen assumed the Chair.

PERSONAL PRIVILEGE

Senator Swecker: "I rise to a point of personal privilege. Mr. President, I just want to remind the members of this body that if a two hundred dollar tax cut passes that Bill Gates can buy a used 386. Thank you."

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6856, by Senate Committee on Transportation (originally sponsored by Senators Goings, Gardner, Haugen, Prentice and Jacobsen)

Revising transportation funding.

MOTIONS

On motion of Senator Haugen, Second Substitute Senate Bill No. 6856 was substituted for Senate Bill No. 6856 and the second substitute bill was placed on second reading and read the second time.

Senator Benton moved that the following amendments be considered simultaneously and be adopted:

On page 44, line 31, after "five-tenths," strike "((~~or~~))"

On page 44, line 32, after "tenths", strike "<u>, seven-tenths, eight-tenths, or nine-tenths</u>"

Debate ensued.

POINT OF INQUIRY

Senator Long: "Senator Benton, when I look at this amendment, at the bottom in the effect, it says, 'Removes the increase in the taxing authority for sound transit.' Is it limited to sound transit?"

Senator Benton: "Thank you for your question, Senator. There is a typo in the effect clause. It should read, 'Removes the taxing authority for transit agencies.' That is a typo in the effect portion. There is no error in the actual amendment itself, only in the explanation line there.
It has nothing to do with sound transit."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Benton on page 44, lines 31 and 32, to Second Substitute Senate Bill No. 6856.

The motion by Senator Benton failed and the amendments were not adopted.

MOTION

Senator Horn moved that the following amendment by Senators Horn and Benton be adopted:

On page 44, on line 36, after "approved." insert the following:

"No tax may be imposed above the six-tenths of one percent rate unless sixty percent of the voters within the transportation benefit area approve the increase."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Horn and Benton on page 44, line 36, to Second Substitute Senate Bill No. 6856.

The motion by Senator Horn failed and the amendment was not adopted.

MOTION

Senator Horn moved that the following amendment by Senators Horn, Benton and Tim Sheldon be adopted:

On page 49, after line 7, insert the following:

"NEW SECTION. **Sec. 44.** A new section is added to chapter 81.112 RCW to read as follows:

Before taking any action to design or implement Phase II, the Northgate extension, Sound Transit shall place on the ballot a single ballot proposition to authorize the implementation of Phase II, the Northgate extension. A simple majority of those voting within the boundaries of the authority shall be required for approval. If the vote on the proposition fails, the project may not be implemented."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Johnson demanded a roll call and the demand was sustained.

MOTIONS

On motion of Senator Johnson, Senator Winsley was excused.

On motion of Senator Sheahan, Senator Honeyford was excused.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Horn, Benton and Tim Sheldon on page 49, line 7, to Second Substitute Senate Bill No. 6856.

ROLL CALL

The Secretary called the roll and the amendment by Senators Horn, Benton and Tim Sheldon was not adopted by the following vote: Yeas, 18; Nays, 27; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 18.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27.

Excused: Senators Deccio, Honeyford, Sellar and Winsley - 4.

MOTION

Senator Horn moved that the following amendments by Senators Horn and Benton be considered simultaneously and be adopted:

On page 59, after line 37, insert the following:

"(4) All savings resulting from a transaction in accordance with section 41 of this act shall be appropriated for road construction projects within the counties comprising the transportation benefit area on a pro rata basis in proportion to the population of each county within the transportation benefit area collecting such tax."

On page 60, line 1, strike "(4)" and insert "(5)"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Horn and Benton on page 59, line 37, and page 60, line 1, to Second Substitute Senate Bill No. 6856.

The motion by Senator Horn failed and the amendments were not adopted.

MOTION

Senator Patterson moved that the following amendment by Senators Patterson, Eide, Costa, Kline, Heavey, Prentice, Jacobsen, Thibaudeau, Goings and Kohl-Welles be adopted:

On page 60, line 19, after "act," delete all material through "Northgate." on line 23, and insert "shall be distributed equitably among all the subareas of the regional transit authority."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Patterson, Eide, Costa, Kline, Heavey, Prentice, Jacobsen, Thibaudeau, Goings and Kohl-Welles on page 60, line 19, to Second Substitute Senate Bill No. 6856.

The motion by Senator Patterson carried and the amendment was adopted.

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6856 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6856.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6856 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 18; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27.

Voting nay: Senators Benton, Finkbeiner, Hale, Hochstatter, Horn, Johnson, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 18.

Excused: Senators Deccio, Honeyford, Sellar and Winsley - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6856, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

STATEMENT FOR THE JOURNAL

RE: E2SSB 6499

I did not intend to vote 'yea' on the final passage of this bill. My true vote is 'nay.'

SENATOR DANIEL SWECKER, 20th District

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6499, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Goings, Gardner and Patterson) (by request of Governor Locke)

Funding transportation.

MOTIONS

On motion of Senator Haugen, Second Substitute Senate Bill No. 6499 was substituted for Engrossed Substitute Senate Bill No. 6499 and the second substitute bill was placed on second reading and read the second time.

Senator Finkbeiner moved that the following amendment be adopted:

On page 12, after line 10, insert the following:

"(1) Whenever a general purpose lane is closed because of an accident or road work, all vehicles shall be entitled to travel in the HOV lane for the purpose of improving traffic flow around the accident or road work."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Finkbeiner on page 12, line 10, to Second Substitute Senate Bill No. 6499.

The motion by Senator Finkbeiner failed and the amendment was not adopted.

MOTION

Senator Benton moved that the following amendment be adopted:

On page 26, line 10, after "areas." insert "The secretary shall also determine whether there is TEA-21 funding available for a pilot project privatizing Washington state rest areas."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 26, line 10, to Second Substitute Senate Bill No. 6499.

The motion by Senator Benton failed and the amendment was not adopted.

MOTION

Senator Benton moved that the following amendment be adopted:

On page 35, after line 39, insert the following: "(5) The Washington state ferries may lease or sell passenger-only ferries. The Washington state ferries and the utilities and transportation commission shall not prohibit any ferry operator from providing passenger-only ferry service in Washington."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 35, after line 39, to Second Substitute Senate Bill No. 6499.

The motion by Senator Benton failed and the amendment was not adopted.

MOTION

On motion of Senator Haugen, the rules were suspended, Second Substitute Senate Bill No. 6499 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6499.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6499 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 19; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau and Wojahn - 26. Voting nay: Senators Benton, Finkbeiner, Hale, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, West and Zarelli - 19. Excused: Senators Deccio,

Honeyford, Sellar and Winsley - 4. SECOND SUBSTITUTE SENATE BILL NO. 6499, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

HAPPY BIRTHDAY

The President wished Senator Rasmussen a Happy Birthday.

There being no objection, the President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 6404, deferred on third reading earlier today.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator West that Second Substitute Senate Bill No. 6404 contains two subjects and violates Senate Rule 25, the President finds that Section 907 of the bill would amend RCW 43.135.045 to permit a transfer of up to three hundred million dollars from the emergency reserve fund to the multimodal fund.

"Senator Snyder referred to the President's ruling in 1998 that the measure that became Referendum 49 did not contain two subjects. Because that ruling did not concern a budget bill, the prior ruling is not squarely on point. Senator West points out that the recent decision in Legislature v. Locke did concern a second subject in a budget bill in violation of Article II, Section 19 of the State Constitution. The President finds that the Locke case provides guidance here.

"In Locke, the Supreme Court set forth the following questions to consider in weighing whether a provision of the budget constitutes a second subject: (1) whether the provision was treated in a separate substantive bill; (2) whether the duration of the provision extends beyond the two year time period of the budget; or (3) whether the provision defines rights or eligibility for services. In the case of Section 907 of the budget bill before us, the answer to all three questions is 'No.'

"The President also finds that the fund shift in Section 907 is rationally related to the budget; in fact the budget depends on the fund shift.

"For these reasons, the President finds that Second Substitute Senate Bill No. 6404 does not contain two subjects in violation of Senate Rule 25, and the point of order is not well taken."

The President ruled that Second Substitute Senate Bill No. 6404 is properly before the Senate.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6404.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6404 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 18; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27.

Voting nay: Senators Benton, Finkbeiner, Hale, Hochstatter, Horn, Jacobsen, Johnson, McCaslin, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Stevens, wrecker, West and Zarelli - 18.

Excused: Senators Deccio, Honeyford, Sellar and Winsley - 4.

SECOND SUBSTITUTE SENATE BILL NO. 6404, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 3:42 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Monday, March 13, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FOURTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Monday, March 13, 2000

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Benton, Costa, Eide, Finkbeiner, Jacobsen, Loveland, McAuliffe, McDonald, Oke, Patterson, Sellar, Betti Sheldon, Tim Sheldon and Spanel.

The Sergeant at Arms Color Guard, consisting of Pages Melissa Couture and Randy Ackerman, presented the Colors. Reverend Mark Rambo, associate pastor of the First Baptist Church of Olympia, offered the prayer.

MOTION

On motion of Senator Goings, the reading of the Journal of the previous day was dispensed with and it was approved.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Kline, Gubernatorial Appointment No. 9241, Brian Gain, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF BRIAN GAIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 34; Nays, 0; Absent, 15; Excused, 0.

Voting yea: Senators Brown, Deccio, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, McCaslin, Morton, Prentice, Rasmussen, Roach, Rossi, Sheahan, Shin, Snyder, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 34.

Absent: Senators Bauer, Benton, Costa, Eide, Finkbeiner, Jacobsen, Loveland, McAuliffe, McDonald, Oke, Patterson, Sellar, Sheldon, B., Sheldon, T. and Spanel - 15.

MOTION

On motion of Senator Franklin, Senators Eide, McAuliffe, Betti Sheldon and Spanel were excused.

MOTION

On motion of Senator Honeyford, Senators Benton, Finkbeiner and Sellar were excused.

MOTION

On motion of Senator Heavey, Gubernatorial Appointment No. 9297, Cyrus R. Vance, Jr., as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF CYRUS R. VANCE, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 5; Excused, 7.

Voting yea: Senators Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, Morton, Prentice, Rasmussen, Roach, Rossi, Sheahan, Shin, Snyder, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 37.

Absent: Senators Costa, McDonald, Oke, Patterson and Sheldon, T. - 5.

Excused: Senators Benton, Eide, Finkbeiner, McAuliffe, Sellar, Sheldon, B. and Spanel - 7.

MOTION

On motion of Senator Franklin, Senators Costa and Patterson were excused.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9299, John D. Warner, as a member of the Board of Trustees for Western Washington University, was confirmed.

APPOINTMENT OF JOHN D. WARNER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 40.

Excused: Senators Benton, Costa, Eide, Finkbeiner, McAuliffe, Patterson, Sellar, Sheldon, B. and Spanel - 9.

MOTION

On motion of Senator Thibaudeau, Gubernatorial Appointment No. 9142, Suzanne Leichman, as a member of the Western State Hospital
Advisory Board, was confirmed.

APPOINTMENT OF SUZANNE LEICHMAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 39.

Absent: Senator Snyder - 1.

Excused: Senators Benton, Costa, Eide, Finkbeiner, McAuliffe, Patterson, Sellar, Sheldon, B. and Spanel - 9.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9170, Yvonne Sanchez, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No. 6, was confirmed.

APPOINTMENT OF YVONNE SANCHEZ

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41.

Excused: Senators Benton, Eide, Finkbeiner, McAuliffe, Patterson, Sellar, Sheldon, B. and Spanel - 8.

MOTION

On motion of Senator McCaslin, Senator Deccio was excused.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9312, Sinnamon Teirney, as a member of the Board of Trustees for The Evergreen State College, was confirmed.

APPOINTMENT OF SINNAMON TEIRNEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Bauer, Brown, Costa, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 40.

Excused: Senators Benton, Deccio, Eide, Finkbeiner, McAuliffe, Patterson, Sellar, Sheldon, B. and Spanel - 9.

MOTION

On motion of Senator McCaslin, Senator Hale was excused.

MOTION

On motion of Senator Sheahan, Senators Johnson, Rossi and West were excused.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9176, Margaret E. Sundstrom, as a member of the Board of Trustees for Centralia Community College District No. 12, was confirmed.

APPOINTMENT OF MARGARET E. SUNDSTROM

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; Nays, 0; Absent, 0; Excused, 13.

Voting yea: Senators Bauer, Brown, Costa, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Sheahan, Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 36.

Excused: Senators Benton, Deccio, Eide, Finkbeiner, Hale, Johnson, McAuliffe, Patterson, Rossi, Sellar, Sheldon, B., Spanel and West - 13.

MOTION

On motion of Senator Thibaudeau, Gubernatorial Appointment No. 9192, Michael Kleinberg, as a member of the Board of Pharmacy, was confirmed.

APPOINTMENT OF MICHAEL KLEINBERG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; Nays, 0; Absent, 0; Excused, 13.

Voting yea: Senators Bauer, Brown, Costa, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Sheahan, Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 36.

Excused: Senators Benton, Deccio, Eide, Finkbeiner, Hale, Johnson, McAuliffe, Patterson, Rossi, Sellar, Sheldon, B., Spanel and West - 13.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9216, Deborah J. Barnett, as a member of the Board of Trustees for The Evergreen State College, was confirmed.

APPOINTMENT OF DEBORAH J. BARNETT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 1; Excused, 11.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Sheahan, Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 37.

Absent: Senator McCaslin - 1.

Excused: Senators Eide, Finkbeiner, Hale, Johnson, McAuliffe, Patterson, Rossi, Sellar, Sheldon, B., Spanel and West - 11.

MOTION

On motion of Senator Honeyford, Senator McCaslin was excused.

MOTION

On motion of Senator Morton, Gubernatorial Appointment No. 9270, Tom McKern, as a member of the Board of Trustees for Spokane and Spokane Fall Community Colleges District No. 17, was confirmed.

APPOINTMENT OF TOM McKERN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Sheahan, Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 37.

Excused: Senators Eide, Finkbeiner, Hale, Johnson, McAuliffe, McCaslin, Patterson, Rossi, Sellar, Sheldon, B., Spanel and West - 12.

MOTION

On motion of Senator Deccio, Senator Benton was excused.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9239, Nicholas French, as a member of the Board of Trustees for Central Washington University, was confirmed.

APPOINTMENT OF NICHOLAS FRENCH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Sheahan, Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 37.

Excused: Senators Benton, Eide, Finkbeiner, Hale, Johnson, McAuliffe, Patterson, Rossi, Sellar, Sheldon, B., Spanel and West - 12.

MOTION

On motion of Senator Honeyford, Senator Deccio was excused.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9236, Melisa L. Dybbro, as a member of the Board of Trustees for Eastern Washington University, was confirmed.

APPOINTMENT OF MELISA L. DYBBRO

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; Nays, 0; Absent, 0; Excused, 13.

Voting yea: Senators Bauer, Brown, Costa, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Sheahan, Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 36.

Excused: Senators Benton, Deccio, Eide, Finkbeiner, Hale, Johnson, McAuliffe, Patterson, Rossi, Sellar, Sheldon, B., Spanel and West - 13.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9284, Natalie Quick, as a member of the Board of Trustees for Western Washington University, was confirmed.

APPOINTMENT OF NATALIE QUICK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; Nays, 0; Absent, 0; Excused, 13.

Voting yea: Senators Bauer, Brown, Costa, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Sheahan, Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 36.

Excused: Senators Benton, Deccio, Eide, Finkbeiner, Hale, Johnson, McAuliffe, Patterson, Rossi, Sellar, Sheldon, B., Spanel and West - 13.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9255, Tom Koenninger, as a member of the State Board for Community and Technical Colleges, was confirmed.

APPOINTMENT OF TOM KOENNINGER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; Nays, 0; Absent, 0; Excused, 13.

Voting yea: Senators Bauer, Brown, Costa, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Sheahan, Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 36.

Excused: Senators Benton, Deccio, Eide, Finkbeiner, Hale, Johnson, McAuliffe, Patterson, Rossi, Sellar, Sheldon, B., Spanel and West - 13.

MOTION

At 11:07 a.m., on motion of Senator Goings, the Senate was declared to be at ease.

The Senate was called to order at 3:04 p.m. by President Owen.

MOTION

At 3:04 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Tuesday, March 14, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FOURTH DAY, FIRST SPECIAL SESSION, MARCH 13, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIFTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 14, 2000

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Costa, Finkbeiner, Fraser, Johnson, McDonald, Oke, Patterson, Rasmussen, Sellar and Sheahan. On motion of Senator Franklin, Senators Costa, Fraser, and Patterson were excused. On motion of Senator Honeyford, Senators Benton, Finkbeiner, McDonald, Sellar and Sheahan were excused.

The Sergeant at Arms Color Guard, consisting of Pages Dionika Knight and Amy Swecker, presented the Colors. Reverend David Robin, pastor of the First Presbyterian Church in Tenino, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM INTERNATIONAL MARKETING PROGRAM
FOR AGRICULTURAL COMMODITIES AND TRADE

IMPACT
123 Hulbert Hall
Washington State University
P.O. Box 646214
Pullman, Washington 99164

March 6, 2000

The Honorable Tony Cook
Secretary, Washington State Senate
State of Washington
Olympia, Washington 98504-0482

Dear Mr. Cook:

As required by law, I am pleased to send you the biennial report of the IMPACT Center for the 1997-99 biennium.

For each dollar of Washington state funds invested in the IMPACT Center, we have been able to attract an additional two dollars from federal agencies, trade associations and the private sector to enhance the international marketing of the state's agricultural products.

If you would like additional copies, please feel free to contact us.

Sincerely,

A. Desmond O'Rourke, Director

IMPACT Center

The biennial report of the IMPACT Center for the 1997-99 biennium is on file in the Office of the Secretary of Senate.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9273, James V. Medzegian, as a member of the Board of Trustees for Renton Technical College District No. 27, was confirmed.

APPOINTMENT OF JAMES V. MEDZEGIAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 3; Excused, 8.

Voting yea: Senators Bauer, Brown, Deccio, Eide, Fairley, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Prentice, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 38.

Absent: Senators Johnson, Oke and Rasmussen - 3.

Excused: Senators Benton, Costa, Finkbeiner, Fraser, McDonald, Patterson, Sellar and Sheahan - 8.

MOTION

At 10:15 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:33 a.m. by President Owen.

There being no objection, the President advanced the Senate to the seventh order of business.

MOTION

Senator West moved the Senate advance to the ninth order of business to relieve the Committee on Ways and Means of Senate Bill No. 6129.

Debate ensued.

Senator McDonald demanded a roll call and the demand was sustained.

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Goings: "A point of parliamentary inquiry, Mr. President. Is the motion specifically to go to the ninth order of business or is the motion to go to the ninth order of business for a specific item and is that appropriate? Or is the motion simply to go to the ninth order and once we are in the ninth order we will determine what items, if any, we pull up?"

REPLY BY THE PRESIDENT

President Owen: "The motion has been stated to go to the ninth order for a specific purpose. That motion can be divided, but the President believes that it is appropriate."

The President declared the question before the Senate to be the roll call on the motion by Senator West to advance to the ninth order of business to relieve the Committee on Ways and Means of Senate Bill No. 6129.

ROLL CALL

The Secretary called the roll and the motion by Senator West to advance to the ninth order of business failed by the following vote: Yeas, 18; Nays, 27; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Stevens, Swecker, West, Winsley and Zarelli - 18.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27.

Absent: Senator Johnson - 1.

Excused: Senators Finkbeiner, Sellar and Sheahan - 3.

THIRD READING

SENATE BILL NO. 6368, by Senators Brown, Franklin, Wojahn, Prentice, Costa, Kohl-Welles, McAuliffe, Fairley, Thibaudeau, B. Sheldon, Bauer, Gardner, Rasmussen, Jacobsen, Patterson, Goings and Spanel

Allowing unemployment benefits during lockouts.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 6368 was returned to second reading and read the second time.

MOTION

Senator Brown moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 14, after "payable" strike "until the lockout is terminated" and insert "in a maximum amount equal to sixty times the weekly benefit amount or until the lockout is terminated, whichever occurs first"

On page 3, beginning on line 1, strike all of subsection (b) and insert the following:

"(b) The termination of the lockout or until benefits in a maximum amount of sixty times the weekly benefit amount are paid, whichever occurs first, if, at the expiration of the fifty-two weeks, the individual's benefits continue to be payable under RCW 50.20.120(1)(a) due to a lockout."

On page 3, after line 29, insert the following:

"NEW SECTION. **Sec. 3.** A new section is added to chapter 50.29 RCW to read as follows:

(1) Beginning with rate year 2000, if unemployment benefits are paid to claimants in any calendar quarter that exceed the maximum benefit amount under RCW 50.20.120(1)(a) due to a lockout by the employer, and the employer is assigned the contribution rate of rate class 20 under RCW 50.29.025, or is assigned the contribution rate under RCW 50.29.025(6)(a), for the rate year that includes that calendar quarter, the employer's contributions for that calendar quarter under RCW 50.24.010 shall equal the total of the following:

(a) The amount of contributions determined under RCW 50.29.025;

(b) An amount equal to the full amount of benefits paid in the calendar quarter to the locked out claimants less the amount paid under (a) of this subsection; and

(c) The amount of the costs related to administering the benefits paid to the locked out claimants not otherwise paid or payable from federal funds.

(2) At the end of each calendar quarter, the commissioner shall notify employers subject to this section, and shall include in each employer's contribution notice for the calendar quarter a billing for the amount determined under this section. Contributions shall become due and be paid as prescribed by the commissioner for contributions under RCW 50.24.010.

(3) RCW 50.29.062 shall not apply to employers subject to this section. For purposes of RCW 50.24.010, the contribution rate of a successor employer to an employer subject to this section shall be the contribution rate of the rate class assigned to the predecessor employer at the time of the transfer for the remainder of that rate year. Any experience relating to the assignment of that rate class attributable to the predecessor is transferred to the successor. Beginning on the January 1 following the transfer, the successor's assigned contribution rate for purposes of RCW 50.24.010 shall be based on the transferred experience of the acquired business and the successor's experience after the transfer."

Renumber the sections consecutively and correct internal references and the title accordingly.

On page 4, beginning on line 7, after "**Sec. 5.**" strike "This act applies beginning with weeks of unemployment" and insert "This act applies to weeks of unemployment beginning on or after January 2, 2000,"

POINT OF ORDER

Senator West: "A point of order, Mr. President. Not to delay the process, but this amendment is not on our desks. The one I received in caucus--the Secretary of Senate did not distribute it to the desks. They distributed it in caucus. Mr. President, we do not have it on our desks here."

REPLY BY THE PRESIDENT

President Owen: "The members do have the right to have the amendment on their desks and we will have to wait until the amendment is distributed."

The Secretary of Senate had copies of the amendment delivered to each Senator.

POINT OF INQUIRY

Senator West: "Senator Brown, in the notes attached to the amendment, it states that the successor employer would be responsible for the new rate class if this rate class were put into place. Is that your understanding?"

Senator Brown: "Yes, it is."

Senator West: "So, if somebody were to purchase, in this particular case--the Kaiser Aluminum Company--that they would then be responsible for this obligation?"

Senator Brown: "Well, they could certainly let the workers go back to work and they wouldn't be responsible for any obligation."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Brown on page 1, line 14; page 3, beginning on line 1; page 3, after line 29; and page 4, beginning on line 7; to Senate Bill No. 6368.

The motion by Senator Brown carried and the amendments were adopted.

MOTIONS

On motion of Senator Brown, the following title amendment was adopted.

On page 1, line 2 of the title, after "50.04.030;" insert "adding a new section to chapter 50.29 RCW;"

On motion of Senator Brown, the rules were suspended, Engrossed Senate Bill No. 6368, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6368, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6368, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 18; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 27.

Voting nay: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheldon, T., Stevens, Swecker, West and Zarelli - 18.

Absent: Senator Johnson - 1.

Excused: Senators Finkbeiner, Sellar and Sheahan - 3.

ENGROSSED SENATE BILL NO. 6368, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator McCaslin, Senator Johnson was excused.

THIRD READING

ENGROSSED SENATE BILL NO. 6402, by Senators Fairley, Winsley, Fraser, Goings, Kohl-Welles, McAuliffe, Gardner, Bauer, Costa, Shin, Kline, Franklin, Spanel, Snyder, Prentice, Hargrove, Brown, Patterson, Eide, Wojahn, Thibaudeau, Jacobsen, Rasmussen and B. Sheldon (by request of Governor Locke)

Enacting the civil service reform act of 2000.

The bill was read the third time.

Senator Fairley spoke to Engrossed Senate Bill No 6402.

MOTION

Senator Tim Sheldon moved that the rules be suspended and Engrossed Senate Bill No. 6402 be returned to second reading.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Tim Sheldon that the rules be suspended and Engrossed Senate Bill No. 6402 be returned to second reading.

The motion by Senator Tim Sheldon to suspend the rules failed.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6402.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6402 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 16; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 29.

Voting nay: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Long, McCaslin, McDonald, Morton, Oke, Rossi, Sheldon, T., Stevens, West and Zarelli - 16.

Excused: Senators Finkbeiner, Johnson, Sellar and Sheahan - 4.

ENGROSSED SENATE BILL NO. 6402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6513, by Senate Committee on Commerce, Trade, Housing and Financial Institutions (originally sponsored by Senators Prentice, McCaslin, Kline, Gardner, Winsley, Kohl-Welles, Spanel and Costa) (by request of Attorney General Gregoire)

Protecting privacy of personal information in commercial transactions.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 6513 was returned to second reading and read the second time.

MOTION

Senator Prentice moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** INTENT. (1) The legislature finds that every entity has an affirmative and continuing obligation to respect the privacy of its consumers and to protect the security and confidentiality of consumers. The legislature finds that Washington's citizens have a right to privacy and a reasonable expectation that the personal information that they provide in commercial transactions with financial institutions and others who maintain and transfer information will be kept private and confidential. The legislature finds that there is no existing uniform law that creates an appropriate standard of conduct for disclosure of consumers' personal information and that Washington's citizens need additional statutory protection from fraud, deception, nuisance, invasion of privacy, and breach of confidentiality related to the disclosure of personal information. The legislature intends to ensure that entities and consumers work cooperatively to protect consumer information and enforce sanctions when violations occur.

(2) The legislature finds that the disclosure of personal and sensitive information has caused specific significant harms to Washington consumers, including the appearance of unauthorized charges or debits on consumers' accounts, misappropriation of sensitive information for the purpose of assuming a consumer's identity, the unwanted and unintended dissemination of personal and sensitive information, and the invasion of privacy.

(3) The legislature finds that the flow of less sensitive personal information has resulted in a number of increased market efficiencies that are beneficial to consumers. These include more rapid credit transactions and check verifications, as well as an increased number of choices for products and services. The legislature finds that these benefits can be maintained by giving consumers the opportunity to choose whether their less sensitive information will be shared. The legislature finds that giving consumers this choice best balances the benefits and harms of disclosure of such information.

(4) The legislature finds that the incidence of identity theft is rapidly growing, and that victims of identity theft need further assistance in obtaining the information necessary to the prosecution of their cases. The legislature finds that requiring

additional information sharing by merchants with victims will result in greater protections for consumers and deter potential perpetrators.

NEW SECTION. **Sec. 2.** DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affiliate" means an entity that controls, is controlled by, or is under common control or common ownership with another entity. Companies that form alliances as a financial services group for purposes of marketing their services and are located at a common address, have personnel and payroll functions administered through a central office, jointly sponsor one combined employee savings and profit sharing plan, and have centralized data processing, mail service, communications, and procurement are considered under common control and affiliated with each other.

(2) "Consumer" or "customer" means a natural person or his or her legal representative, who is a resident of the state of Washington, who has been disclosed to be a resident of the state of Washington, and who purchases, leases, or otherwise contracts for products, goods, or services within the state of Washington or from an entity at its location in the state of Washington, that are primarily used for personal, family, or household purposes on or after the effective date of this section and who continues to be a resident of the state of Washington.

(3) "Control" means (a) ownership, control, or power to vote twenty-five percent or more of the outstanding shares of any class of voting security of the company, directly or indirectly, or acting through one or more other persons, if the company is shareholder-owned; (b) control in any manner over the election of a majority of the directors, trustees, or general partners (or individuals exercising similar functions) of the company; and (c) the power to exercise, directly or indirectly, a controlling influence over the management or policies of the company.

(4) "Consumer-requested purpose" means for the purpose of establishing or maintaining a business relationship, completing a transaction, or providing a product, good, or service requested by the consumer if the personal or sensitive information that is sold, shared, or transferred is subject to section 9(1) of this act.

(5) "De minimus cost method" means any method, such as a toll-free telephone number, a post office box or address for accepting first-class mail, or any similar, convenient, low-cost method, which does not exceed the cost of a first-class postage stamp for the consumer. If other de minimus cost methods are offered, accepting e-mail or online messages from consumers shall be considered a de minimus cost method.

(6) "Financial institution" means (a) a financial institution as defined in section 527(4) of the Gramm-Leach-Bliley Act, P.L. 106-102; or (b) a bank holding company or financial holding company, as defined in sections 2(a) and 2(p) of the Bank Holding Company Act, as amended, or any subsidiary thereof as defined in section 2(d) of the Bank Holding Company Act, as amended.

(7) "Functional business purpose" means use or disclosure of sensitive or personal information between an information custodian and another entity or person to perform services or functions on behalf of the information custodian as part of the information custodian's provision of its products, goods, or services to its customers, or to assist in the maintenance or analysis of its relationships with customers, if the personal or sensitive information that is sold, shared, or transferred is subject to section 9 of this act;

(8) "Information custodian" means all nonpublic commercial entities that maintain data containing personal information or sensitive information about consumers they actually know reside in Washington and that sell, share, or otherwise transfer the information to nonaffiliates for purposes other than consumer-requested purposes, functional business purposes, or under the circumstances described in section 5(3) or 7(3) of this act. An "information custodian" does not include a consumer reporting agency, as defined in the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.), to the extent its activities are directly related to assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and to the extent that the activities are regulated by the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.). "Information custodian" does not include an agent or other entity (a) who obtains personal or sensitive information from a consumer or an information custodian; and (b) who has contracted, in writing, with the information custodian to provide products, goods, or services on behalf of the information custodian, that are part of or integral to the provision of the information custodian's own products, goods, or services to the consumer; and (c) who does not make an independent use, including marketing use, of the personal or sensitive information, apart from providing the products, goods, or services described in subsection (8)(b) of this section; and (d) who is subject to section 9 of this act. "Information custodian" does not include an entity that sells, shares, or transfers personal or sensitive information exclusively for consumer-requested purposes, functional business purposes, or under the circumstances described in section 5(3) or 7(3) of this act.

(9) "Marketer" means a nonpublic, commercial entity that maintains data containing personal information or sensitive information about consumers it knows reside in Washington and uses the information to engage in marketing.

(10) "Marketing" or "marketing information" means a promotion, solicitation, or advertisement that specifically references the sale or lease of products, goods, or services made through written, telephonic, electronic, or other means, that is directed to a

specific named consumer, but shall not include any promotion, solicitation, or advertisement (a) included with a billing or statement, (b) directed to the public, or (c) made to such consumer while present at the marketer's place of business or during any other contact with the marketer initiated by or at the request of the consumer.

(11) "Personal information" means information that is provided by the consumer in a commercial context, and is correlated to a specific individual consumer, that concerns the amount or condition of the consumer's assets, liabilities, financial transactions, purchasing history, buying preferences, business relationships, customer status, demographic information, name, address, telephone number, electronic mail address, or that reflects current or historical deposit or credit card account balances or purchase amounts.

(12) "Sensitive information" means information maintained in a commercial context that is correlated to a specific individual consumer or a specific account and customarily held or used for the purpose of the consumer's transaction initiation, account access or identity verification, and includes account numbers, access codes or passwords, social security numbers, consumer tax identification numbers, driver's license or permit numbers, state identicard numbers issued by the department of licensing, and credit card numbers or expiration dates, and electronically captured signatures.

NEW SECTION. **Sec. 3.** RESTRICTION ON CONSUMER INFORMATION. Information custodians and marketers shall, in performing a transaction with a consumer, providing a service for a consumer, or establishing a business relationship with a consumer, require only that the consumer provide information reasonably necessary to perform the transaction, establish the relationship, administer or maintain the business relationship, collect or service a debt, protect against fraud or unauthorized transactions, or comply with applicable law. Any optional information must be specified as such, and the consumer must be given the option not to provide it.

NEW SECTION. **Sec. 4.** CONSUMER PRIVACY POLICIES. (1) An information custodian must have a consumer privacy policy that discloses to existing and prospective consumers the policies and practices of the information custodian regarding the use of consumer personal information and sensitive information acquired or possessed by the information custodian. Entities that maintain data containing personal information or sensitive information but do not sell, share, or otherwise transfer the data, are not required to have a privacy policy.

(2) The consumer privacy policy, at a minimum, must summarize the information custodian's responsibilities under this chapter and describe the consumer's rights and remedies under it, and generally describe with whom the consumer's personal and sensitive information will be shared or to whom it will be sold or transferred. This general description must disclose either the names of those with which the information is shared, sold, or transferred or a reasonable description of the nature of each entity's business, with which information is shared, sold, or transferred.

(3) The consumer privacy policy must also provide a reasonable means for consumers to review their personal information that the information custodian shares, sells, or transfers to nonaffiliates for marketing purposes and that is retrievable in the ordinary course of business. The policy must also provide a reasonable process for consumers to dispute the accuracy or completeness of the information.

(4) An information custodian must provide a disclosure of its consumer privacy policy to customers about whom it has names and addresses or other means of contact:

(a) Within a reasonable period of time after the information custodian obtains the names and addresses or other means of contact;

(b) Not less than annually after that to a customer whose personal or sensitive information the information custodian, within the twelve-month period before the date of the provision of the policy, has sold, shared, or transferred to a nonaffiliate other than under the circumstances described in section 5(3) or 7(3) of this act, for a customer requested purpose, or for a functional business purpose; and

(c) Not less than thirty days after a prospective customer's initial request for the policy.

(5) An information custodian that is not a financial institution must disclose its consumer privacy policy, and any material changes that are made to the policy or the information custodian's business structure, clearly and conspicuously in writing, through means reasonably calculated to inform new customers of the policy's provisions or material changes that are made to the policy or the information custodian's business structure.

(6) If the information custodian sells or offers products, goods, or services online, the privacy policy must be disclosed on the effective date of this section, on a continuing basis, clearly and conspicuously, on a web page that is directly and prominently linked to the information custodian's website.

(7) The consumer privacy policy must be readily available for review at the information custodian's place of business.

(8) An information custodian that is a financial institution is deemed to have complied with the requirements of this section and section 5(1)(a) of this act if it provides the disclosures required by subsections (1), (2), and (3) of this section and section 5(1)(a) of this act together with the disclosures provided in compliance with section 503 of Public Law 106-102 (the Gramm-Leach-Bliley Act).

(9) If an information custodian's business relationship is with multiple parties who are named in a common account or insurance policy, the information custodian satisfies the requirements of this section by making the required disclosures to the first-named account holder or legal representative on the signature card, contract, or other evidence of the account, or the first-named insured on the insurance policy, binder, or other evidence of insurance.

NEW SECTION. **Sec. 5.** PERSONAL INFORMATION--CONSUMER CONTROL. (1) An information custodian may share, sell, or otherwise transfer personal information to a nonaffiliate for purposes other than consumer-requested purposes, functional business purposes, or under the circumstances described in section 5(3) or 7(3) of this act, only if it has clearly and conspicuously disclosed to the consumer the following information in plain language:

(a) That the consumer has the right to choose not to have his or her personal information shared, sold, or otherwise transferred to a nonaffiliate for purposes other than consumer-requested purposes, functional business purposes, or under the circumstances described in section 5(3) or 7(3) of this act. The disclosure must be made at the time the consumer privacy policy is provided to the customer under section 4 of this act.

(b) That the consumer may choose not to have his or her personal information shared, sold, or transferred to a nonaffiliate for other than consumer-requested purposes, functional business purposes, or under the circumstances described in section 5(3) or 7(3) of this act, by exercising his or her choice through a de minimus cost method the information custodian has established.

(2) If, under this section, a consumer chooses not to have his or her personal information shared, sold, or otherwise transferred under subsection (1) of this section, the information custodian must stop sharing, selling, or otherwise transferring the consumer's personal information to a nonaffiliate as directed by the consumer within ninety days of receiving the consumer's notice. Once a consumer has exercised his or her right under this section, an information custodian may not share, sell, or otherwise transfer the information to a nonaffiliate for purposes other than consumer-requested purposes, functional business purposes, or under the circumstances described in section 5(3) or 7(3) of this act, until the consumer notifies the entity that he or she has chosen to have his or her personal information shared, sold, or otherwise transferred under subsection (1) of this section.

(3) This section does not apply to disclosure of personal information under the following circumstances:

(a) Disclosure to or at the direction or with the consent of the consumer upon his or her request. Proper identification may be required;

(b) Disclosure required by federal, state, or local law or regulation, rules, and other applicable legal requirements;

(c) Disclosure made in the course of a properly authorized civil, criminal, or regulatory examination or investigation or under a search warrant, court order, or subpoena, including an administrative subpoena or other legal process;

(d) Disclosure to a nonaffiliate for the purpose of collecting a debt or dishonored item. However, the recipient of the information is subject to section 9 of this act;

(e) Disclosure to protect the confidentiality or security of the information custodian's records;

(f) Disclosure to protect against, investigate, or prevent actual or potential fraud, unauthorized transactions, claims, or other liability or to verify information provided by a consumer in connection with a claim or application for services or benefits;

(g) Disclosure as part of a risk control program required by or subject to examination by regulators;

(h) Disclosure by or to a consumer reporting agency as specifically permitted under the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.). However, the information custodian shall inform the recipient that the information is subject to section 9 of this act;

(i) Disclosure for purposes of a proposed or actual securitization, secondary market sale (including sales of service rights), or similar transaction;

(j) Disclosure to persons holding a legal or beneficial interest relating to the consumer;

(k) Disclosure in order to provide information to insurance rate, claim, or underwriting advisory organizations, guaranty funds or agencies, applicable rating agencies of the information custodian, persons assessing the information custodian's compliance with industry standards, and the information custodian's attorneys, accountants, and auditors;

(l) Disclosure in connection with a proposed or actual sale, merger, transfer, or exchange of all or a portion of a business or operating unit or an insurance agent's book of business or interest in real property if the disclosure of information concerns solely consumers of the business or unit or consumers with a right to occupy the real property;

(m) Disclosure to a federal, state, or local agency as required by that agency to fulfill its legal obligations on behalf of a consumer;

(n) Disclosure of health care information in compliance with state and federal law;

(o) Disclosure between licensees or franchisees and their licensors or franchisors, when (i) such licensees or franchisees market, sell, or lease products, goods, or services in a retail setting at a common physical address with the licensor or franchisor; (ii) have common data processing functions with the licensor or franchisor; and (iii) advertise, market, or sell products,

goods, or services marked or otherwise directly identified with the franchisor's or licensor's name or distinctive brand. However, the recipient of the information is subject to section 9 of this act;

(p) Disclosure of information between entities of a reciprocal insurer as defined in RCW 48.10.010 and 48.10.020;

(q) Disclosure to maintain or service a consumer's private label or affinity credit card account. However, the recipient of the information is subject to section 9 of this act;

(r) Disclosure by an entity or person to the public related to the gathering, publishing, disseminating, or circulating of news or matters of public interest or concern;

(s) Disclosure to or by a multiple listing service, real estate licensee, or real estate appraiser as defined in chapters 18.85 and 18.140 RCW for the purposes of comparative market analyses, price opinions, or appraisals.

NEW SECTION. **Sec. 6.** MARKETING-CONSUMER CONTROL. (1)(a) A marketer may use personal or sensitive information for marketing purposes only if it has clearly and conspicuously disclosed in plain language to the consumer that the consumer has the right to choose not to receive marketing information from the marketer or its affiliates with which it has shared information and may choose not to receive marketing information by exercising his or her choice through a de minimus cost method provided by the marketer. These disclosures must be made in at least one of the following manners:

(i) In all marketing information, in whatever medium the marketing information is sent;

(ii) In the privacy policy provided to the consumer under section 4 of this act, if the marketer is an information custodian;

(iii) In a separate disclosure document or page, provided to the consumer with the first marketing information sent to the consumer, and thereafter annually. If the disclosure is made on a web page, it must be made clearly and conspicuously on the same page as the marketing information or on a separate page that is directly and prominently linked to the marketing information;

(iv) In each of its places of retail business, if the marketer is a retailer whose primary sale or lease of products, goods, or services is from its places of retail business, and the disclosure must be posted clearly and conspicuously, in plain language.

(b) The marketer must maintain adequate and reasonable access to the de minimus cost method it has established for consumers who choose not to receive marketing information.

(2) If, under this section, a consumer chooses not to receive marketing information, the marketer and its affiliates with which it shares personal or sensitive information must stop marketing to the consumer within ninety days of receiving the consumer's notice. Once a consumer has chosen not to receive marketing information, a marketer and its affiliates with which it shares personal or sensitive information may not market to the consumer until the consumer notifies the marketer that he or she has chosen to receive marketing information.

(3) A small business, as defined in RCW 19.85.020, that is not an information custodian, that markets solely to its existing customers or that markets to consumers whose personal information was obtained from an information custodian, is not subject to subsection (1) of this section.

(4) A marketer may disclose personal information to another entity to perform services or functions on behalf of the marketer, as part of the marketer's marketing of its own products, goods, or services. However, the personal information that is disclosed is subject to section 9 of this act.

NEW SECTION. **Sec. 7.** SENSITIVE INFORMATION--CONSUMER CONTROL. (1) An information custodian may not disclose sensitive information to a nonaffiliate for purposes other than consumer-requested purposes, functional business purposes, or under the circumstances described in section 5(3) or 7(3) of this act unless the consumer has received written notification of the following:

(a) The information to be disclosed;

(b) The entity or entities authorized to receive the disclosure of information; and

(c) A specific description of the purpose for which the disclosure of information will be made.

(2) An information custodian may not disclose sensitive information to a nonaffiliate for purposes other than consumer-requested purposes, functional business purposes, or under circumstances described in section 5(3) or 7(3) of this act unless the consumer, upon notice as provided in this section and affirmative consent, authorizes the disclosure of the sensitive information sought to be disclosed, in a written statement dated and expressly accepted by the consumer that is separate and distinct from any other document, and that contains a description of the information sought to be disclosed and the purpose for which the information will be disclosed. If the written statement is made online, it must be on a separate web page.

(3) This section does not apply to disclosure of sensitive information under the following circumstances:

(a) Disclosure to or at the direction or with the consent of the consumer upon his or her request. Proper identification may be required;

(b) Disclosure required by federal, state, or local law or regulation, rules, and other applicable legal requirements;

(c) Disclosure made in the course of a properly authorized civil, criminal, or regulatory examination or investigation or under a search warrant, court order, or subpoena, including an administrative subpoena or other legal process;

(d) Disclosure to a nonaffiliate for the purpose of collecting a debt or a dishonored item. However, the recipient of the information is subject to section 9 of this act;

(e) Disclosure to protect the confidentiality or security of the information custodian's records;

(f) Disclosure to protect against, investigate, or prevent actual or potential fraud or unauthorized transactions, claims, or other liability or to verify information provided by a consumer in connection with a claim or application for services or benefits;

(g) Disclosure as part of a risk control program required by or subject to examination by regulators;

(h) Disclosure by or to a consumer reporting agency as specifically permitted under the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.). However, the information custodian shall inform the recipient that the information is subject to section 9 of this act;

(i) Disclosure of sensitive information which is prohibited from disclosure by section 502(d) of Public Law 106-102 (the Gramm-Leach-Bliley Act of 1999);

(j) Disclosure for purposes of a proposed or actual securitization, secondary market sale (including sales service rights), or similar transactions related to a consumer-requested purpose;

(k) Disclosure to persons holding a legal or beneficial interest relating to the consumer;

(l) Disclosure in order to provide information to insurance rate, claim, or underwriting advisory organizations, guaranty funds or agencies, applicable rating agencies of the information custodian, persons assessing the information custodian's compliance with industry standards, and the information custodian's attorneys, accountants, and auditors;

(m) Disclosure in connection with a proposed or actual sale, merger, transfer, or exchange of all or a portion of a business or operating unit or an insurance agent's book of business or interest in real property if the disclosure of information concerns solely consumers of the business or unit or consumers with the right to occupy the real property;

(n) Disclosure of health care information in compliance with state and federal law;

(o) Disclosure to a federal, state, or local agency as required by that agency to fulfill its legal obligations on behalf of a consumer;

(p) Disclosure between licensees or franchisees and their licensors or franchisors, when (i) such licensees or franchisees market, sell, or lease products, goods, or services in a retail setting at a common physical address with the licensor or franchisor; (ii) have common data processing functions with the licensor or franchisor; and (iii) advertise, market, or sell products, goods, or services marked or otherwise directly identified with the franchisor's or licensor's name or distinctive brand. However, the recipient of the information is subject to section 9 of this act;

(q) Disclosure of information between entities of a reciprocal insurer as defined in RCW 48.10.010 and 48.10.020;

(r) Disclosure to maintain or service a consumer's private label or affinity credit card account. However, the recipient of the information is subject to section 9 of this act;

(s) Disclosure by an entity or person to the public related to the gathering, publishing, disseminating, or circulating of news or matters of public interest or concern.

NEW SECTION. **Sec. 8.** An information custodian shall not disclose, to a nonaffiliate, other than for a functional business purpose or a consumer-requested purpose, sensitive information for use in marketing to the consumer.

NEW SECTION. **Sec. 9.** CONFIDENTIALITY AND SECURITY OF INFORMATION. (1) Nonaffiliates that obtain personal information or sensitive information from information custodians, other than those who receive driver's license numbers in connection with the offering or maintenance of an insurance policy, must: (a) Not sell, share, or otherwise transfer the information for any reason other than the allowed purposes for which the information was sold, shared, or transferred by the information custodian or under circumstances described in those subsections of sections 5(3) or 7(3) of this act to which this section is not expressly subject; (b) keep the information confidential; and (c) safeguard the information from loss, misuse, theft, unauthorized access, disclosure, defacement, or alteration.

(2) An information custodian, before sharing, selling, or otherwise transferring personal information or sensitive information, must obtain an agreement from the intended recipient providing for the following:

(a) To keep the information confidential;

(b) To use the information only for the allowed purposes for which it has been shared, sold, or provided, or under circumstances described in those subsections of sections 5(3) or 7(3) of this act to which this section is not expressly subject; and

(c) To safeguard the information from loss, misuse, theft, unauthorized access, disclosure, defacement, or alteration.

(3) Every information custodian must establish reasonable safeguards to ensure the confidentiality and safety of personal information and sensitive information and to protect them from loss, misuse, theft, unauthorized access, disclosure, defacement, or alteration.

NEW SECTION. **Sec. 10.** ACTIONS OR TRANSACTIONS BY COMPETITIVE TELECOMMUNICATIONS COMPANIES. The actions or transactions of information custodians or marketers who are classified as competitive

telecommunications companies under RCW 80.36.320 or who are telecommunications companies providing competitive telecommunications services are subject to this chapter and the Consumer Protection Act.

NEW SECTION. **Sec. 11.** VIOLATION AN UNFAIR OR DECEPTIVE ACT. (1) Unfair and deceptive invasion of privacy rights is not reasonable in relation to the development and preservation of business. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the Consumer Protection Act, chapter 19.86 RCW. A violation of this chapter is an unfair or deceptive act in trade or commerce for the purpose of applying the Consumer Protection Act, chapter 19.86 RCW.

(2) In any action for a violation of this chapter, with the exception of section 7 of this act, an information custodian or marketer may raise as a defense that the violation was not intentional and was the result of a bona fide error. This defense must be proved by a preponderance of the evidence. Examples of a bona fide error include clerical, calculation, computer malfunction and programming, and printing errors.

(3) Damages to a person who has been the victim of a violation of sections 5, 7, 8, or 9(1) of this act are five hundred dollars, or actual damages, whichever is greater. A court may increase the award of damages in an amount not more than three times the actual damages sustained, or one thousand five hundred dollars, whichever is greater, upon a showing by a preponderance of the evidence that a violation of the chapter was willful.

(4) Damages to a person who has been the victim of a violation of section 3, 4, 6, or 9 (2) or (3) of this act are actual damages. However, a court may increase the award up to five hundred dollars upon a showing that the violation was willful, intentional, or part of a pattern of repeated violations.

(5) In the case of a class action for a violation of this act, the total recovery of statutory damages in any class action arising out of the same failure to comply may not be more than the lesser of one million dollars or one percent of the net worth of the defendant. There is no limit on the recovery of actual damages.

(6) Nothing in this section limits the authority of the attorney general to enforce this chapter, or seek full recovery of both statutory and actual damages.

(7) The remedies provided for a violation of this chapter are exclusive of the remedies provided for a violation of chapter 9.35 RCW. No violation of this chapter is an unlawful activity under RCW 9.35.020(2) or under RCW 9.35.010.

NEW SECTION. **Sec. 12.** FILING ACTION--CONSEQUENCES. Filing an action for a violation of this chapter constitutes a certificate that to the best of the plaintiff's knowledge, information, and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith extension or reversal of existing law, and that it is not brought for any improper purpose, such as to harass or create a nuisance. If an action is filed in violation of this section, the court, upon motion or upon its own initiative, may impose upon the plaintiff an appropriate sanction, that may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the action, including a reasonable attorney's fee.

NEW SECTION. **Sec. 13.** FEDERAL INVALIDITY--ANTITRUST LAWS. If the responsible federal chartering authority, under applicable federal law, or if a court of competent jurisdiction declares that any provision of this chapter is invalid with respect to any financial institution, the provision is also invalid, to the same extent, with respect to financial institutions chartered under the laws of the state of Washington and to host branches of out-of-state financial institutions. The director of the department of financial institutions may, from time to time, publish provisions of state laws that have been found invalidated under federal law and procedures. This section does not impair in any manner the authority of the state attorney general to enforce antitrust laws applicable to financial institutions or their affiliates.

NEW SECTION. **Sec. 14.** REMEDIES NONEXCLUSIVE. Nothing in this chapter in any way limits, replaces, or diminishes the protections and remedies afforded by the Domestic Violence Prevention Act, chapter 26.50 RCW, or any other act intended to protect the privacy and safety of residents of this state.

NEW SECTION. **Sec. 15.** A new section is added to chapter 9.35 RCW to read as follows:

DEFINITIONS. As used in this chapter, unless the context clearly requires otherwise:

(1) "Financial information" means, to the extent it is nonpublic, any of the following information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit:

(a) Account numbers and balances;

(b) Transactional information concerning an account; and

(c) Codes, passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identicard numbers issued by the department of licensing, and other information held for the purpose of account access or transaction initiation.

(2) "Financial information repository" means a person engaged in the business of providing services to customers who have a credit, deposit, trust, stock, or other financial account or relationship with the person.

(3) "Means of identification" means information or an item that is not describing finances or credit but is personal to or identifiable with an individual or other person, including a current or former name of the person, telephone number, and electronic address or identifier of the individual or a member of his or her family, including the ancestor of the person; information relating to a change in name, address, telephone number, or electronic address or identifier of the individual or his or her family; a social security, driver's license, or tax identification number of the individual or a member of his or her family; and other information that could be used to identify the person, including unique biometric data.

(4) "Person" means an individual, partnership, corporation, or association.

(5) "Victim" means a person whose means of identification has been used or transferred with the intent to commit, or to aid or abet, an unlawful activity harming or intending to harm the person whose identity is used, or to commit a felony.

NEW SECTION. **Sec. 16.** A new section is added to chapter 9.35 RCW to read as follows:

INFORMATION AVAILABLE TO VICTIM. (1) A person, financial information repository, corporation, trust, partnership, or unincorporated association possessing information relating to an actual or potential violation of this chapter, and who may have entered into a transaction, provided credit, products, goods, or services, accepted payment, or otherwise done business with a person who has used the victim's means of identification, must, upon request of the victim, provide copies of all information relevant to the potential or actual violation of this chapter.

(2) Before providing the information required under subsection (1) of this section, the provider may require the victim to provide positive identification of the victim and a copy of a police report evidencing the victim's claim. The provider may require reasonable compensation for the reasonable cost of providing the information requested.

(3) No person, financial information repository, corporation, trust, partnership, or unincorporated association may be held liable for an action voluntarily taken in good faith to provide information regarding potential or actual violations of this chapter to other financial information repositories, merchants, law enforcement authorities, the victim, or any person alleging to be a victim who provides positive identification and a copy of a police report evidencing the alleged victim's claim for the purpose of identification and prosecution of violators of this chapter, or to assist a victim in recovery of fines, restitution, rehabilitation of the victim's credit, or such other relief as may be appropriate.

Sec. 17. RCW 19.16.250 and 1983 c 107 s 1 are each amended to read as follows:

No licensee or employee of a licensee shall:

(1) Directly or indirectly aid or abet any unlicensed person to engage in business as a collection agency in this state or receive compensation from such unlicensed person: PROVIDED, That nothing in this chapter shall prevent a licensee from accepting, as forwardee, claims for collection from a collection agency or attorney whose place of business is outside the state.

(2) Collect or attempt to collect a claim by the use of any means contrary to the postal laws and regulations of the United States postal department.

(3) Publish or post or cause to be published or posted, any list of debtors commonly known as "bad debt lists" or threaten to do so. For purposes of this chapter, a "bad debt list" means any list of natural persons alleged to fail to honor their lawful debts. However, nothing herein shall be construed to prohibit a licensee from communicating to its customers or clients by means of a coded list, the existence of a check dishonored because of insufficient funds, not sufficient funds or closed account by the financial institution servicing the debtor's checking account: PROVIDED, That the debtor's identity is not readily apparent: PROVIDED FURTHER, That the licensee complies with the requirements of subsection (9)(e) of this section.

(4) Have in his possession or make use of any badge, use a uniform of any law enforcement agency or any simulation thereof, or make any statements which might be construed as indicating an official connection with any federal, state, county, or city law enforcement agency, or any other governmental agency, while engaged in collection agency business.

(5) Perform any act or acts, either directly or indirectly, constituting the practice of law.

(6) Advertise for sale or threaten to advertise for sale any claim as a means of endeavoring to enforce payment thereof or agreeing to do so for the purpose of soliciting claims, except where the licensee has acquired claims as an assignee for the benefit of creditors or where the licensee is acting under court order.

(7) Use any name while engaged in the making of a demand for any claim other than the name set forth on his or its current license issued hereunder.

(8) Give or send to any debtor or cause to be given or sent to any debtor, any notice, letter, message, or form which represents or implies that a claim exists unless it shall indicate in clear and legible type:

(a) The name of the licensee and the city, street, and number at which he is licensed to do business;

(b) The name of the original creditor to whom the debtor owed the claim if such name is known to the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee shall make a reasonable effort to obtain the name of such person and provide this name to the debtor;

(c) If the notice, letter, message, or form is the first notice to the debtor or if the licensee is attempting to collect a different amount than indicated in his or its first notice to the debtor, an itemization of the claim asserted must be made including:

(i) Amount owing on the original obligation at the time it was received by the licensee for collection or by assignment;

(ii) Interest or service charge, collection costs, or late payment charges, if any, added to the original obligation by the original creditor, customer or assignor before it was received by the licensee for collection, if such information is known by the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee shall make a reasonable effort to obtain information on such items and provide this information to the debtor;

(iii) Interest or service charge, if any, added by the licensee or customer or assignor after the obligation was received by the licensee for collection;

(iv) Collection costs, if any, that the licensee is attempting to collect;

(v) Attorneys' fees, if any, that the licensee is attempting to collect on his or its behalf or on the behalf of a customer or assignor;

(vi) Any other charge or fee that the licensee is attempting to collect on his or its own behalf or on the behalf of a customer or assignor.

(9) Communicate or threaten to communicate, the existence of a claim to a person other than one who might be reasonably expected to be liable on the claim in any manner other than through proper legal action, process, or proceedings except under the following conditions:

(a) A licensee or employee of a licensee may inform a credit reporting bureau of the existence of a claim: PROVIDED, That if the licensee or employee of a licensee reports a claim to a credit reporting bureau, the licensee shall upon receipt of written notice from the debtor that any part of the claim is disputed, forward a copy of such written notice to the credit reporting bureau;

(b) A licensee or employee in collecting or attempting to collect a claim may communicate the existence of a claim to a debtor's employer if the claim has been reduced to a judgment;

(c) A licensee or employee in collecting or attempting to collect a claim that has not been reduced to judgment, may communicate the existence of a claim to a debtor's employer if:

(i) The licensee or employee has notified or attempted to notify the debtor in writing at his last known address or place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing to the licensee disputed any part of the claim: PROVIDED, That the licensee or employee may only communicate the existence of a claim which has not been reduced to judgment to the debtor's employer once unless the debtor's employer has agreed to additional communications.

(d) A licensee may for the purpose of locating the debtor or locating assets of the debtor communicate the existence of a claim to any person who might reasonably be expected to have knowledge of the whereabouts of a debtor or the location of assets of the debtor if the claim is reduced to judgment, or if not reduced to judgment, when:

(i) The licensee or employee has notified or attempted to notify the debtor in writing at his last known address or last known place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing disputed any part of the claim.

(e) A licensee may communicate the existence of a claim to its customers or clients if the claim is reduced to judgment, or if not reduced to judgment, when:

(i) The licensee has notified or attempted to notify the debtor in writing at his last known address or last known place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing disputed any part of the claim.

(10) Threaten the debtor with impairment of his credit rating if a claim is not paid.

(11) Communicate with the debtor after notification in writing from an attorney representing such debtor that all further communications relative to a claim should be addressed to the attorney: PROVIDED, That if a licensee requests in writing information from an attorney regarding such claim and the attorney does not respond within a reasonable time, the licensee may communicate directly with the debtor until he or it again receives notification in writing that an attorney is representing the debtor.

(12) Communicate with a debtor or anyone else in such a manner as to harass, intimidate, threaten, or embarrass a debtor, including but not limited to communication at an unreasonable hour, with unreasonable frequency, by threats of force or violence, by threats of criminal prosecution, and by use of offensive language. A communication shall be presumed to have been made for the purposes of harassment if:

(a) It is made with a debtor or spouse in any form, manner, or place, more than three times in a single week;

(b) It is made with a debtor at his or her place of employment more than one time in a single week;

(c) It is made with the debtor or spouse at his or her place of residence between the hours of 9:00 p.m. and 7:30 a.m.

(13) Communicate with the debtor through use of forms or instruments that simulate the form or appearance of judicial process, the form or appearance of government documents, or the simulation of a form or appearance of a telegraphic or emergency message.

(14) Communicate with the debtor and represent or imply that the existing obligation of the debtor may be or has been increased by the addition of attorney fees, investigation fees, service fees, or any other fees or charges when in fact such fees or charges may not legally be added to the existing obligation of such debtor.

(15) Threaten to take any action against the debtor which the licensee cannot legally take at the time the threat is made.

(16) Send any telegram or make any telephone calls to a debtor or concerning a debt or for the purpose of demanding payment of a claim or seeking information about a debtor, for which the charges are payable by the addressee or by the person to whom the call is made.

(17) In any manner convey the impression that the licensee is vouched for, bonded to or by, or is an instrumentality of the state of Washington or any agency or department thereof.

(18) Collect or attempt to collect in addition to the principal amount of a claim any sum other than allowable interest, collection costs or handling fees expressly authorized by statute, and, in the case of suit, attorney's fees and taxable court costs.

(19) Procure from a debtor or collect or attempt to collect on any written note, contract, stipulation, promise or acknowledgment under which a debtor may be required to pay any sum other than principal, allowable interest, and, in the case of suit, attorney's fees and taxable court costs.

(20) Upon notification by a debtor, that a police report has been filed indicating that the debtor's checkbook or other series of preprinted written instruments has been stolen, and upon receipt of a copy of the report, fail to accept one single writing from the debtor that identifies the numbers of the checks, the bank, and account number, that disputes creditors' claims for the identified checks or written instruments and that includes a copy of the debtor's driver's license or other document containing the debtor's signature that was executed before the date of claim identified in the police report. If more than one collection agency is attempting collection on individual checks or written instruments that are part of the series, each collection agency may request a single writing from the debtor that disputes creditors' claims for the entire checkbook or series. Once a single writing has been received, the collection agency must not, except in the context of a judicial or administrative proceeding, contact the debtor orally within the one hundred eighty-day period after receipt of the writing to require additional proof, explanation, or evidence from the debtor disputing creditors' claims regarding the enumerated checks or other written instruments in the same series or lot and must consider the single writing as a dispute to all creditors' claims arising from use of the enumerated checks or other series of instruments.

Sec. 18. RCW 9.35.010 and 1999 c 368 s 2 are each amended to read as follows:

(1) No person may obtain or attempt to obtain, or cause to be disclosed or attempt to cause to be disclosed to any person, financial information from a financial information repository:

(a) By knowingly making a false, fictitious, or fraudulent statement or representation to an officer, employee, or agent of a financial information repository with the intent to deceive the officer, employee, or agent into relying on that statement or representation for purposes of releasing the financial information;

(b) By knowingly making a false, fictitious, or fraudulent statement or representation to a customer of a financial information repository with the intent to deceive the customer into releasing financial information or authorizing the release of such information;

(c) By knowingly providing any document to an officer, employee, or agent of a financial information repository, knowing that the document is forged, counterfeit, lost, or stolen; was fraudulently obtained; or contains a false, fictitious, or fraudulent statement or representation, if the document is provided with the intent to deceive the officer, employee, or agent to release the financial information.

(2) No person may request another person to obtain financial information from a financial information repository and knows or should have known that the person will obtain or attempt to obtain the information from the financial institution repository in any manner described in subsection (1) of this section.

(3) ((~~As used in this section, unless the context clearly requires otherwise:~~

~~(a) "Financial information" means, to the extent it is nonpublic, any of the following information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit:~~

~~(i) Account numbers and balances;~~

~~(ii) Transactional information concerning any account; and~~

~~(iii) Codes, passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identicard numbers issued by the department of licensing, and other information held for the purpose of account access or transaction initiation.~~

~~(b) "Financial information repository" means any person engaged in the business of providing services to customers who have a credit, deposit, trust, stock, or other financial account or relationship with the person.~~

~~(c) "Person" means an individual, partnership, corporation, or association.~~

~~(4)~~)) No provision of this section shall be construed so as to prevent any action by a law enforcement agency, or any officer, employee, or agent of such agency, or any action of an agent of the financial information repository when working in conjunction with a law enforcement agency.

(((~~5~~))) (4) This section does not apply to:

(a) Efforts by the financial information repository to test security procedures or systems of the financial institution repository for maintaining the confidentiality of customer information;

(b) Investigation of alleged employee misconduct or negligence; or

(c) Efforts to recover financial or personal information of the financial institution obtained or received by another person in any manner described in subsection (1) or (2) of this section.

(((~~6~~))) (5) Violation of this section is a class C felony.

(((~~7~~))) (6) A person ((~~that [who]~~)) who violates this section is liable for five hundred dollars or actual damages, whichever is greater, and reasonable attorneys' fees. If the person violating this section is a business that repeatedly violates this section, that person also violates the Consumer Protection Act, chapter 19.86 RCW.

Sec. 19. RCW 9.35.020 and 1999 c 368 s 3 are each amended to read as follows:

(1) No person may knowingly use or knowingly transfer a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity harming or intending to harm the person whose identity is used, or for committing any felony.

(2) ((~~For purposes of this section, "means of identification" means any information or item that is not describing finances or credit but is personal to or identifiable with any individual or other person, including any current or former name of the person, telephone number, and electronic address or identifier of the individual or any member of his or her family, including the ancestor of such person; any information relating to a change in name, address, telephone number, or electronic address or identifier of the individual or his or her family; any social security, driver's license, or tax identification number of the individual or any member of his or her family; and other information which could be used to identify the person, including unique biometric data.~~

~~(3)~~)) Violation of this section is a class C felony.

(((~~4~~))) (3) A person ((~~that [who]~~)) who violates this section is liable for five hundred dollars or actual damages, including costs to repair the person's credit record, whichever is greater, and reasonable attorneys' fees. If the person violating this section is a business that repeatedly violates this section, that person also violates the Consumer Protection Act, chapter 19.86 RCW.

NEW SECTION. **Sec. 20.** (1) The attorney general, in consultation with representatives from individual consumers, public interest organizations, financial institutions, retailers, online services, the legislature, and other interested parties shall:

(a) Examine information-sharing practices among information custodians and their affiliates;

(b) Develop a model privacy policy disclosure to conform with the disclosure requirements of sections 4, 5, 6, and 7 of this act;

(c) Present recommendations on affiliate sharing and model privacy policies to the legislature at the start of the regular session held in 2001.

(2) The senate committee on commerce, trade, housing and financial institutions and the house of representatives committee on financial institutions and insurance shall conduct a joint review of the practices of entities that collect and sell personal and sensitive information obtained from the records maintained by government agencies and nonprofit entities.

NEW SECTION. **Sec. 21.** Sections 1 through 14 of this act constitute a new chapter in Title 19 RCW.

NEW SECTION. **Sec. 22.** Section captions used in sections 1 through 16 of this act are not part of the law.

NEW SECTION. **Sec. 23.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 24.** Sections 1 through 14 of this act take effect June 1, 2001."

MOTION

Senator Roach moved that the following amendment to the striking amendment by Senator Prentice be adopted:

On page 25, after line 3, insert the following:

"NEW SECTION. **Sec. 20.** No state government entity may include a social security number or any other sensitive information regarding a state employee on any document which is placed in the mail."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Roach spoke to the amendment to the striking amendment and then withdrew the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Prentice to Engrossed Substitute Senate Bill No. 6513.

The motion by Senator Prentice carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Prentice, the following title amendment was adopted:

On line 3 of the title, after "information;" strike the remainder of the title and insert "amending RCW 19.16.250, 9.35.010, and 9.35.020; adding new sections to chapter 9.35 RCW; adding a new chapter to Title 19 RCW; creating new sections; prescribing penalties; and providing an effective date."

On motion of Senator Prentice, the rules were suspended, Second Engrossed Substitute Senate Bill No. 6513, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute Senate Bill No. 6513, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 6513, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 6; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 39.

Voting nay: Senators Deccio, Hale, McCaslin, Morton, Sheldon, T. and West - 6.

Excused: Senators Finkbeiner, Johnson, Sellar and Sheahan - 4.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6513, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 12:26 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, March 15, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

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MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 15, 2000

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner, Sellar, Sheahan, Thibaudeau and Wojahn.

The Sergeant at Arms Color Guard, consisting of Pages Nathanel Shoemaker and Amy Derby, presented the Colors. Reverend David Robin, pastor of the First Presbyterian Church in Tenino, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 10:13 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Thursday, March 16, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

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SEVENTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 16, 2000

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner, Oke and Sellar. On motion of Senator Honeyford, Senators Finkbeiner, Oke and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages Erin Apperson and Randy Ackerman, presented the Colors. Reverend Howard Ullery, Jr., pastor of the Lacey Community Church, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE GOVERNOR

March 15, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on March 15, 2000, Governor Locke approved the following Senate Bill entitled:

Second Substitute Senate Bill No. 6199
Relating to health care patient protection.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

INTRODUCTION AND FIRST READING

SJR 8218 by Senators Patterson, Gardner, Kline, Franklin, Kohl-Welles, Goings, Haugen and T. Sheldon

Providing for the secretary of state to be presiding officer of the house of representatives when no party has a majority.

Referred to Committee on State and Local Government.

MOTION

On motion of Senator McAuliffe, the following resolution was adopted:

SENATE RESOLUTION 2000-8776

By Senators McAuliffe, McCaslin, Bauer, Kohl-Welles and Spanel

WHEREAS, Providing all Washington State children a public education is the paramount duty of the state; and

WHEREAS, It is impossible to provide our children a quality public education if they cannot get to school, if they do not have enough food on the table at home, if the schools they arrive at are neglected, cold and unsafe; and

WHEREAS, Classified employees are the bus drivers who are safely transporting, in sometimes dangerous road conditions, over 462,907 students each day in 8,610 busses over 465,119 miles; the food service employees feeding over 407,065 students nearly 528,891 meals per day; the custodian and maintenance employee ensuring that the 2,071 school buildings where our children are receiving their education are functional, warm, clean, and safe; and

WHEREAS, Classified employees are the secretaries who make sure that all parents, staff, and most importantly, all children, receive the necessary support and services while at the same time providing love and attention to each student's special needs, even if all that is needed is a Band-Aid, a friendly ear or reminder; and

WHEREAS, Classified employees are the instructional assistants who are increasingly depended upon to provide individualized attention to students in the classroom to ensure they meet the higher academic standards, as well as provide such specialized services as nursing and interpreting for deaf and disabled children and students who speak other languages; and

WHEREAS, Classified employees are normally the first employees called upon when there is a threat to our children's safety and security; and

WHEREAS, It is necessary to employ over 50,000 classified employees to provide these essential support services to the nearly one million students receiving public education; and

WHEREAS, Washington State students have had their education significantly enhanced by the services of classified school employees; and

WHEREAS, Washington State citizens seldom reflect on the critical role classified employees play in providing our children a quality education.

NOW, THEREFORE BE IT RESOLVED, That the Washington State Senate honor classified school employees during Classified School Employee Week, March 12 through 17, 2000, and urge all citizens to join in honoring and recognizing the dedication and hard work of all classified school employees.

WHEREAS, BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Public School Employees of Washington.

MOTION

On motion of Senator West, the following resolution was adopted:

SENATE RESOLUTION 2000-8775

By Senators West, Sheldon, B., McCaslin, Kohl-Welles and Zarelli

WHEREAS, Gonzaga University's Mens' Basketball Team the Bulldogs have won their second consecutive West Coast Conference Championship title with a thrilling overtime victory over Pepperdine University; and

WHEREAS, The Gonzaga Bulldogs defeated all Washington schools that they played this season, including the Washington State Cougars and the University of Washington Huskies; and

WHEREAS, The Bulldogs Basketball Team has achieved their sixth post-season trip of the decade, including three National Collegiate Athletic Association Tournament appearances, and

WHEREAS, First year head coach Mark Few has guided the Bulldogs to their second consecutive appearance in the NCAA Mens' Basketball Tournament; and

WHEREAS, After winning the 2000 West Coast Conference title the Bulldogs earned a berth in the NCAA Basketball Tournament; and

WHEREAS, The NCAA Tournament is the intense competition that leads to the final four and eventually the collegiate national championship; and

WHEREAS, A berth in the NCAA Tournament is a high achievement of perseverance and team work; and

WHEREAS, The members of the Bulldogs Basketball team are: Casey Calvary, Alex Dench, Ryan Floyd, Richie Frahm, John Gebbers, Zach Gourde, Matt Kincaid, Mike Nilson, Matt Santangelo, Jay Sherrell, Mark Spink, Jimmy Tricco, and Kenny Williams; and

WHEREAS, Gonzaga's coaching staff consists of: Mark Few, Bill Grier, Leon Rice, Scott Snider, and Trainer Steve DeLong.; and,

WHEREAS, The community of Spokane takes great pride in Gonzaga University and its Mens' Championship Basketball Team;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes and applauds Gonzaga University's Mens' Basketball Team for their achievement of both winning the West Coast Conference Championship title, and receiving a well-earned berth into the highly regarded NCAA Tournament;

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to the Gonzaga University's Athletic Department in Spokane Washington; to the Bulldogs Head Coach Mark Few, and to the President of Gonzaga University, Father Robert J. Spitzer.

Senators West, Betti Sheldon, Deccio and Brown spoke to Senate Resolution 2000-8775.

MOTION

On motion of Senator Hale, the following resolution was adopted:

SENATE RESOLUTION 2000-8773

By Senators Hale and Kohl-Welles

WHEREAS, The Kennewick Lions Girls' Basketball Team won the Girls' 4A State Championship on Saturday, March 11, for the first time in the history of the school, and;

WHEREAS, The Kennewick girls' team went undefeated for the season, and;

WHEREAS, The Kennewick Lions defeated Prairie High School 62-59 in the first overtime championship game since 1985, and;

WHEREAS, Freshman Leilani Mitchell showed that victory lies in perseverance as she drove in the tying basket with less than three seconds left in the game, and;

WHEREAS, Coach Debbie Roueche, who returned to her alma mater four years ago, took a team that was at the bottom of the league and produced a state championship team, and;

WHEREAS, Coach Roueche has shown Leilani Mitchell and her teammates Brandi Hardy, Chantelle Gunderson, Wendy Slagle, Autumn Fielding, Heidi Mensinger, Heather Thoelke, Emily Faurholt, Sara Johnson, Hailey Ruff and Julia Abersfeller that hard work can turn dreams into reality, and;

WHEREAS, Coach Roueche was supported in her extraordinary efforts by five outstanding assistant coaches: Jennifer Marquardt, Darlene Cramer, Tom Thoelke, Erika Eggers and Katy Shaw, and;

WHEREAS, The team was also supported by dedicated managers Tyler Marquardt and Becky MacKay;

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the state of Washington, that the Kennewick High School Lions Girls' Basketball Team be honored for their dedication and perseverance and for the pride that their achievement brings to their school and community.

BE IT FURTHER RESOLVED, That a copy of this resolution be given to Kennewick High School, to Coach Debbie Roueche and her coaching staff and team managers, and to each member of the Lady Lions' Championship Team.

POINT OF INQUIRY

Senator Deccio: "I wonder if the floor leader of the majority party would respond to a question? Senator Betti Sheldon, I notice the message from Senator Snyder's secretary or Senator Loveland's secretary that there would be a car tab bill in Senator Snyder's office. When will it be on the desk for those of us who would like to sign it?"

Senator Betti Sheldon: "It is available right now, Senator Deccio. It is in Senator Snyder's office."

Senator Deccio: "My question is when it is going to be on the bar, so that we can sign it?"

Senator Betti Sheldon: "It has to be dropped, doesn't it? We'll sign it and then we will drop it, just like any other bill."

Senator Deccio: "We'll have the opportunity to sign on after it is dropped?"

Senator Betti Sheldon: "Yes, absolutely."

Senator Deccio: "Okay. Thank you."

MOTION

On motion of Senator Gardner, the following resolution was adopted:

SENATE RESOLUTION 2000-8778

By Senators Gardner and Kohl-Welles

WHEREAS, On March 11, 2000, the Blaine Borderites Basketball Team, from Whatcom County, defeated the Wapato Wolves in overtime to score 60 points to Wapato's 56, for their second straight Class 2A Boys' State Championship Game at the Yakima SunDome; and

WHEREAS, Despite losing their first two games of the season, the Blaine Borderites pulled together as a team during a long and arduous journey to their second 2A Championship Title during their third straight championship game appearance; and

WHEREAS, Borderite Guard, Luke Ridnour, named tournament Most Valuable Player for the third consecutive year, lead Aaron Harmening, John Spencer, Keith Williams, Brad Scheib, Austin Broyan, Matt Jones,

Ryan Pike, Brian Cedarquist, Jesse Riddle, Charlie Franklin, and Barry Stieb to their second 2A Championship Game; and

WHEREAS, Each year, Coach Rob Ridnour creates a family atmosphere by teaching his players the importance of committing to each other; and

WHEREAS, The team has incredibly devoted fans, more than one thousand of whom traveled to Yakima for the state championship; and

WHEREAS, With the guidance of Coach Rob Ridnour, the assistant coaches, and the Blaine High school principal and faculty, along with the support of the Blaine Student Body and its community, the Borderites Basketball Team will go down in history with pride in this accomplishment.

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and honor the talent of the Blaine Borderites Basketball Team, and the great sense of pride they have given the people of Blaine and its surrounding communities; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Blaine High School and to Rob Ridnour, coach of the Blaine Borderites Team.

MOTION

On motion of Senator Franklin, the following resolution was adopted:

SENATE RESOLUTION 2000-8777

By Senators Franklin and Kohl-Welles

WHEREAS, For the first time ever, the state's 4-A boys' basketball title, decided on Saturday, March 11, 2000, was an all Pierce County event, featuring the Foss Falcons and the Bethel Braves; and

WHEREAS, The Foss Falcons emerged from the struggle victorious, defeating Bethel by a score of 59-47; and

WHEREAS, The title won Saturday is the first state boys' basketball championship ever won by the Falcons; and

WHEREAS, Foss's new status as the state's very best boys' basketball team is also the first such title to be held by a Tacoma High School since 1975; and

WHEREAS, While the statistics may show that Foss outlasted Bethel by employing its powerful defense, what ultimately gave the Falcons the edge was the team effort, hard work, and a commitment to excellence exhibited by players and coaches all season long; and

WHEREAS, That commitment to excellence on the basketball court is an extension of the Foss commitment to academic excellence; and

WHEREAS, The basketball prowess displayed by Foss team members this year began to take shape for many of the players several years earlier when they played together as sixth- and seventh-graders at the Al Davies Boys & Girls Club; and

WHEREAS, Foss head coach John Ruby and his staff deserve tremendous credit for guiding this team, practice by practice, game by game, to the state championship and victory;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Washington State Senate do hereby acknowledge and honor the Foss High School Boys' Basketball Team and coaches, who now stand as State 4-A Champions, for a remarkable season, which serves as an example to all Washingtonians of the rewards of hard work and a commitment to team effort; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate immediately transmit a copy of this resolution to Foss High School.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Foss Falcons, the State 4-A boys' champion basketball team and their coaches, who were seated in the gallery.

MOTION

Senator West moved that the Senate advance to the ninth order of business in order to relieve the Committee on Ways and Means of

Senate Bill No. 6129.

Debate ensued.

Senator Johnson demanded a roll call and the demand was sustained.

Further debate ensued.

DEMAND FOR THE PREVIOUS QUESTION

Senators Betti Sheldon, Hargrove and Prentice demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The motion for the previous question carried on a rising vote.

The President declared the question before the Senate to be the motion by Senator West to advance to the ninth order of business in order to relieve the Committee on Ways and Means of Senate Bill No. 6129.

ROLL CALL

The Secretary called the roll and the motion by Senator West to advance to the ninth order of business failed by the following vote:

Yeas, 19; Nays, 27; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Roach, Rossi, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 19.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27.

Excused: Senators Finkbeiner, Oke and Sellar - 3.

MOTION

At 10:38 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, March 17, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTH DAY, FIRST SPECIAL SESSION, MARCH 16, 2000

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EIGHTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Friday, March 17, 2000

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator Sellar. On motion of Senator Honeyford, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Pages LaResha Ross and Shantee Ross, presented the Colors. Dr. Sam Hochstatter, pastor of the First Baptist Church in Olympia, and a guest of Senator Harold Hochstatter, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

February 22, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Carol Landa-McVicker, appointed for a term beginning March 1, 2000, and ending September 30, 2003, as a member of the Board of Trustees for Spokane and Spokane Falls Community Colleges District No. 17.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Higher Education.

INTRODUCTION AND FIRST READING

SB 6864 by Senators McCaslin, Patterson, Horn, Haugen, Gardner, Heavey, Morton, Fraser, Johnson, Honeyford, B. Sheldon, Rossi, Snyder, Deccio, Zarelli, Hale, West, Stevens, and Kohl-Welles

AN ACT Relating to mailings by legislators; and amending RCW 42.52.185.

Referred to Committee on State and Local Government.

SB 6865 by Senators Loveland, Snyder, Eide, Franklin, McCaslin, Horn, Bauer, T. Sheldon, McAuliffe, Hargrove, Zarelli, Shin, Hale, Swecker, Long, Winsley, Haugen, Gardner, Deccio, Rossi, Patterson, Costa, Rasmussen, Roach, Goings, Benton, Johnson, Honeyford, Stevens, Oke and West.

AN ACT Relating to replacing motor vehicle, travel trailer, and camper excise taxes with a thirty dollar fee; adding a new section to chapter 46.16 RCW; creating a new section; repealing RCW 46.16.060, 46.16.061, 46.16.650, 82.44.020, 82.44.030, 82.50.400, 82.50.405, and 82.50.410; and declaring an emergency.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended and Senate Bill No. 6865 was advanced to second reading and placed on the second reading calendar.

PARLIAMENTARY INQUIRY

Senator Morton: "A point of parliamentary inquiry, Mr. President. I am looking on my desk for a proclamation from the Governor to keep us in session and I do not find it. What I found was the proclamation that was given on March 9, which clearly states that the Governor calls us into special session for not more than one week, according to Article II, Section 12. I raise a point of inquiry then if we are officially in session, although I

understand by reviewing the Constitution, it is up to no more than thirty days, but because of the phrase in the Governor's proclamation that it is not for more than one week. According to my calendar and time, that elapsed at about nine o'clock a.m.
Maybe I am missing some information that has been conveyed by the Governor and I am not aware of it."

REPLY BY THE PRESIDENT

President Owen: "Senator Morton, the proclamation expresses the wishes and hopes and desires of the Governor, but the Constitution supersedes."

MOTION

On motion of Senator Spanel, the following resolution was adopted:

SENATE RESOLUTION 2000-8779

By Senators Spanel, McCaslin, Heavey, Haugen, Oke, Rasmussen, Long and Fraser

WHEREAS, March 17 is St. Patrick's Day, a special day to all who are Irish, either in fact or in spirit; and

WHEREAS, St. Patrick's Day was a special day to Senator Patrick R. McMullen, for whom it was an occasion for family, friends and colleagues to celebrate their friendship and love for each other; and

WHEREAS, Throughout his distinguished career in public service to the people of the state of Washington, as an Assistant State Attorney General, Skagit County Prosecuting Attorney, State Representative, State Senator, and member of the Fish and Wildlife Commission, Pat was never too busy to celebrate St. Patrick's day; and

WHEREAS, Pat felt so strongly about the importance of St. Patrick's Day that he introduced resolutions seeking to make it a three day holiday, so the day could be properly celebrated by all of Washington's citizens; and

WHEREAS, Pat's enjoyment and delight in St. Patrick's Day was such that some friends and associates were led to believe that March 17 was his birthday; and

WHEREAS, Pat McMullen possessed a constant optimism, a heartwarming smile, a gentle good humor, a zest for life, and a twinkle in his eye, that were especially evident on March 17; and

WHEREAS, Pat's keen intelligence, generous spirit, patience, wisdom, and ability to build bridges across differences enriched the lives of all who traveled the road of life and politics with him;

NOW THEREFORE BE IT RESOLVED, That the Senate of the state of Washington take time on St. Patrick's Day to recognize and salute the immense contribution that Senator Pat McMullen made to his community, the Senate, and the state of Washington as a public servant and leader; and

BE IT FURTHER RESOLVED, That the Senate, on behalf of countless members, staff, public employees, and others who had the good fortune to work and, on occasion, to play with him, recognize and express gratitude for Pat's contributions as a mentor, advisor, counselor; and friend; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to the family of Senator Pat McMullen, his wife Bobbi Krebs-McMullen, his children Scott, Todd and Laurie McMullen, and Traci Freidl.

Senators Spanel, McCaslin, Gardner, Jacobsen, Haugen, McDonald, Rasmussen and Snyder spoke to Senate Resolution 2000-8779.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the family of Pat McMullen, who were seated in the gallery.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Patrick Woods, a former staff member, who entertained the Senate with Irish lyrics. Patrick was joined in a chorus of Senate staff members.

MOTION

On motion of Senator West, the following resolution was adopted:

SENATE RESOLUTION 2000-8780

By Senators West, Stevens, Haugen, Heavey, McCaslin, Oke, Long, Sheahan, Rasmussen, Kohl-Welles, Brown and Fraser

WHEREAS, Former Washington State Representative Jean Silver, who served the people of Washington and the Spokane area from 1983 to 1997 in the House of Representatives, passed away on March 14, 2000; and

WHEREAS, A life long resident of Spokane, Representative Silver showed great commitment to her community working long and diligently to make her community a better place to live; and

WHEREAS, As Chair of the House of Representatives Appropriations Committee, she became a leader to her colleagues and brought great expertise to the budgeting process; and

WHEREAS, Representative Silver is perhaps best-known for the time during her prior role as Ranking Minority Chair of House Appropriations wherein she was known as a fighter on budget policy, Representative Silver once "invited" then-Appropriations Chair/now-Governor Gary Locke to settle their differences "outside" during a heated debate, after which the media had great fun in describing the spunky lady who offered to "duke it out" with the "gentleman from Seattle"; and

WHEREAS, Representative Silver and her husband, Chuck, raised three great sons - Doug, Mitch, and Kipp - who are also well-admired and active in the Spokane community; and

WHEREAS, Representative Silver equally loved her three daughters-in-law - Jean, Cindy and Maxine, and her eight grandchildren and two great-grandchildren; and

WHEREAS, Representative Silver and her husband, Chuck, served as Scout leaders in the Spokane area for many years during which time their three sons earned their Eagle Scout badges; and,

WHEREAS, some of Representative Silver's fondest memories were her times spent camping and hunting with her husband and sons during their growing up years; and

WHEREAS, Representative Silver was a Certified Public Accountant; worked in economic development for the city of Spokane, and served on the Board of Directors for Washington Water Power; and

WHEREAS, Representative Silver has been described by her legislative peers as "fair, friendly, honest, hard-working, and fun!"; and

WHEREAS, Representative Silver has been further described by her legislative peers as "an outstanding leader on budget issues"; "a calm voice in a heated debate"; " a Mother Confessor"; "a friend!" and "a great, loyal confidante"; and

WHEREAS, Representative Silver was known for always treating everyone - from all walks of life - with equal respect; and

WHEREAS, Representative Silver will be greatly missed by all who knew her and had the pleasure of working with her; and

WHEREAS, the citizens of her beloved city of Spokane, as well as the entire state of Washington have greatly benefitted from Representative Silver's presence in the Legislature;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate the life and achievements of Representative Silver, recognizing the great contributions she made to the state of Washington; and,

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of the family of Washington State Representative Jean Silver.

Senators West, McDonald, Winsley, Sheahan, Haugen, Franklin, Tim Sheldon, Long, Rasmussen and Horn spoke to Senate Resolution 2000-8780.

PERSONAL PRIVILEGE

Senator West: "A point of personal privilege, Mr. President. On a lighter note today; the Gonzaga Bulldogs, yesterday, defeated Louisville 77 to 66. They advance on to the game against St. John's on Saturday. We passed a floor resolution for them yesterday. We faxed that down to the coach and the players. We don't know if

they saw it before the game or not, but we have to believe that our spirit with them helped them to carry the day. So, thank you, Mr. President for the point of personal privilege."

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

MOTION

Senator Johnson moved that the Senate advance to the ninth order of business to relieve the Committee on Ways and Means of further consideration of Senate Joint Resolution No. 8215.

Debate ensued.

MOTION TO LAY MOTION ON THE TABLE

Senator Snyder moved that the motion by Senator Johnson to advance to the ninth order of business be laid on the table.

The President declared the question before the Senate to be the motion by Senator Snyder to lay the motion by Senator Johnson to advance to the ninth order of business on the table.

The motion by Senator Snyder carried and the motion by Senator Johnson was laid on the table.

PERSONAL PRIVILEGE

Senator Roach: "A point of personal privilege. At this point, I would just like to inform the members of the Senate that in King County they are now getting a surface water management tax almost the amount of their property tax--"

REPLY BY THE PRESIDENT

President Owen: "Senator Roach, that is not a point of personal privilege."

Senator Roach: "It is a matter of--"

RULING BY THE PRESIDENT

President Owen: "Senator Roach, it is not a point of personal privilege."

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9223, Bernadett Buchanan, as a member of the Board of Regents for Washington State University, was confirmed.

APPOINTMENT OF BERNADETT BUCHANAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SECOND READING

SENATE BILL NO. 6865, by Senators Loveland, Snyder, Eide, Franklin, McCaslin, Horn, Bauer, T. Sheldon, McAuliffe, Hargrove, Zarelli, Shin, Hale, Swecker, Long, Winsley, Haugen, Gardner, Deccio, Rossi, Patterson, Costa, Rasmussen, Roach, Goings, Benton, Johnson, Honeyford, Stevens, Oke and West.

Replacing vehicle excise taxes with a fixed license fee.

The bill was read the second time.

MOTION

On motion of Senator Loveland, the rules were suspended, Senate Bill No. 6865 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF ORDER

Senator Johnson: "A point of order, Mr. President. The Senator is getting a little enthusiastic in his epitaphs toward one of the caucuses on the other side of the rotunda."

REPLY BY THE PRESIDENT

President Owen: "It does happen, Senator Hargrove, that the rules prohibit you from talking about the other house. Would you please keep your remarks--and all members keep your remarks--to the subject matter before us."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6865.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6865 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 39.

Voting nay: Senators Brown, Fairley, Fraser, Jacobsen, Kline, Kohl-Welles, Prentice, Thibaudeau and Wojahn - 9.

Excused: Senator Sellar - 1.

SENATE BILL NO. 6865, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Betti Sheldon: "A point of personal privilege, Mr. President. I would like to join my esteemed colleague, Senator McCaslin, in thanking Senator Mike Heavey for the green carnations, that he gave to all of us. As a mother of a Patrick, a Shannon, a Daniel, an Erin and a Colin, this is a big day in our household."

MOTION

At 11:33 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:30 a.m., Monday, March 20, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTH DAY, FIRST SPECIAL SESSION, MARCH 17, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

ELEVENTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Monday, March 20, 2000

The Senate was called to order at 10:30 a.m. by President Pro Tempore Wojahn The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bauer, Benton, Finkbeiner, Hargrove, McCaslin, Sellar, Sheahan and West. On motion of Senator Honeyford, Senators Benton, Finkbeiner, McCaslin, Sellar and Sheahan were excused. On motion of Senator Hale, Senator West was excused. On motion of Senator Franklin, Senator Bauer was excused.

The Sergeant at Arms Color Guard, consisting of Pages Kim Harris and Chris Hoel, presented the Colors. Senator Dan Swecker offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Brad Owen
President of the State Senate
Legislature of the State of Washington
Olympia, Washington 98504

Dear President Owen:

We respectfully transmit for your consideration the following bill which has been partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bills, as required by Article III, section 12, of the Washington State Constitution:

SUBSTITUTE SENATE BILL NO. 6349

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the State of Washington, this 20th day of March, 2000.

RALPH MUNRO

(Seal)

Secretary of State

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6349

March 17, 2000

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Substitute Senate Bill No. 6349 entitled:

"AN ACT Relating to extending the expiration date of the water well delegation program;"

This bill would have extended the authority of the Department of Ecology to delegate the administration and enforcement of tagging, sealing, and decommissioning of water wells to local health districts or counties until June 30, 2006. By vetoing section 2, the Department's authority will be made permanent.

Currently, delegation of authority is only provided to local governments that meet the strict requirements of the Department, as set forth in a memorandum of understanding for each delegation. This program has been in place since 1992 and has already received two sunset reviews. It is time to make the program permanent because it is cost effective, and has a proven success record that is resulting in enhanced public health and environmental protections.

For these reasons, I have vetoed section 2 of Substitute Senate Bill No. 6349.

With the exception of section 2, Substitute Senate Bill No. 6349 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MOTION

On motion of Senator Betti Sheldon, the partial veto message on Substitute Senate Bill No. 6349 was held at the desk.

MESSAGE FROM THE GOVERNOR

March 17, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on March 17, 2000, Governor Locke approved the following Senate Bills entitled:

Engrossed Senate Bill No. 5152

Relating to clarifying who are appointed personnel for the purpose of public employees' collective bargaining.

Senate Bill No. 6138

Relating to disclaimers of interests.

Substitute Senate Bill No. 6147

Relating to state parks.

Substitute Senate Bill No. 6182

Relating to the effect of changes in law on sentencing provisions.

Senate Bill No. 6206

Relating to notification to schools of firearm violations by students.

Senate Bill No. 6223

Relating to reorganization of, and technical, clarifying, nonsubstantive amendments to, community supervision and sentencing provisions.

Senate Bill No. 6237

Relating to processing fees deducted from earnings withheld due to child support.

Senate Bill No. 6275

Relating to authorization for projects recommended by the public works board.

Substitute Senate Bill No. 6276

Relating to authorizing inclusion of cities and towns within emergency medical service districts.

Senate Bill No. 6366

Relating to false advertising through electronic communication.

Senate Bill No. 6378

Relating to extending the expiration date of the enhanced 911 advisory committee.

Senate Bill No. 6642

Relating to grounds for disciplinary action against a licensed or certified real estate appraiser.

Substitute Senate Bill No. 6643

Relating to disregarding persons confined in state correctional facilities for population counts under the growth management act.

Senate Bill No. 6667

Relating to the replacement of license plates for certain commercial vehicles.

Senate Bill No. 6741

Relating to the organized crime advisory board.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

MOTION

On motion of Senator Hochstatter, the following resolution was adopted:

SENATE RESOLUTION 2000-8774

By Senators Hochstatter and Fraser

WHEREAS, Skillful, enthusiastic, and innovative teachers change the lives of countless students for the better and forever, encouraging curiosity and understanding, and by contributing to the development of mind and spirit; and

WHEREAS, The U. S. Professors of the Year program, sponsored by The Carnegie Foundation for the Advancement of Teaching and administered by the Council for Advancement and Support of Education, is one of the nation's most highly respected programs to recognize outstanding faculty; and

WHEREAS, The Washington Professor of the Year represents the thousands of dedicated university and college instructors throughout Washington who serve their students, their community and their state with dedication and talent; and

WHEREAS, The state of Washington has long supported excellence in undergraduate teaching and initiatives to make our system of higher education the envy of many states and other nations; and

WHEREAS, The quality of life and the scope of opportunity for many future citizens of Washington will be determined by the quality of teaching in the classroom;

NOW, THEREFORE BE IT RESOLVED, That the Washington State Senate recognizes and commends Dr. James L. Nimnicht, Professor of Business Administration at Central Washington University, upon being named the 1999 Washington Professor of the Year.

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Dr. James L. Nimnicht and to Central Washington University.

Senators Hochstatter and Kohl-Welles spoke to Senator Resolution 2000-8774.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced guests from Central Washington University: Dr. James Nimnicht, the Washington State Professor of the Year, and his wife, Kelly; Dr. Roy Savoian, Dean of the College of Business and Economics, and Trustee Nadine Romero, as well as Robin Hunt, Thurston County Treasurer, a Central Washington alumna and a member of the Advisory Board for the College, all seated in the gallery.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9281, Joseph J. Pinzone, as a member of the Work Force Training and Education Coordinating Board, was confirmed.

Senators Goings and Fairley spoke to the confirmation of Joseph J. Pinzone as a member of the Work Force Training and Education Coordinating Board.

APPOINTMENT OF JOSEPH J. PINZONE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 41.

Absent: Senator Hargrove - 1.

Excused: Senators Bauer, Benton, Finkbeiner, McCaslin, Sellar, Sheahan and West - 7.

MOTION

On motion of Senator Eide, Senator Hargrove was excused.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9254, Christopher S. Knaus, as a member of the Board of Regents for the University of Washington, was confirmed.

APPOINTMENT OF CHRISTOPHER S. KNAUS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 41.

Excused: Senators Bauer, Benton, Finkbeiner, Hargrove, McCaslin, Sellar, Sheahan and West - 8.

MOTION

On motion of Senator Fairley, Gubernatorial Appointment No. 9290, Judy Schurke, as a member of the Board of Industrial Insurance Appeals, was confirmed.

APPOINTMENT OF JUDY SCHURKE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 40.

Absent: Senator Brown - 1.

Excused: Senators Bauer, Benton, Finkbeiner, Hargrove, McCaslin, Sellar, Sheahan and West - 8.

MOTION

On motion of Senator Eide, Senator Brown was excused.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9311, Lee Kraft Cressman, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Senators Kohl-Welles and Thibaudeau spoke to the confirmation of Lee Kraft Cressman as a member of the Board of Trustees for Bellevue Community College.

APPOINTMENT OF LEE KRAFT CRESSMAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 39.

Absent: Senator Snyder - 1.

Excused: Senators Bauer, Benton, Brown, Finkbeiner, Hargrove, McCaslin, Sellar, Sheahan and West - 9.

MOTION

On motion of Senator Eide, Senator Snyder was excused.

MOTION

On motion of Senator Fairley, Gubernatorial Appointment No. 9232, Susan Wilder Crane, as a member of the Washington State Apprenticeship and Training Council, was confirmed.

APPOINTMENT OF SUSAN WILDER CRANE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 39.

Absent: Senator Deccio - 1.

Excused: Senators Bauer, Benton, Finkbeiner, Hargrove, McCaslin, Sellar, Sheahan, Snyder and West - 9.

MOTION

On motion of Senator Hale, Senator Deccio was excused.

MOTION

On motion of Senator Fairley, Gubernatorial Appointment No. 9235, Joseph W. Duffy, as a member of the Public Employment Relations Commission, was confirmed.

APPOINTMENT OF JOSEPH W. DUFFY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 39.

Absent: Senator McAuliffe - 1.

Excused: Senators Bauer, Benton, Deccio, Finkbeiner, McCaslin, Sellar, Sheahan, Snyder and West - 9.

MOTION

On motion of Senator Eide, Senator McAuliffe was excused.

MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9267, A. Michele Maher, as a member of the Transportation Commission, was confirmed.

APPOINTMENT OF A. MICHELE MAHER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 41.

Excused: Senators Bauer, Benton, Finkbeiner, McAuliffe, McCaslin, Sellar, Sheahan and West - 8.

MOTION

On motion of Senator Fairley, Gubernatorial Appointment No. 9306, Leana D. Lamb, as a member of the Personnel Appeals Board, was confirmed.

APPOINTMENT OF LEANA D. LAMB

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Winsley, Wojahn and Zarelli - 41.

Absent: Senator Thibaudeau - 1.

Excused: Senators Bauer, Benton, Finkbeiner, McCaslin, Sellar, Sheahan and West - 7.

MOTION

On motion of Senator Deccio, Senator Rossi was excused.

MOTION

On motion of Senator Fairley, Gubernatorial Appointment No. 9214, Gerald L. Morgen, as a member of the Personnel Appeals Board, was confirmed.

APPOINTMENT OF GERALD L. MORGEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 41.

Excused: Senators Bauer, Benton, Finkbeiner, McCaslin, Rossi, Sellar, Sheahan and West - 8.

MOTION

On motion of Senator McAuliffe, Gubernatorial Appointment No. 9302, Connie Zink, as a member of the Board of Directors for the State School for the Deaf, was confirmed.

APPOINTMENT OF CONNIE ZINK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8. Voting yea: Senators Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 41.

Excused: Senators Bauer, Benton, Finkbeiner, McCaslin, Rossi, Sellar, Sheahan and West - 8.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9285, Kevin M. Raymond, as a member of the Board of Trustees for Western Washington University, was confirmed.

APPOINTMENT OF KEVIN M. RAYMOND

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 41.

Excused: Senators Bauer, Benton, Finkbeiner, McCaslin, Rossi, Sellar, Sheahan and West - 8.

MOTION

At 11:33 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Tuesday, March 21, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

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from that in the original published version.

TWELFTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 21, 2000

The Senate was called to order at 10:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Brown, Fairley, Finkbeiner, Honeyford, Horn, Sellar and Shin.

The Sergeant at Arms Color Guard, consisting of Pages Kyle Drennon and Jeff Hoel, presented the Colors. Senator Adam Kline offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

INTRODUCTION AND FIRST READING

SB 6866 by Senator Swecker

AN ACT Relating to local government expenditures; adding new sections to chapter 43.135 RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on State and Local Government.

SB 6867 by Senator Swecker

AN ACT Relating to local government expenditures; and adding new sections to chapter 43.135 RCW.

Referred to Committee on State and Local Government.

MOTION

On motion of Senator Rasmussen, the following resolution was adopted:

SENATE RESOLUTION 2000-8781

By: Senators Rasmussen, Fraser, Jacobsen, McCaslin, Roach, West, Winsley, Hale, Haugen, Morton, Snyder, Spanel, Loveland, Kohl-Welles, Goings, Long, Swecker, Sheldon, B., McAuliffe, Wojahn, Benton, Franklin, Bauer, Zarelli, Rossi, Prentice, Kline, Patterson, Hargrove, Gardner, Eide, Sheahan, and Thibaudeau

WHEREAS, Secretary of State Ralph Davies Munro has served his home state of Washington for more than two decades, bringing the highest level of public service and professionalism to the Office of the Secretary of State during his five terms of office; and

WHEREAS, as Chief State Elections Officer, he has assured fair and accurate election processes; has worked tirelessly to increase voter participation; has promoted voter understanding of ballot measures; and was successful in establishing a Presidential Primary Election to make Washington's voice heard early in the presidential selection process; and

WHEREAS, as our State's Diplomat Extraordinaire, he has worked selflessly to promote international understanding, trade and economic development for the state through his diplomacy and trade missions; and

WHEREAS, he has served on the State Capitol Committee, the Capitol Campus Design Advisory Committee, and the Legislative Building Preservation and Restoration Commission, reflecting his life-long

appreciation of this magnificent symbol of our state and its history, stemming from the fact that his grandfather was a stone carver artisan who worked on the Legislative Building; and

WHEREAS, Ralph Munro has worked tirelessly to create coalitions to address challenging state issues, setting a national example of clean, positive, across-the-aisle, problem-solving, and creative politics that promote citizens' faith in their government; and

WHEREAS, Ralph Munro has set the highest example of public service and volunteerism, bringing public attention to the crisis of millions of North Koreans facing mass starvation; and

WHEREAS, Ralph Munro has earned international praise for his work in Russia and the Russian Far East, having received the Order of Friendship in 1998 from President Boris Yeltsin — the highest award given by Russia to non-citizens — for the "development of friendship and cooperation between citizens of the Russian Federation and the United States"; and

WHEREAS, Ralph Munro received the highest award given to a non-Spanish citizen, the Order of Civil Merit, from King Juan Carlos of Spain for his work promoting trade with Spain and bringing the Talgo trains to Washington State; and

WHEREAS, Ralph Munro has received many other distinguished awards throughout his career from groups such as: the Washington State League of Women Voters, the Progressive Animal Welfare Society, the Seattle Municipal League, the World Affairs Council, the State Historical Society, and many more; and

WHEREAS, Ralph Munro has advanced support for the disabled community, advocating for their care, help for their needs, their education; and their job opportunities; and

WHEREAS, Ralph Munro has demonstrated that — yes — real men really do wear kilts, opening legislative sessions and kicking off formal events attired in his ancestral Scottish kilts and playing his beloved bagpipes; and

WHEREAS, Ralph Munro and his wife, Karen, have made "Free Willy" a successful crusade, in their efforts to end the capture of Orca Whales in the Puget Sound and mount an international campaign to release captive whales, including Lolita, the only surviving killer whale caught in the sound and now on display in Miami; and

WHEREAS, Ralph has immersed himself in Washington State History; saved Ranald MacDonald's cabin; brought early morning animation to the very successful Heritage Caucus; and gave leadership and inspiration on the Bi-Centennial Commission in 1989; and

WHEREAS, Ralph Munro provided superb leadership in Washington State's throwing a memorable 100th birthday party as Co-chair of the Washington State Centennial Commission, from 1987-1990; and

WHEREAS, Ralph Munro has earned the respect from U.S. veterans for his work on the campus memorials honoring American veterans from the Vietnam, Korean War and World War II; and

WHEREAS, Ralph Munro has, in the execution of his corporate registration duties, consolidated business licensing, updated corporation laws, and promoted the landmark legislation allowing for the use of digital signatures in electronic commerce; and

WHEREAS, Ralph Munro demonstrated outstanding leadership heading the State's Dignitary and Protocol Committee during the 1999 World Trade Organization conference in Seattle, working sometimes twenty-four hours a day to welcome 2,000 delegates from more than one-hundred fifty nations, showing the world that Washington state's leaders could maintain their professionalism, composure, and sense of humor even amid rocky circumstances; and

WHEREAS, Ralph Munro announced he would not seek a sixth term in office, and;

WHEREAS, Ralph Munro can now devote more time to his son George, his loving and long-time wife, Karen, who has patiently tolerated her husband's flair for Celtic haberdashery and long absences on overseas trade missions and other important matters of state;

NOW, THEREFORE, BE IT RESOLVED, that the Washington State Senate recognizes the many outstanding contributions made by Secretary of State Ralph Munro, serving the people of Washington State, the Washington state government, and the institution of the Office of the Secretary of State.

Senators Rasmussen, Benton, Fraser, Roach, Haugen, Morton, Thibaudeau, Oke, Hale, Winsley, Betti Sheldon, Hochstatter, McAuliffe, Swecker, Kline, McCaslin, Snyder, West and Bauer spoke to Senate Resolution 2000-8781.

The President Pro Tempore introduced Secretary of State Ralph Munro, who was seated on the rostrum.

With permission of the Senate, business was suspended to allow the Secretary of State to address the Senate.

Secretary Munro introduced his wife, Karen, and members of his staff, who were seated in the gallery.

MOTION

At 10:52 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, March 22, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TWELFTH DAY, FIRST SPECIAL SESSION, MARCH 21, 2000

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THIRTEENTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 22, 2000

The Senate was called to order at 10:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Hargrove, Oke, Sellar, Shin and Zarelli.

The Sergeant at Arms Color Guard, consisting of Pages Amy Derby and Mariela Barriga, presented the Colors. Senator Harold Hochstatter offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORT OF STANDING COMMITTEE

March 21, 2000

SB 6088 Prime Sponsor, Senator Loveland: Relating to fiscal matters. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6088 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Rossi, West and Zarelli.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6088 was held at the desk.

INTRODUCTION AND FIRST READING

SB 6868 by Senators T. Sheldon, McCaslin and Hochstatter

AN ACT Relating to property taxes; adding new sections to chapter 84.36 RCW; and creating new sections.

Referred to Committee on Ways and Means.

SJR 8219 by Senators T. Sheldon, McCaslin and Hochstatter

Amending the Constitution to allow property tax relief.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Tim Sheldon, the following resolution was adopted:

SENATE RESOLUTION 2000-8782

By Senators Sheldon, T. and Kohl-Welles

WHEREAS, Athletics is one of the most effective ways for young women to develop leadership skills, self-discipline, initiative, and confidence, and

WHEREAS, For the 1999-2000 season, the Shelton High School Girls' Basketball Team consisting of Willow Shanahan, Brooke Jackson, Liz deWaalMalefyt, Rebecca Speigle, Stephanie Davis, Anke Kretschmar, Erika Espino, Ingrid Rains, Elena Smith, Jaclyn Muns, Kaytie Maestas, Whitney Graham, Brooke Sande, Melissa Scovill and Manager Courtney Weedon, was honored for winning the WIAA State Academic Championship for 4A girls' basketball teams in the state of Washington; and

WHEREAS, These Shelton Highclimbers have maintained a cumulative GPA of 3.76 amidst the demands of school and athletics, and have exemplified student sports with skill, teamwork and good sportsmanship; and

WHEREAS, These athletes have had an outstanding basketball season, with a record of eighteen wins and seven losses, and have participated in the WIAA State 4A Girls' Basketball Championship Tournament for the first time in the history of Shelton High School; and

WHEREAS, Under the leadership of first year Girls' Basketball Head Coach Brian Faire, and Assistant Coaches John Wallwork, Kara Klosterman, and Alaura Keith, who stressed the importance of a strong work ethic and perseverance, the team has excelled both academically and athletically; and

WHEREAS, These students have been supported by their parents, families, coaches, school administrators, teachers and friends in achieving their goals;

NOW, THEREFORE BE IT RESOLVED, That the Washington State Senate honor and congratulate the 1999-2000 Shelton High School Highclimber Girls' Basketball Team and their coaches for the team's outstanding academic and athletic achievements; and

BE IT THEREFORE RESOLVED, That the Secretary of Senate hereby immediately transmit a copy of this resolution to Shelton High School and each member of the Highclimbers Girls' Basketball Team.

Senators Tim Sheldon and Kohl-Welles spoke to Senate Resolution 2000-8782.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the members of the Shelton Highclimbers Girls' Basketball Team, who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Swecker: "A point of personal privilege, Madam President. Some of you may remember, a few years ago, we sent out a Christmas card with my family holding a bunch of puppies. I just wanted everybody to know

that we are having puppies at my house again today. So far, we have two chocolate females and two blacks. There are more on the way, so I will keep you updated."

MOTION

On motion of Senator Thibaudeau, the following resolution was adopted:

SENATE RESOLUTION 2000-8783

By Senators Thibaudeau, Heavey and Kohl-Welles

WHEREAS, It is important to honor the inspiring dedication, teamwork, and triumphs of our state's students; and

WHEREAS, The Seattle Prep Panthers Basketball Team won the 2000 3A State Boys' Basketball Championship bringing pride and admiration to the Jesuit school on Capitol Hill; and

WHEREAS, The Seattle Prep Basketball team, through determination and perseverence, was able to attain a 26-5 winning record for the 2000 season; and

WHEREAS, The Seattle Prep Coaches clearly demonstrated their own competitive ability and leadership by guiding their players towards their school's first state basketball title; and

WHEREAS, The Panther seniors have given their guidance, talent, and loyalty to the Seattle Prep Basketball program throughout the season; and

WHEREAS, All who helped advance the Panther's victorious season ought to be recognized for their worthy contributions; and

WHEREAS, Seattle Prep's Eric Bond was selected as the 2000 3A State Tournament Most Valuable Player and Eric Bond and Jeffrey Day were selected as members of the All Tournament Team; and

WHEREAS, The Seattle Prep Panther's win undoubtedly helped raise scholarship money to increase educational access to Seattle Prep;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor the coaches, players, parents and supporters of the Seattle Prep Panthers Boys' Basketball Team for their historic season; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Coach Chris Miller, the members of the Seattle Prep Panthers Basketball Team, and the principal of Seattle Preparatory School.

Senators Thibaudeau and Kohl-Welles spoke to Senate Resolution 2000-8783.

MOTION

At 10:19 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:22 a.m. by President Pro Tempore Wojahn.

MOTION

At 11:22 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Thursday, March 23, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

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FOURTEENTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 23, 2000

The Senate was called to order at 10:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Deccio, Finkbeiner and Sellar. On motion of Senator Honeyford, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Pages Kim Harris and David Olson, presented the Colors. Senator Jim Hargrove offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORT OF STANDING COMMITTEE

March 23, 2000

SB 6080 Prime Sponsor, Senator Haugen: Making supplemental transportation appropriations. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6080 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Heavey, Jacobsen, Patterson, Prentice, T. Sheldon and Shin.

MOTION

On motion of Senator Betti Sheldon, the standing committee report on Senate Bill No. 6080 was held on the desk.

MESSAGE FROM THE GOVERNOR

March 22, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 22, 2000, Governor Locke approved the following Senate Bills entitled:

Substitute Senate Bill No. 5590

Relating to which health professionals may sign a request to have oral education administered by school employees.

Substitute Senate Bill No. 5805

Relating to completion of prescriptive authority for advanced registered nurse practitioners.

Substitute Senate Bill No. 5932

Relating to general obligation bond debt service payments from the community and technical college projects account.

Substitute Senate Bill No. 6071

Relating to duties of drivers involved in accidents.

Senate Bill No. 6121

Relating to the continuation of the diabetes cost reduction act.

Senate Bill No. 6190

Relating to the expeditious resolution of public use disputes in eminent domain proceedings.

Substitute Senate Bill No. 6210

Relating to technical and clarifying amendments relating to the oil spill prevention and response statutes.

Substitute Senate Bill No. 6213

Relating to guidelines for emergency medical personnel when dealing with directives.

Substitute Senate Bill No. 6244

Relating to the extension of juvenile court jurisdiction to enforce a penalty assessment.

Senate Bill No. 6285

Relating to establishing Pearl Harbor remembrance day.

Engrossed Substitute Senate Bill No. 6295

Relating to garnishment proceedings.

Substitute Senate Bill No. 6351

Relating to superior court commissioners.

Substitute Senate Bill No. 6375

Relating to clarifying timelines, information sharing, and evidentiary standards in mental health competency procedures.

Substitute Senate Bill No. 6382

Relating to dependent persons.

Substitute Senate Bill No. 6459

Relating to use of identifying information.

Engrossed Substitute Senate Bill No. 6487

Relating to information concerning mental health services provided to offenders.

Senate Bill No. 6570

Relating to judicial authority in truancy petitions.

Substitute Senate Bill No. 6740

Relating to service credit for a member of the Washington state patrol retirement system during paid leave of absence.

Engrossed Substitute Senate Bill No. 6761

Relating to agreements for the operation of correctional facilities and programs in any other state.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

March 8, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Larry Simoneaux, appointed March 8, 2000, for a term ending December 26, 2000, as a member of the Board of Pilotage Commissioners.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Transportation.

MESSAGES FROM THE HOUSE

March 22, 2000

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE HOUSE BILL NO. 2738, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

March 22, 2000

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 2788,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3128,
HOUSE BILL NO. 3166,
HOUSE BILL NO. 3167,
HOUSE BILL NO. 3168,
HOUSE BILL NO. 3169,
ENGROSSED HOUSE BILL NO. 3170,
ENGROSSED HOUSE BILL NO. 3171, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

March 22, 2000

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6865, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 6865.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 2738 by House Committee on Appropriations (originally sponsored by Representatives Dickerson, Clements, Romero and Miloscia)

Giving the office of financial management oversight over state agency personal service contracting practices.

Referred to Committee on Ways and Means.

HB 2788 by Representatives Fisher, Mitchell, Radcliff, Scott and Hurst (by request of Transportation Improvement Board)

Funding transportation projects.

Referred to Committee on Transportation.

ESHB 3128 by House Committee on Finance (originally sponsored by Representatives Thomas, Dunshee and Santos) (by request of Department of Revenue)

Authorizing the governor to enter into cooperative agreements concerning the sales of cigarettes.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

HB 3166 by Representatives Thomas, Dunshee, Woods, Rockefeller, Carrell, Conway, Delvin, Linville, Crouse, Fisher, McDonald, Edwards, Huff, Romero, Mulliken, Constantine, Pennington, Keiser, Scott, Reardon, Quall, Morris, Clements, Fortunato, Carlson, Sump, Wensman, Esser, Dunn, Van Luven, Anderson, Cooper, Gombosky, Kenney, Kastama, Lantz, Ogden, Ruderman, Stensen, Hurst, Lambert, G. Chandler, Ballasiotes, Radcliff, Talcott, Haigh, Kessler, Grant, Cody, Barlean, Schoesler, Mielke, Wood, Schual-Berke, Regala, Miloscia, Edmonds, O'Brien, Wolfe, Lovick, Dickerson, Veloria, Benson, Sullivan, Alexander, Lisk, Pflug, Parlette, Koster, Campbell, Hankins and D. Schmidt

Providing a five hundred dollar credit against state property taxes for senior citizens and disabled persons.

Referred to Committee on Ways and Means.

HB 3167 by Representatives Dunshee, Thomas, O'Brien, Pennington, Wood, McDonald, Edmonds, Pflug, Miloscia, B. Chandler, Anderson, Mulliken, Stensen, Esser, Hurst, Alexander, Haigh, Benson, Cody, Koster, Dickerson, Conway, Huff, Cooper, Parlette, Linville, Campbell, Keiser, Constantine, Ericksen, Romero, Talcott, Kastama, Lambert, Ogden, Ruderman, Barlean, Morris, Clements, Fortunato, Carrell, Carlson, Sump, Wensman, Dunn, Van Luven, Gombosky, Scott, Lantz, Edwards, Reardon, Skinner, G. Chandler, Ballasiotes, Radcliff, Grant, Mielke, Regala, Wolfe, Lovick, Veloria, Fisher, Rockefeller, Sullivan, Woods, Lisk, Hankins, D. Schmidt and Kessler

Providing a two hundred dollar credit against state property taxes for persons sixty-four years of age or older.

Referred to Committee on Ways and Means.

HB 3168 by Representatives Huff, H. Sommers, Mitchell, Fisher, Hankins, Haigh, Woods, Kenney, D. Schmidt, Murray, Alexander, Edmonds, Miloscia, Schindler, Schual-Berke, Anderson, Stensen, Dickerson, McIntire, Rockefeller, Linville, Kessler, Ogden, Cody, Barlean, Scott, Keiser, Cooper, Edwards, O'Brien, Lovick, Lantz, Morris, Benson, Sullivan, Talcott, Ballasiotes and Esser

Providing funding for transportation and ferry purposes.

Referred to Committee on Transportation.

HB 3169 by Representatives Barlean, Doumit, Huff, H. Sommers, D. Schmidt, Ruderman, Hankins, Edmonds, Alexander, Kenney, Schindler, Miloscia, Tokuda, Quall, Lantz, Linville, Fortunato, Boldt, Fisher, Edwards, Constantine, Romero, Scott, Keiser, Schual-Berke, McIntire, Kastama, Hatfield, Carlson, McDonald, Kessler, Ogden, Dunshee, Cooper, Wood, Regala, O'Brien, Stensen, Anderson, Wolfe, Morris, Veloria, Benson, Hurst, Rockefeller, Sullivan, Woods, Lisk, Parlette, Campbell, Talcott, Ballasiotes and Thomas

Strengthening the state expenditure limit and providing for timely deposits to the education construction fund.

Referred to Committee on Ways and Means.

EHB 3170 by Representatives H. Sommers, Huff, Scott, Mulliken, Doumit, Mielke, Grant, Carrell, Linville, Ericksen, Edwards, Barlean, Fisher, Campbell, Dunshee, D. Schmidt, Haigh, Koster, Hurst, Sump, Conway, Alexander, Dickerson, McIntire, Schual-Berke, Santos, Buck, Rockefeller, Schoesler, Kastama, Keiser, Romero, Cairnes, Regala, Fortunato, Carlson, McDonald, Hatfield, Kessler, Ruderman, Ogden, Cooper, Wood, Miloscia, O'Brien, Anderson, Wolfe, Lovick, Lantz, Veloria, Stensen, Benson, Woods, Lisk, Skinner, Talcott, Ballasiotes, Hankins, Pennington, Thomas and Esser

Providing financial assistance to local governments.

Referred to Committee on Ways and Means.

EHB 3171 by Representatives Quall, Talcott, H. Sommers, Huff, Rockefeller, Woods, Schual-Berke, Alexander, Haigh, Schindler, Keiser, Boldt, Stensen, Mielke, Santos, Bush, Linville, McDonald, Hurst, Hankins, Conway, Kessler, Kastama, Ruderman, Edwards, Scott, Dunshee, Constantine, Romero, Mulliken, Carlson, Sump, Wensman, Esser, Dunn, Van Luven, Skinner, G. Chandler, Ballasiotes, Radcliff, Thomas, Ogden, Cody, Barlean, Cooper, Wood, Regala, Miloscia, O'Brien, Anderson, Wolfe, Lovick, Lantz, Tokuda, Morris, Dickerson, Veloria, Fisher, Benson, Sullivan, Lisk, Parlette, Campbell, Fortunato, D. Schmidt, Clements, Buck, Pennington and Mastin

Improving funding for education.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Hale, the following resolution was adopted:

SENATE RESOLUTION 2000-8785

By Senator Hale

WHEREAS, Kamiakin High School principal Bob McMullen has been named High School Principal of the Year by the Washington Association of Secondary School Principals, and;

WHEREAS, Bob McMullen has taken a leadership role among his peers in coordinating conferences, serving on several state committees setting standards for students, and making national presentations, and;

WHEREAS, Bob McMullen is a Washington native, a graduate of Whitworth College and Western Washington University, who has selflessly shared his love of learning and talent for teaching with the children of his home state, and;

WHEREAS, Bob McMullen held his first teaching job in Kennewick where he now presides over a school that has more than 1,300 students and 120 staff members, and;

WHEREAS, Bob McMullen unselfishly gives full credit for his school's successes to his teachers and the community, and;

WHEREAS, Bob McMullen has responded to the praise of his work with humility and with a request for Kennewick voters to support the next bond issue to remodel Kamiakin High School which is now more than thirty years old, and;

WHEREAS, Bob McMullen proudly wears a button proclaiming his school's goal that eighty-five percent of sophomores pass the WASL in 2006, and;

WHEREAS, Bob McMullen is now among the fifty-three state finalists being considered for National High School Principal of the Year and will represent Washington State at an education symposium in Washington D.C. this fall;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that Kamiakin High School Principal, Bob McMullen be honored for his dedication to his school and to his community and for his concern for the children of Kennewick and across the state, and;

BE IT FURTHER RESOLVED, That the Senate of the state of Washington wishes Bob McMullen good luck in the competition for National High School Principal of the Year; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to Bob McMullen and to Kamiakin High School for permanent display.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Bob McMullen, State High School Principal of the Year, and Michelle Hendrickson and Terry Barber from the Washington School Principals' Association, who were seated in the gallery.

MOTION

At 10:13 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:57 a.m. by President Pro Tempore Wojahn.

PARLIAMENTARY INQUIRY

Senator Snyder: "This is a bit unusual, but the House has passed Second Substitute Senate Bill No. 6404 with amendments and I would like to request a ruling on the number of votes necessary to pass Second Substitute Senate Bill No. 6404, as amended by the House. In the regular session, President Owen made a ruling on the votes necessary to pass Substitute Senate Bill No. 6404. He ruled that a simple majority vote was required to transfer money from the emergency fund. In Section 907 of Substitute Senate Bill No. 6404, money was transferred from the emergency fund to the multimodal transportation account, but Section 907 also expressly amended RCW 43.135.045 and removed the statutory requirement for a two-thirds vote to make the transfer. RCW 43.135.045 was adopted as part of Initiative 601 and the ruling in the earlier inquiry concerned the number of votes necessary to amend Initiative 601. I would like a ruling on the votes needed to pass Second Substitute Senate Bill No. 6404, as amended by the House."

Debate ensued.

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "Senator Snyder, I am not prepared to make that ruling at the present time and would like to defer further consideration of Second Substitute Senate Bill No. 6404."

MOTION

At 12:03 p.m., on motion of Senator Snyder, the Senate adjourned until 10:00 a.m., Friday, March 24, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

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FIFTEENTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Friday, March 24, 2000

The Senate was called to order at 10:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bauer, Brown, Finkbeiner, Hochstatter, Horn, Oke, Patterson, Sellar, Shin and Swecker.

The Sergeant at Arms Color Guard, consisting of Pages Kyle Drennon and Chris Hoel, presented the Colors. Senator Rosa Franklin offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE GOVERNOR

March 23, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on March 23, 2000, Governor Locke approved the following Senate Bill entitled:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6067

Relating to access to individual health insurance coverage.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 6404, as amended by the House, deferred March 23, 2000, after Senator Snyder's parliamentary inquiry regarding the number of votes needed for final passage.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "In ruling on the point of inquiry raised by Senator Snyder on March 23, 2000, concerning the number of votes necessary to pass Second Substitute Senate Bill No. 6404, as amended by the House of Representatives, the President would first note that advisory rulings are not normally given by the President. For example, earlier this session, President Owen declined to rule on a point of order on whether a bill was properly before the Senate under Senate Rule 25, as long as that bill remained on Second Reading.

"The President reasoned that until such time as a bill is on final passage, it may be changed by the body. Second Substitute Senate Bill No. 6404, as amended by the House, will be on third reading if a motion to concur is adopted. The House amendment cannot be changed by the Senate. For these reasons, the President finds that Senator Snyder's point of inquiry is timely.

"Section 501 of the House striking amendment to Second Substitute Senate Bill No. 6404 would allocate money from the emergency reserve fund to school districts to pay for increased fuel costs. Section 724 would

transfer money from the emergency reserve fund to the multimodal transportation account for rail programs. RCW 43.135.045(2) provides that the Legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the Legislature. The President, therefore, finds that final passage of Second Substitute Senate Bill No.6404, as amended by the House, would require a two-thirds vote of the Senate (thirty-three members).

"The President would distinguish an earlier ruling on Substitute Senate Bill No. 6404 in which President Owen ruled that a simple majority vote was required to transfer money from the emergency reserve fund. In Section 907 of Substitute Senate Bill No. 6404, money was transferred from the emergency fund to the multimodal transportation account. However, Section 907 also *expressly amended* RCW 43.135.045(2) to remove the statutory requirement for a two-thirds majority vote to make the transfer. RCW 43.135.045 was adopted as part of Initiative 601 and the point of inquiry in the earlier instance concerned the number of votes necessary to amend Initiative 601. President Owen ruled that only a simple majority was necessary to amend Initiative 601."

The President Pro Tempore ruled that Second Substitute Senate Bill No. 6404, as amended by the House, would take a two-thirds majority vote to pass the Senate.

PERSONAL PRIVILEGE

Senator Tim Sheldon: "A point of personal privilege, Mr. President. I just wanted to, before we adjourned, to just take note of the big news event. Obviously, when we come back on Monday, we won't have the Seattle skyline the same. The King Dome will be gone--will be flattened. I just wanted to make a comment on a couple of figures I noticed from the newspapers. It is going to take nine million dollars to tear down the building. It is only twenty-four years old and we still owe--the taxpayers still owe two hundred and six million dollars. So, as you buy a tee shirt and watch it on TV, remember the taxpayers are still paying for that building for a long, long time."

MOTION

At 10:11 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:30 a.m., Monday, March 27, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTEENTH DAY, FIRST SPECIAL SESSION, MARCH 24, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

EIGHTEENTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Monday, March 27, 2000

The Senate was called to order at 10:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Brown, Finkbeiner, Hargrove, Kline, McDonald, Oke, Patterson, Roach and Sellar.

The Sergeant at Arms Color Guard, consisting of staff members Bonnie Henderson and Elwanda Bryant, presented the Colors. Senator Margarita Prentice offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE GOVERNOR

March 24, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on March 24, 2000, Governor Locke approved the following Senate Bills entitled:

Substitute Senate Bill No. 5330

Relating to resident tuition for active duty military personnel.

Second Engrossed Substitute Senate Bill No. 5610

Relating to civil penalties levied by the department of licensing for unlawful sale of used motor vehicles by unlicensed parties.

Senate Bill No. 5739

Relating to certificates of death or fetal death.

Senate Bill No. 6139

Relating to estate tax apportionment.

Senate Bill No. 6140

Relating to references in instruments to section 2033A of the internal revenue code.

Senate Bill No. 6172

Relating to bone marrow donation.

Engrossed Substitute Senate Bill No. 6217

Relating to technical and clarifying amendments to the dependency and termination of parental rights statutes.

Engrossed Substitute Senate Bill No. 6218

Relating to technical and clarifying amendments to the family reconciliation act.

Substitute Senate Bill No. 6233

Relating to the developmental disabilities endowment trust fund.

Engrossed Senate Bill No. 6236

Relating to the transfer of data for operational, evaluation, and research purposes.

Substitute Senate Bill No. 6260

Relating to manufacture of a controlled substance with children present.

Engrossed Substitute Senate Bill No. 6264

Relating to intermediate drivers' licenses.

Engrossed Substitute Senate Bill No. 6305

Relating to guardians ad litem.

Substitute Senate Bill No. 6361

Relating to child abuse and neglect reporting, investigation, and training procedures and the administration of the Washington state schools for the blind and for the deaf.

Engrossed Substitute Senate Bill No. 6389

Relating to court jurisdiction over permanency planning matters in dependency proceedings.

Substitute Senate Bill No. 6502

Relating to long-term care training.

Engrossed Substitute Senate Bill No. 6559

Relating to notification of the availability of programs leading to college credit.

Engrossed Substitute Senate Bill No. 6676

Relating to the use of city or town rights of way by telecommunications and cable television providers.

Engrossed Second Substitute Senate Bill No. 6683

Relating to reporting information on routine traffic enforcement.

Senate Bill No. 6770

Relating to the exceptional faculty awards program.

Second Substitute Senate Bill No. 6811

Relating to sick leave and leave sharing for part-time academic employees of community and technical colleges.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES

March 23, 2000

Tony Cook
Secretary of the Senate
Post Office Box 40482
Olympia, Washington 98504-0482

SUBJECT: Permanent Partial Disability Closures of Self-Insured Claims
Report to the Legislature

Dear Mr. Cook:

In 1997, Substitute House Bill No. 1607 amended RCW 51.32.055 and granted self-insured employers the authority to close permanent partial disability (PPD) claims. It also required the Department of Labor and Industries to conduct a review of PPD claim closure activity by both self-insured employers and the self-insurance section of the department. The review was to include closure activity through at least June 30, 1999.

The enclosed report identifies the number and types of claims closed, protested and reconsidered, appealed, and the results of such activities. It also includes the results of an injured worker satisfaction survey conducted by the department.

If you have any questions regarding the content of this report, please contact me at (360) 902-4203.

Sincerely,

GARY MOORE, Director

The Department of Labor and Industries Report on the Permanent Partial Disability Closures of Self-Insured Claims is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 6869 by Senator Roach

AN ACT Relating to special county elections; and amending RCW 29.13.010.

Referred to Committee on State and Local Government.

MOTION

At 10:38 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Tuesday, March 28, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTEENTH DAY, FIRST SPECIAL SESSION, MARCH 27, 2000

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NINETEENTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 28, 2000

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Costa, Finkbeiner and Sellar. On motion of Senator Eide, Senator Costa was excused. On motion of Senator Deccio, Senators Finkbeiner and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of staff members Kandy Bruesch and Sue LaVack, presented the Colors. Senator Pat Hale offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended and Senate Bill No. 6088, which was held on the desk March 22, 2000, and Senate Bill No. 6080, which was held on the desk March 23, 2000, were advanced to second reading and placed on the second reading calendar.

MESSAGE FROM THE GOVERNOR

March 27, 2000

To the Honorable, The Senate of the State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on March 27, 2000, Governor Locke approved the following Senate Bills entitled:

Substitute Senate Bill No. 5366
Relating to veterans' scoring criteria in employment examinations.

Substitute Senate Bill No. 5518
Relating to community outdoor athletic facilities.

Engrossed Senate Bill No. 5667
Relating to boxing, kickboxing, martial arts, and wrestling.

Senate Bill No. 6010
Relating to operating fee waivers.

Substitute Senate Bill No. 6115
Relating to the reinstatement of the exemption from property tax for motor vehicles, travel trailers, and campers eliminated by Initiative 695.

Engrossed Substitute Senate Bill No. 6149
Relating to the sale of specific lands for the purposes of resolving trespass on state forest lands.

Senate Bill No. 6160
Relating to the state investment board.

Substitute Senate Bill No. 6194
Relating to unlawful rural garbage disposal.

Senate Bill No. 6251

Relating to horticultural plants and facilities.
Substitute Senate Bill No. 6294
Relating to aquatic nuisance species.
Senate Bill No. 6307
Relating to county roads that cross county boundaries.
Engrossed Substitute Senate Bill No. 6347
Relating to small works rosters.
Senate Bill No. 6429
Relating to state employees' suggestion awards and incentive pay.
Substitute Senate Bill No. 6454
Relating to obsolete natural resources accounts.
Substitute Senate Bill No. 6589
Relating to domestic wineries.
Senate Bill No. 6678
Relating to repealing sunset provisions for parimutuel wagering with respect to horse racing.
Substitute Senate Bill No. 6687
Relating to insurance coverage for port districts.
Substitute Senate Bill No. 6720
Relating to the Washington state beef commission.
Senate Bill No. 6748
Relating to increasing a city or town debt limit for purposes of financing capital facilities associated with economic development.

Substitute Senate Bill No. 6812
Relating to contract brewing by domestic brewers.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Brad Owen
President of the State Senate
Legislature of the State of Washington
Olympia, Washington 98504

Dear President Owen:

We respectfully transmit for your consideration the following bills which have been partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bills, as required by Article III, section 12, of the Washington State Constitution:

Substitute Senate Bill No. 6675;
Engrossed Second Substitute Senate Bill No. 6400.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 27th day of March, 2000.

(Seal)

GARY McINTOSH
Director of Elections

For RALPH MUNRO
Secretary of State

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6675

March 23, 2000

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 4 and 8, Substitute Senate Bill No. 6675 entitled:

"AN ACT Relating to the provision of telecommunications services by public utility districts and rural port districts;"

This bill gives public utility districts and rural port districts express authority to be wholesalers of telecommunications services within their districts. I support this legislation as a key step in promoting advanced telecommunications facilities and services in underserved areas of Washington.

Sections 4 and 8 of the bill would impose overly restrictive requirements on public utility and rural port districts before financing or constructing telecommunications facilities, and would not significantly improve accountability. I strongly support the goal of ensuring accountability to the public. However, I believe that some of the requirements of sections 4 and 8 could impair districts' current activities and significantly complicate or delay the facilities and services that our rural areas so urgently need.

I fully expect that public utility and port districts will respond appropriately to requests for information from the Legislature regardless of any statutory requirement to do so.

For these reasons, I have vetoed sections 4 and 8 of Substitute Senate Bill No. 6675.

With the exception of sections 4 and 8, Substitute Senate Bill No. 6675 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6400

March 24, 2000

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 29, Engrossed Second Substitute Senate Bill No. 6400 entitled:

"AN ACT Relating to domestic violence;"

This bill improves and clarifies our laws dealing with domestic violence in numerous ways, without imposing costs on state or local government. However, section 29 would make the entire bill "null and void" unless referenced and funded in the budget. Because the bill imposes no costs and requires no funding or reference in the budget, I have vetoed section 29.

For these reasons, I have vetoed section 29 of Engrossed Second Substitute Senate Bill No. 6400.

With the exception of section 29, Engrossed Second Substitute Senate Bill No. 6400 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MOTION

On motion of Senator Betti Sheldon, the partial veto messages on Substitute Senate Bill No. 6675 and Engrossed Second Substitute Senate Bill No. 6400 were held on the desk.

MESSAGE FROM THE HOUSE

March 27, 1999

MR. PRESIDENT:

The Co-Speakers have signed SENATE BILL NO. 6865, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Shin, the following resolution was adopted:

SENATE RESOLUTION 2000-8786

By Senators Shin, Zarelli and McAuliffe

WHEREAS, Athletics is one of the most effective ways for young women to develop leadership skills, self-discipline, initiative, and confidence; and

WHEREAS, The Meadowdale High School Girls' Varsity Basketball Team, the Mavericks, demonstrated these qualities not only by defeating a strong team from Blanchet on March 4, 2000, to win this year's Class 3A State Championship, but also by achieving their objective through adversity; and

WHEREAS, members of the team are seniors Yvette Avila and Jane Ireland; juniors Audrey Hutchison, Kristen O'Neill, Leslie Martin, and Alecia Suelzle; sophomores Anne Dawson, Jennie Swerk, and Kristy Hoffman; and freshmen Jacci Baker and Tara Jacob; and

WHEREAS, Karen Blair, head coach of the Mavericks Team for the past six years, is a Meadowdale graduate and former member of its team, who returned to the school with the goal of taking the team to the state championship; and

WHEREAS, with strong support from assistant coaches Leah Johnson, John Pope, and Lisa Hoppe, Coach Blair proved her staff's ability to instill winning qualities that were remembered by the girls even during times when the goal might have looked discouragingly far away; and

WHEREAS, The 1999-2000 Mavericks struggled early in a rebuilding season that followed the graduation of five team leaders the previous year, and played a tough schedule this year with eight losses going into the district tournament; and

WHEREAS, The girls played knowing that earlier Maverick teams had won one-hundred games and lost only ten in the previous four years; and

WHEREAS, The Mavericks lost a crucial game at district, requiring them to rally and qualify from the losers' bracket, but under the leadership of Coach Blair the girls pulled together as a team in this adversity and rededicated themselves to their goal, keeping in mind that it was important to be positive and have fun regardless of the outcome; and

WHEREAS, The Mavericks persevered to defeat strong teams with better records and win the State 3A Girls Basketball Championship for the year 2000; and

WHEREAS, Mayor Tina Roberts of the city of Lynnwood honored the team by declaring the week of March 13-19, 2000, as Meadowdale Mavericks Week;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize Coach Karen Blair and all members of the Meadowdale Mavericks Girls' Varsity Basketball Team for demonstrating skill, determination, and courage in winning the 2000 Class 3A High School Girls' Basketball Championship; and.

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to Meadowdale High School, to Coach Karen Blair, and to each member of the State Champion Meadowdale Mavericks.

Senators Shin, Zarelli and McAuliffe spoke to Senate Resolution 2000-8786.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Meadowdale High School Girls' State Class 3A Basketball Team who, were seated in the gallery.

MOTION

At 10:21 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 10:55 a.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6088, by Senator Loveland

Making supplemental operating and capital appropriations.

MOTIONS

On motion of Senator Snyder, Substitute Senate Bill No. 6088 was substituted for Senate Bill No. 6088 and the substitute bill was placed on second reading and read the second time.

Senator Thibaudeau moved that the following amendments by Senators Thibaudeau and Deccio be considered simultaneously and be adopted:

On page 61, on line 32, increase the general fund--state appropriation for fiscal year 2001 by $1,000,000.

On page 61, on line 34, increase the general fund--federal appropriation by $1,000,000.

Adjust the totals accordingly.

On page 65, after line 17, insert the following:

"(j) Notwithstanding any other limitations in this section, the secretary shall transfer $1,000,000 of the general fund--state appropriation for fiscal year 2001 and $1,000,000 of the general fund--federal appropriation, or so much thereof as may be necessary, between subsections (1) and (2) of this section to implement the choice of service provisions in RCW 71A.16.010.

POINT OF INQUIRY

Senator Deccio: "Senator Thibaudeau, if these amendments pass, then we are, in effect, changing state policy which would direct the Department of Social and Health Services to allow choice for cottages operated by the state either for placement or for respite care and they would have to follow the policy dictated by this amendment, which is the intent of the Legislature? Is that correct?"

Senator Thibaudeau: "That is correct, Senator Deccio. We thought we were doing that a couple of years ago and apparently that didn't happen, so this will provide that the department follow that policy. Thank you."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Thibaudeau and Deccio on page 61, lines 32 and 34, and page 65, after line 17, to Substitute Senate Bill No. 6088.

The motion by Senator Thibaudeau carried and the amendments were adopted.

MOTION

Senator Honeyford moved that the following amendment be adopted:

On page 218, on line 26, following "biennium." insert "An interest rate equal to the 10 year U.S. treasury bond rate shall be applied to the repayment of the loan. Principal and interest payments shall be made from the state general fund."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 218, line 26, to Substitute Senate Bill No. 6088.

The motion by Senator Honeyford carried and the amendment was adopted.

MOTION

On motion of Senator Loveland, the following amendments were considered simultaneously and were adopted:

On page 219, on line 6, strike "convention and trade center account" and insert "general fund for fiscal year 2001"

On page 220, beginning on line 7, strike all material down to and including line 30, and insert the following:

"System Agency FY 2001

Ben Franklin Transit Benton-Franklin PTBA 1,744,000
Clallam Transit System Clallam County PTBA 816,000
Community Transit Snohomish County PTBA 7,163,000
C-Tran Clark County PTBA 3,201,000
Grant Transit Authority Grant County 142,000
Grays Harbor Transportation
Authority Grays Harbor 961,000
Intercity Transit Thurston County PTBA 2,490,000
Island Transit Island County PTBA 437,000
Jefferson Transit Authority Jefferson County PTBA 389,000
Kitsap Transit Kitsap County PTBA 4,820,000
Link Chelan-Douglas PTBA 1,575,000
Metropolitan King\County King County 35,994,000
Pacific Transit Pacific County 234,000
Pierce Transit Pierce County PTBA 9,995,000
Pullman Transit Whitman County PTBA 67,000
Skagit Transit System Skagit PTBA 677,000
Spokane Transit Authority Spokane County PTBA 5,482,000
Twin Transit Lewis County PTBA 77,000
Valley Transit Walla Walla County PTBA 271,000
Whatcom Transportation
Authority Whatcom County PTBA 1,206,000

TOTAL APPROPRIATIONS 77,741,000"

On page 221, beginning on line 34, strike all material down to and including line 33, on page 222

On page 230, beginning on line 34, strike all material down to and including line 36

Renumber the sections consecutively and correct any internal references accordingly.

MOTION

On motion of Senator Loveland, the following amendments were considered simultaneously and adopted:

Beginning on page 269, line 1, strike all material through page 274, down to and including line 2

On page 268, after line 33, insert the following:

"ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

The alternative finance authorizations granted in this section and in section 222(2)(j), chapter 309, Laws of 1999, do not imply commitments or guarantees that the legislature will provide for future expenses of properties and facilities acquired, constructed, or improved through financial contracts. The office of financial management shall develop a standardized request form for alternative finance contracts that includes a full assessment of all acquisition and operating costs including proposed revenue sources for such expenditures. In the 2001-2003 budget request from the governor, the office of financial management shall not forward to the legislature requests for alternative financing contracts that fail to fulfill the information requirements developed under this section.

(1) Department of general administration:

(a) Enter into a financing contract in the amount of $9,435,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase an existing office building and associated land in Yakima for use by state agencies.

(b) Enter into a financing contract in the amount of $4,621,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase an existing office building and associated land in Kelso for use by the department of social and health services and the employment security department.

(2) Department of corrections: Enter into a financing contract on behalf of the department of corrections in the amount of $2,300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or construct a correctional industries transportation services warehouse.

(3) State parks and recreation: It is the intent of the legislature that the operating revenues of the department provide the primary source of funds necessary to meet financing contract obligations for the projects financed under this authority. In addition, state parks and recreation is authorized to pledge to make payments from appropriated funds pursuant to chapter 39.94 RCW:

(a) Enter into financing contracts on behalf of state parks and recreation in the amount of $500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct cabins at Cama beach.

(b) Enter into financing contracts on behalf of state parks and recreation in the amount of $250,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to complete improvements at the interpretive center/store at Deception Pass.

(c) Enter into financing contracts on behalf of state parks and recreation in the amount of $1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and install additional yurts and cabins state-wide.

(d) Enter into financing contracts on behalf of state parks and recreation in the amount of $500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a day use shelter at Lake Sammamish.

(e) Enter into financing contracts on behalf of state parks and recreation in the amount of $500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to improve campsite electrification state-wide.

(f) Enter into financing contracts on behalf of state parks and recreation in the amount of $750,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop additional campsites state-wide.

(4) Community and technical colleges:

(a) Enter into a financing contract on behalf of Green River Community College in the amount of $1,526,150 plus financing expenses and reserves pursuant to chapter 39.94 RCW for remodel of the Lindbloom student center building.

(b) Enter into a financing contract on behalf of Highline Community College in the amount of $2,070,613 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of the Federal Way Center, currently being leased by the college.

(c) Enter into a financial contract on behalf of Green River Community College in the amount of $100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase approximately 1.5 acres of land adjacent to the westside parking lot.

(d) Enter into a financing contract on behalf of Grays Harbor Community College in the amount of $600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase and remodeling of the Riverview School and 2.83 acres of property, currently being leased by the college.

(e) Enter into a financing contract on behalf of Everett Community College in the amount of $1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the remodeling of the fitness center.

(f) Enter into a financing contract on behalf of Tacoma Community College in the amount of $1,697,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot addition to the existing student center.

(g) Enter into a financing contract on behalf of Spokane Community College in the amount of $3,840,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 20,000 gross square foot addition and remodeling to the

existing Lair student service building costing $6,000,000. The balance of project cost will be cash from student and activity fees and enterprise funds.

(h) Enter into a financing contract on behalf of Big Bend Community College in the amount of $150,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the exchange of 10 acres of land with Grant county.

(i) Enter into a financing contract on behalf of Green River Community College in the amount of $7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for purchase and development of property in the downtown Kent area.

(j) Enter into a financing contract on behalf of Columbia Basin Community College in the amount of ((~~$1,000,000~~)) $1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot student services auditorium.

(k) Enter into a financing contract on behalf of Yakima Valley Community College in the amount of $375,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 2,700 gross square foot addition and remodeling to the existing student union building costing $1,400,000. Prior to commencing, the college shall prepare and present a business plan describing the financing of the complete project to the state board for community and technical colleges, the office of financial management, and the legislative fiscal committees.

(l) Enter into a financing contract on behalf of Peninsula Community College in the amount of $2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot addition to the student union building.

(m) Enter into a financing contract on behalf of Whatcom Community College in the amount of ((~~$2,500,000~~)) $3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 20,000 gross square foot addition and remodeling to the existing extended learning/work force facility costing $4,388,000. Prior to commencing, the college shall prepare and present a business plan describing the financing of the complete project to the state board for community and technical colleges, the office of financial management, and the legislative fiscal committees.

(n) Enter into a financial contract on behalf of Green River Community College in the amount of $350,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Lea Hill park from King county.

(o) Enter into a financial contract on behalf of Bellevue Community College in the amount of $4,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for replacement of the Robinswood school. This authority is provided in addition to the appropriation in section 761 of this act.

(p) Enter into a financial contract on behalf of Wenatchee Valley College in the amount of $500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase two buildings and property contiguous to the college campus.

(q) Enter into a financing contract on behalf of Whatcom Community College in the amount of $1,918,483 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of 10.71 acres of property for the completion of the Whatcom Community College campus.

(r) Enter into a financing contract on behalf of Edmonds Community College in the amount of ((~~$3,700,000~~)) $4,150,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a music building on the college campus.

(s) Enter into a financing contract on behalf of Olympic College in the amount of $900,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for development of off-street student parking.

(t) Enter into a financing contract on behalf of Bates Technical College in the amount of $4,300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of a 9.41 acre site with an approximately 46,125 square foot broadcasting facility situated on 19th Street in Tacoma. It is the intent of the legislature that $2,000,000 of this financing contract will be repaid from private donations.

(u) Enter into a financing contract on behalf of Renton Technical College in the amount of $1,000,000 plus financing expenses and required reserves pursuant to chapter RCW 39.94 for the purchase of approximately 10 acres within the district boundary to support a future relocation of apprenticeship programs off the main campus.

(5) Central Washington University: Enter into a financing contract on behalf of Central Washington University in the amount of $5,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Central Washington University/Edmonds Community College center.

(6) University of Washington:

(a) Enter into a financing contract on behalf of the University of Washington in the amount of $7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to finance real property improvements to the Sand Point building.

(b) Enter into a financing contract on behalf of the University of Washington in the amount of $7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to finance primate center tenant improvements.

(c) Enter into a financing contract on behalf of the University of Washington in the amount of $12,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for renovation of Husky Den, the food service in the Husky Union building, and the renovation of McMahon Hall food service.

(d) Enter into a financing contract on behalf of the University of Washington in the amount of $5,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for installation of ethernet wiring and electrical upgrades in Lander Hall and McCarty Hall.

(7) Washington state convention and trade center: Enter into one or more financing contracts not exceeding an aggregate total amount of $27,500,000 plus financing expenses and reserves pursuant to chapter 39.94 RCW, for funding unanticipated costs in excess of the $111,700,000 principal amount of the financing contract authorized in section 802(10)(b), chapter 16, Laws of 1995 2nd sp. sess., for the construction of the expansion of the Washington state convention and trade center as authorized under chapter 386, Laws of 1995. The balance of the expansion project funds shall be provided from interest earnings and public or private funds. The financing contract or contracts representing all or part of the amount authorized by this section shall not be executed without prior written approval of the office of financial management based upon its determination that such financing contract or contracts are reasonably necessary for the expansion project."

MOTION

Senator West moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"PART I
GENERAL GOVERNMENT

Sec. 101. 1999 c 309 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY2000) $
((~~24,853,000~~))
24,841,000

General Fund--State Appropriation (FY2001) $
((~~26,061,000~~))
25,977,000

Department of Retirement Systems Expense Account--
State Appropriation $
((~~25,000~~))
45,000

TOTAL APPROPRIATION $
((~~50,939,000~~))
50,863,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $25,000 of the general fund--state appropriation ((~~for fiscal year 2000~~)) is provided solely for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

(2) $394,000 of the general fund--state appropriation is provided to support the legislature's participation in the redistricting process in conjunction with the redistricting commission.

(3) The task force on funding of fairs and youth shows is created. The task force shall be composed of the following members:

(a) One member of the office of financial management appointed by the governor;

(b) Two members of the house of representatives, one from each major caucus, appointed by the co-speakers of the house of representatives;

(c) Two members of the senate, one from each major caucus, appointed by the president of the senate;

(d) One representative of the department of agriculture, appointed by the director;

(e) One representative of the horse racing commission, appointed by the chair of the horse racing commission;

(f) Three representatives of fairs, appointed by the president of the state fairs association, representing community fairs, large county and area fairs, and small county and area fairs;

(g) Two representatives of youth shows, one representing 4-H youth programs appointed by the dean of the college of agriculture at Washington State University; the other representing future farmers of America programs appointed by the agricultural teachers association;

(h) One representative of the horse racing industry appointed by agreement of the co-speakers of the house of representatives and president of the senate; and

(i) One representative of county governments, appointed by the Washington association of counties.

Members shall be appointed by May 1, 2000. Staff support for the task force shall be provided by legislative committee staff.

The task force shall develop recommendations on the amount and source or sources of funding needed to encourage fairs and youth shows and any legislative proposals needed to implement the task force recommendations. The task force shall provide these recommendations to the appropriate fiscal committees of the legislature by November 15, 2000.

(4) $75,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for expert consultation on legal and policy issues related to options for caring for persons with developmental disabilities who need involuntary commitment. The 1999-2001 biennial appropriations act provides more than $14,000,000 to the department of social and health services to improve services to this program.

Sec. 102. 1999 c 309 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund--State Appropriation (FY 2000) $

((~~19,749,000~~))

19,736,000

General Fund--State Appropriation (FY 2001) $

((~~21,525,000~~))

21,442,000

Department of Retirement Systems Expense Account--
State Appropriation $

((~~25,000~~))

45,000

TOTAL APPROPRIATION $

((~~41,299,000~~))

41,223,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $50,000 from the general fund--state appropriation for fiscal year 2000 is provided to contract for a study of policies and practices for setting information services rates paid by state agencies. The study shall include an analysis of the effect of current and alternative depreciation policies and schedules on rates and revolving fund balances.

(2) $25,000 of the general fund--state appropriation ((~~for fiscal year 2000~~)) is provided solely for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

(3) $394,000 of the general fund--state appropriation is provided to support the legislature's participation in the redistricting process in conjunction with the redistricting commission.

(4) $75,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for expert consultation on legal and policy issues related to options for caring for persons with developmental disabilities who need involuntary commitment. The 1999-2001 biennial appropriations act provides more than $14,000,000 to the department of social and health services to improve services to this program.

Sec. 103. 1999 c 309 s 108 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2000) $

((~~4,837,000~~))

4,980,000

General Fund--State Appropriation (FY 2001) $

((~~5,027,000~~))

5,114,000

TOTAL APPROPRIATION $

((~~9,864,000~~))

10,094,000

Sec. 104. 1999 c 309 s 110 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2000) $

((~~10,946,000~~))

11,086,000

General Fund--State Appropriation (FY 2001) $

((~~11,415,000~~))

11,687,000

TOTAL APPROPRIATION $

((~~22,361,000~~))

22,773,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $338,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of Senate Bill No. 5037 (Pierce county court of appeals). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(2) $150,000 of the general fund--state appropriation for fiscal year 2000 and ((~~$150,000~~)) $180,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for providing compensation adjustments to nonjudicial staff of the court of appeals. Within the funds provided in this subsection, the court of appeals shall determine the specific positions to receive compensation adjustments based on recruitment and retention difficulties, new duties or responsibilities assigned, and salary inversion or compression within the court of appeals.

Sec. 105. 1999 c 309 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2000) $

1,225,000

General Fund--State Appropriation (FY 2001) $

1,307,000

Public Works Assistance Account--State

Appropriation $

405,000

TOTAL APPROPRIATION $

2,937,000

The appropriations in this section are subject to the following conditions and limitations: The legislative evaluation and accountability program committee shall convene a work group to explore the feasibility of a central repository for teacher education and experience information and to make recommendations for establishing a central repository. The feasibility study shall analyze the costs and benefits of a central repository including, but not limited to, the following:

(1) Data accuracy;

(2) Administrative and training costs;

(3) Benefits to teachers;

(4) Possible use of the internet and other information technology;

(5) Methods that could be used to better ensure data reliability and integrity;

(6) Impact on audit efficiencies;

(7) Cost estimates to implement a central repository; and

(8) Estimated savings that a central repository would generate compared to the current methods.

The work group shall include the office of the superintendent of public instruction, the office of the state auditor, the department of information services, and a representative from each of the following: Teachers, a large school district, a small school district, educational service districts, school administrators, and others at the discretion of the committee. The committee shall provide staffing for the work group with assistance from the state agencies in the work group. The committee shall provide its feasibility study and recommendations to the education and fiscal committees of the legislature by December 15, 2000.

Sec. 106. 1999 c 309 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2000) $

((~~1,604,000~~))

1,634,000

General Fund--State Appropriation (FY 2001) $

((~~1,661,000~~))

1,976,000

TOTAL APPROPRIATION $

((~~3,265,000~~))

3,610,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $280,000 of the general fund--state appropriation is provided for conducting a study of the mental health system. The study shall include, but not be limited to:

(((~~1~~))) (a) An analysis of the roles and responsibilities of the division of mental health in the department of social and health services, with regard to regional support networks (RSNs) and community mental health providers;

(((~~2~~))) (b) An analysis of the funding of the RSNs through contracts let by the division of mental health, including the basis for per capita payment rates paid to the regional support networks and any federal requirements related to the federal medicaid waiver under which the current mental health system operates;

(((~~3~~))) (c) An analysis of actual and contractual service levels, outcomes, and costs for RSNs, including the types and hours of services provided, costs of services provided, trends in per client service expenditures, and client outcomes;

(((~~4~~))) (d) An analysis of RSN and subcontractor service and administrative costs, fund balances, contracting practices, client demographics, and outcomes over time;

(((~~5~~))) (e) An analysis of contracts between RSNs and community mental health providers, with emphasis on costs, services, performance, and client outcomes, including any accountability standards, performance measures, data requirements, and sanctions and incentives currently in the contract between the regional support networks and the mental health division; and

(((~~6~~))) (f) Recommendations for modifying the basis on which RSNs and community mental health providers are funded, including a funding formula that will result in a greater relationship of the funding distribution formula to the prevalence of mental illness in each RSN service area, to efficiency as demonstrated by performance measures and to effectiveness as demonstrated by patient outcome.

The joint legislative audit and review committee may contract for consulting services in conducting the study.

The study shall be submitted to the fiscal committees of the legislature by December 1, 2000.

(2) $135,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a study of bilingual education.

(a) The committee shall require the office of the superintendent of public instruction to prepare a follow-up report on how it has implemented the recommendations contained in the legislative budget committee report number 92-3, "K-12 transitional bilingual instruction program." This follow-up report shall also include updated information on the length of stay in bilingual programs, testing methods for entry into and exit from the program, descriptions of program variations, and the relationship between length of stay and student achievement. The committee shall review and assess the superintendent's report and present its findings to the fiscal committees of the house of representatives and the senate by December 15, 2000.

(b) In addition, the committee shall review and, if appropriate, make recommendations for changes to the funding allocation methods for transitional bilingual programs, and present its findings to the fiscal committees of the house of representatives and senate by December 14, 2001.

(3) $30,000 of the general fund--state appropriation for fiscal year 2000 and $80,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a study of the K-12 special education program. The study shall focus on

the following issues: A review of the findings of the special education program audit summary reports prepared by the state auditor in 1999 and 2000; the adequacy of the excess cost definition for the special education program adopted by the superintendent of public instruction; the ability to determine individual school districts' safety net funding need in light of differing accounting methods in use by school districts; the ability to uniformly determine individual school districts' safety net funding need in light of differing service delivery practices. If appropriate, the committee shall recommend changes to the current definition of excess cost or to the method of distribution of safety net funding. The final report shall be submitted to the legislature no later than June 30, 2002. Interim findings shall be submitted by November 20, 2000, and November 20, 2001.

(4) $100,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a review of the K-12 local effort assistance program known as "levy equalization." In conducting the review, the committee shall work in consultation with the legislative evaluation and accountability program, the office of the superintendent of public instruction, the office of financial management, and the fiscal and appropriate policy committees of the legislature. The committee shall review and update the 1997 study of levy equalization conducted by the house of representatives and senate fiscal committees. The update shall include an analysis of other issues associated with the levy equalization method of distributing state resources to school districts. If appropriate, the committee shall recommend changes to the current K-12 local effort assistance program. The committee shall provide a preliminary report to the fiscal and appropriate policy committees of the legislature by December 15, 2000, and shall provide a final report by September 30, 2001.

Sec. 107. 1999 c 309 s 112 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2000) $

((~~12,114,000~~))

13,172,000

General Fund--State Appropriation (FY 2001) $

((~~12,280,000~~))

14,609,000

Public Safety and Education Account--State Appropriation $

((~~24,981,000~~))

25,055,000

Judicial Information Systems Account--State Appropriation $

((~~17,617,000~~))

18,250,000

TOTAL APPROPRIATION $

((~~66,992,000~~))

71,086,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the administrator for the courts.

(2) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. Consistent with Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the costs of these employer contributions shall be shared equally between the state and county or counties in which the judges serve. The administrator for the courts shall continue to implement procedures for the collection and disbursement of these employer contributions.

(3) $223,000 of the public safety and education account appropriation is provided solely for the gender and justice commission.

(4) $308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

(5) $278,000 of the general fund--state appropriation for fiscal year 2000, $285,000 of the general fund--state appropriation for fiscal year 2001, and $263,000 of the public safety and education account appropriation are provided solely for the workload associated with tax warrants and other state cases filed in Thurston county.

(6) $200,000 of the public safety and education account appropriation is provided solely for a unified family court pilot program. Of this amount, $150,000 is provided for the costs of establishing the program and $50,000 is provided for costs associated with evaluating the efficacy of the program. The pilot program grant is limited to the 1999-01 biennium. After this time, it is assumed that funding for continuation of the unified family court or expansion to other counties would be provided by local jurisdictions based on the results of the evaluation of the program.

(7) $130,000 of the general fund--state appropriation for fiscal year 2000 and $130,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the new judicial positions authorized by Engrossed Senate Bill No. 5036 (superior court judges).

(8) $132,000 of the general fund--state appropriation for fiscal year 2000 and $136,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the state's portion of increased costs in the superior court mandatory arbitration program.

(9) $750,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to increase the number of children served by court-appointed special advocates in dependency matters. The office of the administrator for the courts, after consulting with the Washington association of juvenile court administrators and the Washington association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

Sec. 108. 1999 c 309 s 113 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2001) $

4,000,000

Public Safety and Education Account--State Appropriation $

((~~12,440,000~~))

13,219,000

TOTAL APPROPRIATION $

17,219,000

The appropriations in this section ((~~is~~)) are subject to the following conditions and limitations:

(1) $558,000 of the public safety and education account appropriation is provided solely to increase the reimbursement for private attorneys providing constitutionally mandated indigent defense in nondeath penalty cases.

(2) $51,000 of the public safety and education account appropriation is provided solely for the implementation of House Bill No. 1599 (court funding). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

(4)(a) $579,000 of the public safety and education account appropriation in this section is provided solely for the partial reimbursement of extraordinary criminal justice costs incurred by counties in 1999. Within the amount provided in this subsection, the office shall distribute the amount as follows:

(i) $278,000 to Cowlitz County;

(ii) $26,000 to Franklin County; and

(iii) $275,000 to Thurston County.

(b) The amount provided in this subsection does not constitute a state obligation for future costs incurred by these counties.

(5)(a) The entire general fund--state appropriation and $150,000 of the public safety and education account appropriation are provided solely for a portion of the financial responsibility of contracting for indigent representation for dependency and termination hearings. The amounts in this subsection constitute a transfer of local costs under RCW 43.135.060(2).

(b) Within the amounts provided in this subsection, the director shall conduct a dependency and termination legal representation funding pilot program.

(i) The goal of the pilot program shall be to enhance the quality of legal representation in dependency and termination hearings, thereby reducing the number of continuances requested by contract attorneys, including those based on the unavailability of defense counsel. To meet the goal, the pilot shall include the following components:

(A) A maximum caseload requirement of 90 dependency and termination cases per full-time attorney;

(B) Implementation of enhanced defense attorney practice standards, including but not limited to those related to reasonable case preparation and the delivery of adequate client advice, as developed by Washington state public defense attorneys and included in the office of public defense December 1999 report *Costs of Defense and Children's Representation in Dependency and Termination Hearings*;

(C) Use of investigative and expert services in appropriate cases; and

(D) Effective implementation of indigency screening of all dependency and termination parents, guardians, and legal custodians represented by appointed counsel.

(ii) The pilot program shall be established in one eastern and one western Washington juvenile court.

(iii) The director shall contract for an independent evaluation of the pilot program benefits and costs. An interim evaluation shall be submitted to the governor and fiscal committees of the legislature no later than January 1, 2001. A final evaluation shall be submitted to the governor and the fiscal committees of the legislature no later than ninety days following the close of the 1999-01 fiscal biennium.

(6) $50,000 of the public safety and education account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2491 (DNA testing of offenders). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

Sec. 109. 1999 c 309 s 114 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2000) $
5,762,000

General Fund--State Appropriation (FY 2001) $
((~~5,720,000~~))
4,135,000

General Fund--Federal Appropriation $
((~~674,000~~))
104,000

Water Quality Account--State Appropriation $
((~~700,000~~))
350,000

TOTAL APPROPRIATION $
((~~12,856,000~~))
10,351,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~$1,612,000 of the general fund--state appropriation for fiscal year 2000, $1,588,000 of the general fund--state appropriation for fiscal year 2001, $700,000 of the water quality account appropriation, and $209,000 of the general fund--federal appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.~~

~~(2) $465,000 of the general fund--federal appropriation and $200,000 of the general fund--state appropriation are provided solely for the salmon recovery office to meet its responsibilities for the state-wide salmon recovery strategy. Of this amount: (a) $200,000 of the general fund--state appropriation is provided for the operation of the independent science panel; and (b) $465,000 of the general fund--federal appropriation is provided for the salmon recovery office staff to support local salmon recovery planning efforts. $232,500 of the general fund--federal appropriation in this subsection may be expended in each fiscal year of the biennium only if the state receives greater than $25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.~~

~~(3)~~)) $100,000 of the general fund--state appropriation for fiscal year 2000 and $100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the salmon recovery office to support the efforts of the independent science panel.

(2) $62,000 of the fiscal year 2000 general fund--state appropriation and $63,000 of the fiscal year 2001 general fund--state appropriation are provided solely to implement Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079, establishing the salmon recovery funding board in the office of the governor. If legislation establishing the board is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(3) $3,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to implement Senate Bill No. 5408 (state medal of valor).

Sec. 110. 1999 c 309 s 115 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund--State Appropriation (FY 2000) $
((~~333,000~~))
338,000

General Fund--State Appropriation (FY 2001 $
((~~332,000~~))
348,000

General Fund--Federal Appropriation $
160,000

TOTAL APPROPRIATION $
((~~825,000~~))
846,000

Sec. 111. 1999 c 309 s 116 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2000) $
((~~1,724,000~~))
1,849,000

General Fund--State Appropriation (FY 2001) $
((~~1,496,000~~))
1,807,000

TOTAL APPROPRIATION $
((~~3,220,000~~))
3,656,000

The appropriations in this section are subject to the following conditions and limitations: ((~~$328,000~~)) $426,000 of the general fund--state appropriation for fiscal year 2000 and ((~~$86,000~~)) $397,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5931 (electronic filing and public access). If the bill is not enacted by June 30, 1999, the amounts provided shall lapse.

Sec. 112. 1999 c 309 s 117 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2000) $
((~~14,063,000~~))
14,043,000

General Fund--State Appropriation (FY 2001) $
((~~8,371,000~~))
8,399,000

General Fund--Private/Local Appropriation $
120,000

Archives and Records Management Account--State
Appropriation $

((~~5,401,000~~))

5,489,000

Archives and Records Management Account--Private/
Local Appropriation $

((~~2,581,000~~))

4,123,000

Department of Personnel Service Account--State
Appropriation $

681,000

TOTAL APPROPRIATION $

((~~31,217,000~~))

32,855,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $2,355,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) $3,780,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to reimburse counties for the state's share of presidential preference primary election costs.

(3) $2,106,000 of the general fund--state appropriation for fiscal year 2000 and $2,663,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(4) $125,000 of the general fund--state appropriation for fiscal year 2000 and $125,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for legal advertising of state measures under RCW 29.27.072.

(5)(a) $1,870,350 of the general fund--state appropriation for fiscal year 2000 and $1,907,757 of the general fund--state appropriation for fiscal year 2001 are provided solely for continuing the contract with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of state-wide significance during the 1999-2001 biennium.

(b) The funding level for each year of the contract shall be based on the amount provided in this subsection and adjusted to reflect the implicit price deflator for the previous year. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(6) $867,000 of the archives and records management account--state appropriation is provided solely for operation of the central microfilming bureau under RCW 40.14.020(8).

(7) $120,000 of the general fund--private/local appropriation is provided solely for the Washington quality awards council.

(8) $20,000 of the general fund--state appropriation for fiscal year ((~~2000~~)) 2001 is provided solely for the operations of the task force on archaeology and historic preservation. The task force shall develop a single recommendation for consideration by the legislature and the governor on the issue of the location of the office of archaeology and historic preservation within state government. The recommended location shall maximize the office of archaeology and historic preservation's stature, visibility, accessibility, and delivery of service state-wide in the context of its critical role as an important link among downtown and neighborhood revitalization efforts, the cultural tourism movement, rural economic development initiatives, and the preservation of the structures and sites that still remain as the legacy of Washington's rich and diverse heritage. The task force shall consider and include in its recommendation how best both to realize the potential of the office of archaeology and historic preservation to

generate revenue from services it could provide in international, national, state, local, and private venues and also how best to achieve adequate funding from all funding sources to assure that the office of archaeology and historic preservation can provide the best possible service to the citizens of the state. There shall be eleven members of the task force as follows: One member shall be the state historic preservation officer or his or her designee; two members shall be representatives of state agencies; two members shall be representatives of local governments; there shall be one representative each from the Washington state historical society, the eastern Washington state historical society, the Washington trust for historic preservation, and Indian tribes; and two members shall be representatives of the private sector who have experience in preservation of historic buildings or archaeological sites or who have particular interest in the issue of preservation of historic buildings and archaeological sites. The state historic preservation officer shall be the chair of the task force. The task force shall report to appropriate committees of the legislature and the governor by January 1, ((~~2000~~)) 2001.

Sec. 113. 1999 c 309 s 120 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account--State

Appropriation $

((~~13,487,000~~))

14,244,000

The appropriation in this section is subject to the following conditions and limitations: $757,000 of the state treasurer's service account appropriation is provided to address on-going compliance with federal tax codes. Of this amount, up to $400,000 is provided for a contract to conduct a compliance review of the state treasurer's debt management program. The state finance committee shall define the scope of the compliance review and oversee the contract.

Sec. 114. 1999 c 309 s 123 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2000) $

((~~32,000~~))

67,000

General Fund--State Appropriation (FY 2001) $

((~~118,000~~))

128,000

TOTAL APPROPRIATION $

((~~150,000~~))

195,000

The appropriations in this section are subject to the following conditions and limitations and are sufficient for the commission to: (1) Carry out statutorily required public hearings; (2) enter into an agreement with the department of personnel to provide data sharing, research support, and training for commission members and staff; (3) employ part-time staff in fiscal year 2000 to respond to requests for information; and (4) begin full-time staffing in September 2000 to allow for orientation and training for commission members prior to the next salary setting cycle. ((~~The commission shall work with the department of general administration to reduce its operating costs by colocating with another state agency, and shall report back to the fiscal committees of the legislature by December 15, 1999.~~)) $25,000 of the general fund--state appropriation for fiscal year 2000 and $10,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for office rent for the remainder of the biennium, increased AFRS and consolidated mail costs, general administration consulting services, and unexpected commission meeting costs related to litigation. Future funding for lease costs beyond the current biennium shall be contingent upon the agency's colocation with another agency.

Sec. 115. 1999 c 309 s 124 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2000) $

((~~3,906,000~~))

4,079,000

General Fund--State Appropriation (FY 2001) $

((~~3,889,000~~))

4,557,000

General Fund--Federal Appropriation $

((~~2,291,000~~))

2,526,000

Public Safety and Education Account--State Appropriation $

1,338,000

New Motor Vehicle Arbitration Account--State Appropriation $

1,109,000

Legal Services Revolving Account--State Appropriation $

((~~117,287,000~~))

118,476,000

TOTAL APPROPRIATION $

((~~129,820,000~~))

132,085,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general and the office of financial management shall modify the attorney general billing system to meet the needs of user agencies for greater predictability, timeliness, and explanation of how legal services are being used by the agency. The attorney general shall provide the following information each month to agencies receiving legal services: (a) The full-time equivalent attorney services provided for the month; (b) the full-time equivalent investigator services provided for the month; (c) the full-time equivalent paralegal services provided for the month; and (d) direct legal costs, such as filing and docket fees, charged to the agency for the month.

(3) $154,000 of the fiscal year 2000 general fund--state appropriation and $308,000 of the fiscal year 2001 general fund--state appropriation are provided solely for the costs associated with the legal defense of Initiative Measure No. 695.

(4) $486,000 of the legal services revolving account appropriation is provided solely to support activities related to vulnerable adults. Such activities include providing technical assistance for guardianships, financial exploitation cases, protection orders, and providing assistance to police and prosecutors addressing vulnerable adults.

(5) $200,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for costs associated with enforcing state authority on taxation of liquor with respect to Resolution T-022-00 adopted by the Confederated Tribes and Bands of the Yakama Nation.

Sec. 116. 1999 c 309 s 127 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2000) $

((~~72,469,000~~))

72,434,000

General Fund--State Appropriation (FY 2001) $

((~~71,387,000~~))

72,825,000

General Fund--Federal Appropriation $

((~~153,575,000~~))

171,275,000

General Fund--Private/Local Appropriation $

6,918,000

Public Safety and Education Account--State
Appropriation $
8,793,000

Public Works Assistance Account--State
Appropriation $
2,344,000

Building Code Council Account--State
Appropriation $
((~~1,375,000~~))
1,325,000

Administrative Contingency Account--State
Appropriation $
1,776,000

Low-Income Weatherization Assistance Account--State
Appropriation $
3,289,000

Violence Reduction and Drug Enforcement Account--
State Appropriation $
6,051,000

Manufactured Home Installation Training Account--
State Appropriation $
252,000

Washington Housing Trust Account--State
Appropriation $
((~~4,685,000~~))
4,770,000

Public Facility Construction Loan Revolving
Account--State Appropriation $
522,000

Film and Video Promotion Account--State
Appropriation $
40,000

TOTAL APPROPRIATION $
((~~333,436,000~~))
352,614,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $2,962,500 of the general fund--state appropriation for fiscal year 2000 and ((~~$3,602,500~~)) $3,672,500 of the general fund--state appropriation for fiscal year 2001 are provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 biennium.

(2) $61,000 of the general fund--state appropriation for fiscal year 2000 and $62,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan and agency action item DCTED-01.

(3) $11,893,320 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2000 as follows:

(a) $3,603,250 to local units of government to continue multijurisdictional narcotics task forces;

(b) $620,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) $1,552,800 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) $240,000 to the department for grants to support tribal law enforcement needs;

(e) $991,000 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington for the implementation of sections 7 through 10 of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing);

(f) $312,551 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) $200,000 to the department to continue a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(h) $667,075 to the department to continue domestic violence legal advocacy;

(i) $903,000 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(j) $91,000 to the department to continue the governor's council on substance abuse;

(k) $99,000 to the department to continue evaluation of Byrne formula grant programs;

(l) $1,519,244 to the office of financial management for criminal history records improvement;

(m) $804,400 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs;

(n) $290,000 to the Washington state patrol solely for costs associated with the supervision, coordination, and reimbursement for local law enforcement officers' participation in the task force on missing and exploited children established by Second Substitute Senate Bill No. 5108 (missing/exploited children). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(4) $11,101,954 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2001 as follows:

(a) $3,603,250 to local units of government to continue multijurisdictional narcotics task forces;

(b) $620,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) $1,363,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) $240,000 to the department for grants to support tribal law enforcement needs;

(e) $991,000 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington for the implementation of sections 7 through 10 of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing);

(f) $302,551 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) $200,000 to the department to continue a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(h) $667,075 to the department to continue domestic violence legal advocacy;

(i) $903,000 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(j) $90,000 to the Washington association of sheriffs and police chiefs to complete the state and local components of the national incident based reporting system;

(k) $30,000 to the department to expand integrated domestic violence training of law enforcement, prosecutors, and domestic violence advocates;

(l) $17,559 to the department to initiate the planning for a state-wide drug and violent crime threat assessment to be conducted in conjunction with the Northwest high intensity drug trafficking area and the department of social and health services, division of alcohol and substance abuse;

(m) $45,000 to the department to expand the number of prosecutors participating in the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(n) $91,000 to the department to continue the governor's council on substance abuse;

(o) $99,000 to the department to continue evaluation of Byrne formula grant programs;

(p) $1,014,419 to the office of financial management for criminal history records improvement; and

(q) $825,100 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(5) $500,000 of the general fund--state appropriation for fiscal year 2000 and $500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the tourism office to increase rural tourism development, consumer marketing, and international marketing.

(((~~(5)~~))) (6) $500,000 of the general fund--state appropriation for fiscal year 2000 and $500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a grant program to help communities design and carry out rural economic development projects.

(((~~(6)~~))) (7) $1,250,000 of the general fund--state appropriation for fiscal year 2000, and $1,250,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to operate, repair, and staff shelters for homeless families with children.

(((~~(7)~~))) (8) $2,500,000 of the general fund--state appropriation for fiscal year 2000 and $2,500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to operate transitional housing for homeless families with children. The grants may also be used to make partial payments for rental assistance.

(((~~(8)~~))) (9) $1,250,000 of the general fund--state appropriation for fiscal year 2000 and $1,250,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for consolidated emergency assistance to homeless families with children.

(((~~(9)~~))) (10) $50,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to develop a plan for a system for collecting reliable and accurate data on homeless persons. The plan shall provide at least two approaches based on a range of possible budgets. The plan shall be provided to the governor's office and the legislative fiscal committees no later than November 1, 1999.

(((~~(10)~~))) (11) $50,000 of the general fund--state appropriation for fiscal year 2000 and $50,000 of the general fund--state appropriation for fiscal year 2001 are provided to the department solely for providing technical assistance to developers of housing for farmworkers.

(((~~(11)~~))) (12) $160,000 of the public works assistance account appropriation is solely for providing technical assistance to local communities that are developing the infrastructure needed to support the development of housing for farmworkers.

(((~~(12)~~))) (13) $205,000 of the general fund--state appropriation for fiscal year 2000 and $205,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to Washington Columbia river gorge counties to implement their responsibilities under the national scenic area management plan. Of this amount, $390,000 is provided for Skamania county, and $20,000 is provided for Clark county.

(((~~(13)~~))) (14) $500,000 of the general fund--state fiscal year 2000 appropriation and $500,000 of the general fund--state fiscal year 2001 appropriation are provided solely for grants to Grays Harbor county as lead agency to support local coastal erosion activities and partnership with state and federal agencies in the southwest Washington coastal erosion study.

(((~~(14)~~))) (15) $1,000,000 of the general fund--state appropriation for fiscal year 2000 and $1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to food banks and food distribution centers. At least $65,000 of the amount provided in each fiscal year shall be utilized for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(((~~(15)~~))) (16) $50,000 of the general fund--state appropriation for fiscal year 2000 and $50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the establishment of state trade office activity in South Korea.

(((~~(16)~~))) (17) $698,000 of the general fund--state appropriation for fiscal year 2000, $698,000 of the general fund--state appropriation for fiscal year 2001, and $1,101,000 of the administrative contingency account appropriation are provided solely for contracting with associate development organizations.

(((~~(17) $220,000~~))) (18) $185,000 of the general fund--state appropriation for fiscal year 2000 and ((~~$90,000~~)) $409,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Substitute Senate Bill No.

5693 (developmental disabilities endowment). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(((~~18~~))) (19) $970,000 of the general fund--state appropriation for fiscal year 2000 is provided solely as a grant to the Washington council on international trade as partial support for the 1999 world trade organization meeting.

(((~~19~~))) (20) $500,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for a grant to Pierce county to construct a joint state/county recreation facility on state property in the South Hill area near Puyallup. The grant provided in this subsection is contingent upon an agreement that the county will assume full maintenance and operation of the facility.

(((~~20~~))) (21) $22,000 of the general fund--state appropriation for fiscal year 2000 and $22,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department's role in implementing Engrossed Second Substitute House Bill No. 1493 (homeless children and families). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(((~~21~~))) (22) $250,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to support the spirit 2000 millennium celebration project.

(((~~22~~))) (23) $20,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to assist the Tri-Cities cultural arts center to develop a plan to bring the arts to eastern Washington.

(((~~23~~))) (24) $125,000 of the general fund--state appropriation for fiscal year 2000 and $125,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase the number of trained volunteer long-term care ombudsmen available to serve elderly or disabled residents living in licensed boarding homes and adult family homes.

(((~~24~~))) (25) $150,000 of the general fund--state appropriation for fiscal year 2000 is provided solely as a grant to preserve the Mukai farm and garden.

(((~~25~~))) (26) $21,000 of the general fund--state appropriation for fiscal year 2000 is provided solely as a matching grant to support the Washington state senior games. State funding shall be matched with at least an equal amount of private or local government funds.

(((~~26~~))) (27) $500,000 of the general fund--state appropriation for fiscal year 2000 ((~~and $500,000 of the general fund--state appropriation for fiscal year 2001 are~~)) is provided solely to increase the number of children served by a court-appointed special volunteer advocate guardian ad litem in dependency proceedings. The funds shall be distributed by the department to local and state court-appointed special advocate programs based on the number of children without volunteer court-appointed special advocate representation. $200,000 of the general fund--state fiscal year 2001 appropriation is provided solely to contract with a private nonprofit corporation to provide state-wide technical support, development, and enhancement of court-appointed special advocate programs.

(((~~27~~))) (28) $1,125,000 of the general fund--state appropriation for fiscal year 2000 and $1,125,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for King county for the purpose of local public health. The amounts in this subsection shall be deposited into the county public health account.

(((~~28~~))) (29) $1,157,000 of the general fund--state appropriation for fiscal year 2000 and $1,723,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Spokane intercollegiate research and technology institute.

(30) $425,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the Spokane intercollegiate research and technology institute (SIRTI). This amount is contingent on the completion of a joint plan developed with Washington State University that identifies:

(a) How SIRTI and the university will work collaboratively to fulfill the current SIRTI goals and mission, including research, commercialization of digital, environmental, and biotechnologies, and development of venture capital;

(b) SIRTI governance, and the maintenance of a local board that will provide guidance and oversight for commercialization and technology transfer initiatives;

(c) Moving appropriate university research programs to Spokane;

(d) Strategies for strengthening higher education collaboration in Spokane;

(e) Resource development strategies to secure funds from nonstate sources to provide adequate support for commercialization and technology transfer efforts;

(f) The full and efficient use of resources, including space and budget, consistent with the goals and mission of SIRTI;

(g) Performance measures for impacts on the economy of Spokane and eastern Washington resulting from SIRTI activities such as:

(i) The amount of new research that SIRTI attracts to Spokane;

(ii) The number of new products incubated through SIRTI in the Spokane area;

(iii) The number of new products capitalized in the Spokane area through SIRTI;

(iv) The number of jobs produced by start-ups through SIRTI; and

(h) Strategies for reducing the need for state funding for SIRTI administrative, operating, and program management costs over time.

By April 15, 2000, SIRTI and the university will provide the office of financial management and the legislature with an operational plan that identifies the actions to be taken to meet their agreed-upon goals. Funds will be released only after receipt of a plan that meets these requirements, subject to a determination by the director of financial management in consultation and agreement with the higher education coordinating board, Spokane area baccalaureate institutions and the department of community, trade, and economic development.

(31) $250,000 of the general fund--state fiscal year 2001 appropriation is provided to support development of a proposal to site a spaceport facility in the Moses Lake area for the Lockheed Martin venture star project. In the event that Lockheed Martin does not proceed with a request for proposal process for the venture star project, the amounts provided in this subsection shall lapse.

(32) $300,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for sexual assault prevention and treatment programs.

(33) $85,000 of the Washington housing trust account appropriation is provided solely to implement House Bill No. 3105 or Senate Bill No. 6805 (apportioning a sales and use tax for zoos, aquariums, wildlife preserves, and regional parks). If neither bill is enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(34) $100,000 of the general fund--state appropriation for fiscal year 2001 is provided solely as pass-through funding to currently licensed overnight youth shelters.

(35) $110,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the office of archeology and historic preservation. The office is to remain in current leased space pending the results of the study regarding the future organizational status of the office.

(36) $50,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for pilot projects that provide voice mail services to homeless families and individuals for the purposes of employment and housing searches.

(37) $500,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for deposit into the state building construction account for the purpose of expanding grants to currently approved and prioritized projects in the community services facilities grant program.

(38) $5,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the Washington state millennium project as designated by the national endowment for the arts.

(39) $62,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to implement Substitute House Bill No. 2460 (community empowerment zones). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

Sec. 117. 1999 c 309 s 129 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2000) $

((~~12,791,000~~))

12,600,000

General Fund--State Appropriation (FY 2001) $

((~~11,855,000~~))

13,308,000

General Fund--Federal Appropriation $

23,340,000

General Fund--Private/Local Appropriation $

500,000

TOTAL APPROPRIATION $

((~~48,486,000~~))

49,748,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $50,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to evaluate and promote the use by state and local agencies of the training facilities at the Hanford reservation.

(2) Funding in this section provides for a feasibility study to collect Washington enrollment data on distance learning programs sponsored by in-state and out-of-state private institutions in cooperation with the higher education coordinating board and

the state board for community and technical colleges. Findings shall be submitted to the appropriate committees of the legislature by January 2000.

(3) $75,000 of the fiscal year 2000 general fund--state appropriation and $75,000 of the fiscal year 2001 general fund--state appropriation are provided solely to track and administer state and federal funding for salmon recovery allocated by the salmon recovery funding board established under Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079.

(4) The office of financial management, in collaboration with the institutions of higher education, the higher education coordinating board, and the state board for community and technical colleges, shall modify state information systems in order to provide consistent data on students engaged in distance learning. Higher education institutions shall provide enrollment information in support of this effort. Reporting on the numbers and categories of students enrolled in distance learning by class level and institutions shall begin by fall term, 2000. Washington independent institutions of higher education are encouraged to participate in this process and to provide distance learner enrollment data.

(5) $1,000,000 of the general fund--state appropriation and $500,000 of the general fund--private/local appropriation are provided solely for the commission on early learning. One-half of the amount provided from the general fund--state shall not be expended unless matched by an equal amount from private sources.

(6) $329,000 of the general fund--state appropriation for fiscal 2001 is provided solely to develop a centralized database of social service contract information as recommended by the task force on agency contracting services.

(7) $689,000 of the general fund--state appropriation is provided solely for information systems improvements at the department of fish and wildlife, including a network upgrade, purchase of personal computers, and support for agency information systems.

(8) $795,000 of the general fund--state appropriation is provided solely for improvements in the basic business practices at the department of fish and wildlife, including budget monitoring, cost accounting, time accounting and payroll systems, and license revenue forecasting.

(9) $75,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the task force on health care reinsurance established by Second Substitute Senate Bill No. 6067 (health insurance coverage). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(10) $285,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the office of financial management to adopt and publish uniform guidelines for the effective and efficient management of personal service contracts and client service contracts by all state agencies, conduct training on these guidelines for agency personnel, and conduct risk-based audits of personal service and client service contracts, as provided in Second Substitute House Bill No. 2738 (state agency personal service contract practices).

(a) The guidelines shall, at a minimum, include: (i) Accounting methods, systems, measures, and principles to be used by agencies and contractors; (ii) precontract procedures for selecting potential contractors based on their qualifications and ability to perform; (iii) incorporation of performance measures and measurable benchmarks in contracts, and the use of performance audits; (iv) uniform contract terms to ensure contract performance and compliance with state and federal standards; (v) proper payment and reimbursement methods to ensure that the state receives full value for taxpayer moneys, including cost settlements and cost allowance; (vi) post-contract procedures, including methods for recovering improperly spent or overspent moneys for disallowance and adjustment; (vii) adequate contract remedies and sanctions to ensure compliance; (viii) monitoring, fund tracking, risk assessment, and auditing procedures and requirements; (ix) financial reporting, record retention, and record access procedures and requirements; (x) procedures and criteria for terminating contracts for cause or otherwise; and (xi) other subjects related to effective and efficient contract management.

(b) The office of financial management shall provide a training course for agency personnel responsible for executing and managing personal service contracts and client service contracts. The course must contain training on effective and efficient contract management under the guidelines established under this subsection.

(c) The office of financial management shall conduct risk-based audits of the contracting practices associated with individual personal service and client service contracts from multiple state agencies to ensure compliance with the guidelines established in this subsection. In fiscal year 2001, the office of financial management shall conduct a minimum of eighteen risk-based audits, involving at least six contracts from each of at least three agencies. The office of financial management shall forward the results of the audits conducted under this subsection to the governor, the appropriate standing committees of the legislature, and the joint legislative audit and review committee.

(11) $100,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the creation of the citizens' alliance for government accountability.

(a) The citizens' alliance for government accountability shall be composed of a panel of six members as follows: The governor or the governor's designee; the state auditor or the state auditor's designee; and four citizen members. The leaders of the

two major party caucuses of the house of representatives and the senate shall each appoint one of the citizen members. The members of the alliance shall select a chair from one of the four citizen members.

(b) All members of the citizens' alliance for government accountability panel shall be reimbursed for travel expenses incurred in the performance of duties of the alliance in accordance with RCW 43.03.050 and 43.03.060.

(c) The citizens' alliance for government accountability shall perform the following duties:

(i) Evaluate whether state government and its agencies make strategic and consistent efforts to engage citizens in a dialogue, regarding accountability for programs and services;

(ii) Assess the success of state agencies in implementing and using new technologies and financial management systems to improve services, facilitate citizen access, measure and enhance the satisfaction of state agency customers;

(iii) Determine how agencies can use independent and comprehensive reviews to affirm the effectiveness and efficiency of state government agency management and use of public resources; and

(iv) Assess how agencies and the legislature use performance based budgets and performance agreements to improve results of program operations.

(d) The citizens' alliance for government accountability shall make recommendations to improve state government efficiency, effectiveness, organization, operations, and accountability, and to achieve costs savings. By December 31, 2000, the alliance shall present the governor and the appropriate committees of the legislature with a strategic work plan to accomplish its recommendations.

(12) $30,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a review of K-12 regional cost differences. The office of financial management shall conduct research, including a review of existing methods of determining regional cost differences. Regional cost differences shall include, but not be limited to, the cost of renting, leasing, or purchasing housing. The office of financial management shall report findings on cost differences on a regional basis and make recommendations on options for mitigating these differences to the appropriate committees of the house of representatives and senate by December 15, 2000.

(13) $243,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for an audit of the state ferry capital program. The audit of ferry capital operations shall determine the following: Whether the ferry system is acquiring, protecting, and using its resources economically and efficiently; the causes of inefficiencies or uneconomical practices; and whether the ferry system has complied with laws and regulations governing economy and efficiency. This audit shall build on audits performed by, or under the direction of, the joint legislative audit and review committee on ferry capital operations. In establishing the scope of this audit, the director of financial management shall solicit public comments from interested parties and benchmark the state ferry capital operations to other public and private ferry capital operations. To address the intent of this subsection, the director may contract for specialized expertise. The audit report shall be delivered on or before January 1, 2001, to the governor and to the fiscal committees of the state legislature.

(14) Within funds provided in this section, the office of financial management shall conduct a study of: (a) Rate setting methods and policies for subsidized child care; (b) the various state programs for low-income families with children; and (c) the best method for coordinating and consolidating child care and early education programs currently funded by state government. The child care rate study shall analyze the effects of rate setting policy on the affordability and quality of the overall child care market. The study of state programs for low-income families shall compare and contrast eligibility and access to these programs and identify ways to coordinate or consolidate these programs to reduce administrative costs and improve access. The child care and early education program study shall evaluate how current programs may be coordinated and consolidated to provide the most efficient level of administration, grant funding, and increased accessibility by families who are served by these programs. The office shall submit a report to the department of social and health services and the appropriate committees of the legislature by December 1, 2000.

Sec. 118. 1999 c 309 s 131 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account--State

Appropriation $

16,999,000

Higher Education Personnel Services Account--State

Appropriation $

1,640,000

TOTAL APPROPRIATION $

18,639,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall reduce its charge for personnel services to the lowest rate possible.

(2) The department of personnel service account appropriation contains sufficient funds to continue the employee exchange program with the Hyogo prefecture in Japan.

(3) $515,000 of the department of personnel service account appropriation is provided solely for the development and implementation of a new employment application processing system to: Provide for electronic applications via the internet, provide continuous application acceptance, provide increased public access to job openings, allow for single applications for multiple jobs, and provide for scanning of larger applicant databases as job openings arise.

(4) $190,000 of the department of personnel service account appropriation is provided solely for the expansion of the executive fellowship program.

(5) $108,000 of the department of personnel service account appropriation is provided solely for increased funding of the administrative expenses of the combined fund drive.

(6) $52,000 of the department of personnel service account appropriation is provided solely to implement House Bill No. 5432 (retiree charitable deductions). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(7) The department of personnel has the authority to charge agencies for expenses associated with converting its payroll/personnel computer system to accommodate the year 2000 date change. Funding to cover these expenses shall be realized from the agency FICA savings associated with the pretax benefits contributions plan.

(8) The department shall prepare a plan, in cooperation with the citizens' commission on salaries for elected officials, for providing office space for the commission in a department office building pursuant to an interagency agreement. The plan: (a) Shall provide for a separate, secured office for the 2001-03 biennium; (b) may provide for support services upon the mutual agreement of the department and commission; and (c) shall reflect both the commission's independent status and the need to provide for the most cost-effective structure for commission operations. The plan shall be submitted to the office of financial management and the appropriate fiscal committees of the house of representatives and senate by November 1, 2000.

Sec. 119. 1999 c 309 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Dependent Care Administrative Account--State

Appropriation $

361,000

Department of Retirement Systems Expense Account--

State Appropriation $

((~~41,182,000~~))

44,725,000

TOTAL APPROPRIATION $

((~~41,543,000~~))

45,086,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $92,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute Senate Bill No. 5030 (Washington state patrol surviving spouse retirement). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(2) $259,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1024 (retirement system option). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) $55,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute Senate Bill No. 6012 (investment board fund values). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(4) $22,000 of the department of retirement systems expense account appropriation is provided solely to implement Senate Bill No. 5432 (PERS retiree charitable deductions). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(5) $50,000 of the department of retirement systems expense account appropriation is provided solely for the department to prepare and distribute to state employees information about options under the federal tax code for tax-advantaged retirement savings.

(6) $3,731,000 of the department of retirement systems expense account appropriation is provided solely for the information systems project known as the electronic document image management system. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(7) The department shall adjust the retirement systems administrative rate during the 1999-2001 biennium as necessary to provide for law enforcement officers' and fire fighters' retirement system employer funding for a study of LEOFF plan 1 medical liabilities by the office of the state actuary.

(8) $293,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 2604 (survivor options). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(9) $2,879,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6530 (pension enhancements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

Sec. 120. 1999 c 309 s 137 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account--State
Appropriation $

((~~10,519,000~~))

11,137,000

Sec. 121. 1999 c 309 s 142 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 2000) $

279,000

General Fund--State Appropriation (FY 2001) $

((~~279,000~~))

622,000

General Fund--Federal Appropriation $

2,116,000

General Fund--Private/Local Appropriation $

417,000

State Capitol Vehicle Parking Account--
State Appropriation $

92,000

Air Pollution Control Account--State
Appropriation $

((~~379,000~~))

95,000

General Administration Services Account--State
Appropriation $

((~~43,976,000~~))

46,003,000

Energy Efficiency Services Account--State
Appropriation $

((~~199,000~~))

431,000

TOTAL APPROPRIATION $

((~~47,645,000~~))

50,055,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall develop an allocation method for tort defense costs with the office of the attorney general and selected agency representatives. A report shall be submitted to the office of financial management and the fiscal committees of the house of representatives and the senate by June 30, 2000, on how the agencies will be billed for their tort defense services from the

liability account. If Substitute House Bill No. 2111 (consolidates tort activities) is not enacted by June 30, 1999, this subsection shall lapse.

(2) $92,000 of the state capitol vehicle parking account--state appropriation and $27,000 of the general administration services account--state appropriation are provided solely for the continued operation of the state-wide commute trip reduction program.

(3) $343,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to conduct the capitol tour program.

Sec. 122. 1999 c 309 s 143 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES

Data Processing Revolving Account--State
Appropriation $
3,605,000

K-20 Technology Account--State Appropriation $
((~~7,400,000~~))
4,040,000

TOTAL APPROPRIATION $
((~~11,005,000~~))
7,645,000

The appropriations in this section are subject to the following conditions and limitations: ((~~$7,400,000~~)) $4,040,000 of the K-20 technology account appropriation is provided solely for the completion of the K-20 network development plan through phase 2.

Sec. 123. 1999 c 309 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account--State
Appropriation $
((~~1,119,000~~))
1,254,000

Sec. 124. 1999 c 309 s 148 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

General Fund--State Appropriation (FY 2000 $
1,293,000

General Fund--State Appropriation (FY 2001) $
1,284,000

Liquor Control Board Construction and Maintenance
Account--State Appropriation $
((~~8,013,000~~))
9,998,000

Liquor Revolving Account--State Appropriation $
((~~129,361,000~~))
129,422,000

TOTAL APPROPRIATION $
((~~139,951,000~~))
141,997,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $2,804,000 of the liquor revolving account appropriation is provided solely for the agency information technology upgrade. This amount provided in this subsection is conditioned upon satisfying the requirements of section 902 of this act.

(2) $105,000 of the liquor revolving account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5712 (motel liquor licenses). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) $300,000 of the liquor revolving account appropriation is provided solely for the board to develop a business plan. The board shall provide copies of the plan to the office of financial management and the fiscal committees of the legislature by September 30, 1999.

(4) $1,985,000 of the liquor control board construction and maintenance account appropriation is provided solely for the operation of the temporary distribution center.

(5) $53,000 of the liquor revolving account appropriation is provided solely to train new enforcement agents at the criminal justice training commission. Agents hired during the 1999-01 biennium shall attend the basic law enforcement academy program offered by the criminal justice training commission. Agents who have previously completed the basic law enforcement academy program offered by the criminal justice training commission, or who have previously completed the Washington trooper basic training program, shall not be required to attend the basic law enforcement academy program. Nothing in this subsection makes liquor officers eligible for membership in the law enforcement and fire fighters' pension systems. In cooperation with the board, the training commission shall establish a training curriculum that is appropriate for liquor enforcement officers.

(6) $8,000 of the liquor revolving account--state appropriation is provided solely for the creation of a liquor agencies advisory committee within the board, whose purpose is to foster communication between the legislature, the Washington state liquor control board, and the liquor agencies.

(a) The committee shall consist of two members of the Washington state liquor control board, two representatives of the liquor agencies nominated by the Washington association of retail liquor agencies, and two members from each of the senate and house of representatives commerce committees. The liquor agencies advisory committee shall elect a chair from among its members, and shall meet at least twice a year, and may meet as often as is necessary.

(b) The advisory committee shall make recommendations when requested by the legislative commerce committees, or on its own initiative, about revisions to fee and commission structures.

(c) The advisory committee shall prepare a comprehensive analysis and evaluation of the liquor agencies fees and commissions. The analysis and evaluation must consider, at a minimum, unique and significant financial, legislative, or other relevant developments that may impact fees and commissions. The advisory committee shall make recommendations for fee and commission revisions to the legislative commerce committees by June 30, 2001.

Sec. 125. 1999 c 309 s 149 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund--State Appropriation (FY 2001) $

368,000

Public Service Revolving Account--State
Appropriation $

25,966,000

Public Service Revolving Account--Federal
Appropriation $

652,000

TOTAL APPROPRIATION $

((~~26,618,000~~))

26,986,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $48,000 of the public service revolving account--state appropriation is provided solely for a study of costs incurred by electric, natural gas, telecommunications, and water utilities and railroads, except railroads owned and operated by the state and municipal corporations, for the placement of new and existing utilities facilities within railroad rights-of-way. The commission shall: (((~~(1)~~))) (a) Identify all expenses that are directly incurred by railroads to permit the safe construction and maintenance of utility facilities within the railroad right-of-way, including costs related to administering the issuance of a permit, inspecting construction, and flagging construction for safety; (((~~(2)~~))) (b) identify any extraordinary expenses which may be incurred by utilities and railroads as a result of utility facilities being located within the railroad right-of-way, including costs related to emergency response; (((~~(3)~~))) (c) examine the amount and scope of insurance that may be necessary for utilities and railroads to cover risks associated with railroad property and utility facilities located within the railroad right-of-way; (((~~(4)~~))) (d) compare and analyze different methods used or that could be used, for the purposes of determining compensation paid by utilities, to value railroad right-of-way property on which utility facilities are located; (((~~(5)~~))) (e) compare and analyze how terms, conditions, and fees imposed by railroads upon utilities for placing utility facilities within the railroad right-of-way have changed over time; and (((~~(6)~~))) (f) make any recommendations it deems pertinent based upon its findings. The commission shall consult with the chairs and ranking minority members of the senate energy,

technology, and telecommunications committee and the house or representatives technology, telecommunications, and energy committee throughout the course of study and shall submit its report to the legislature and the governor by December 1, 1999.

(2) $368,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to implement House Bill No. 2420 (pipeline safety). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

Sec. 126. 1999 c 309 s 151 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2000) $
((~~18,568,000~~))
11,655,000

General Fund--State Appropriation (FY 2001) $
((~~8,264,000~~))
8,981,000

General Fund--Federal Appropriation $
22,148,000

General Fund--Private/Local Appropriation $
238,000

Enhanced 911 Account--State Appropriation $
((~~16,491,000~~))
19,507,000

Disaster Response Account--State Appropriation $
((~~18,970,000~~))
10,336,000

Disaster Response Account--Federal Appropriation $
((~~94,733,000~~))
45,032,000

Worker and Community Right to Know Fund--State Appropriation $
285,000

TOTAL APPROPRIATION $
((~~179,697,000~~))
118,182,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~$10,174,000~~)) $2,926,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for deposit in the disaster response account to cover costs pursuant to section 402(9) of this act and subsection (2) of this section.

(2) ((~~$18,970,000~~)) $10,336,000 of the disaster response account--state appropriation is provided solely for the state share of response and recovery costs associated with federal emergency management agency (FEMA) disaster 1079 (November/December 1995 storms), FEMA disaster 1100 (February 1996 floods), FEMA disaster 1152 (November 1996 ice storm), FEMA disaster 1159 (December 1996 holiday storm), FEMA disaster 1172 (March 1997 floods), FEMA disaster 1252 (1998 northeast counties floods), and FEMA disaster 1255 (Kelso landslide). The military department may, upon approval of the director of the office of financial management, use portions of the disaster response account--state appropriation to offset costs of new disasters occurring before June 30, 2001. The military department is to submit a report quarterly to the office of financial management and the fiscal committees of the house of representatives and senate detailing disaster costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (d) estimates of future payments by biennium. This information is to be displayed by individual disaster, by fund, and by type of assistance.

(3) ((~~$75,000~~)) $100,000 of the general fund--state fiscal year 2000 appropriation and ((~~$75,000~~)) $100,000 of the general fund--state fiscal year 2001 appropriation are provided solely for implementation of the conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) $35,000 of the general fund--state fiscal year 2000 appropriation and $35,000 of the general fund--state fiscal year 2001 appropriation are provided solely for the north county emergency medical service.

(5) $57,000 of the general fund--state appropriation for fiscal year 2000 and $57,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for emergency preparedness activities of state agencies related to the Hanford nuclear site. If additional federal moneys are received for purposes of this subsection, it is the intent of the legislature that those funds shall be used to supplant the existing state appropriation.

(6) $278,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the costs of activating the national guard during the world trade organization conference in Seattle.

(7) $550,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for lawsuit and settlement costs associated with the 1996 floods.

(8) $5,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for national guard license plate insignia.

Sec. 127. 1999 c 379 s 947 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2000) $

((~~3,000,000~~))

2,000,000

General Fund--State Appropriation (FY 2001) $

1,000,000

TOTAL APPROPRIATION $

3,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section ((~~is~~)) are provided for emergency services readiness centers in Bremerton, Yakima, and Spokane. The $2,000,000 general fund--state appropriation for fiscal year 2000 is provided solely for the design and/or construction of the Bremerton and Spokane readiness centers. The $1,000,000 general fund--state appropriation for fiscal year 2001 is provided solely for the design and/or construction of the Yakima armory.

Sec. 128. 1999 c 309 s 154 (uncodified) is amended to read as follows:

FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Operating Account--State Appropriation $

29,963,000

State Convention and Trade Center Account--State Appropriation $

2,471,000

TOTAL APPROPRIATION $

32,434,000

Sec. 129. 1999 c 309 s 125 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2000) $

((~~406,000~~))

431,000

General Fund--State Appropriation (FY 2001) $

((~~404,000~~))

479,000

TOTAL APPROPRIATION $

((~~810,000~~))

910,000

The appropriations in this section are subject to the following conditions and limitations: $25,000 of the general fund--state appropriation for fiscal year 2000 and $75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of House Bill No. 2344 (community supervision caseloads).

Sec. 130. 1999 c 309 s 140 (uncodified) is amended to read as follows:

FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund--State Appropriation (FY 2000) $

1,766,000

(((~~General Fund--State Appropriation (FY 2001) $~~

~~1,822,000~~))

City and Town Research Services Account--

State Appropriation $

1,699,000

County Research Services Account--State

Appropriation $

681,000

TOTAL APPROPRIATION $

((~~4,269,000~~))

4,146,000

Sec. 131. 1999 c 309 s 144 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation $

304,000

Insurance Commissioners Regulatory Account--State

Appropriation $

((~~24,738,000~~))

25,086,000

TOTAL APPROPRIATION $

((~~25,042,000~~))

25,390,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $500,000 of the insurance commissioner's regulatory account appropriation is provided solely for funding agreements with insurance companies, to counsel policyholders and administer the liquidation of insurance companies.

(2) $730,000 of the insurance commissioner's regulatory account appropriation is provided solely for performing market conduct exams on life and annuity policies.

(3) $306,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Substitute Senate Bill No. 5509 (Holocaust insurance enforcement). Expenditures from this amount shall not exceed regulatory revenues received under the bill. If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(4) $167,000 of the insurance commissioners regulatory account is provided solely to implement Second Substitute Senate Bill No. 6199 (patient bill of rights). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(5) $181,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement section 1 of Engrossed Second Substitute Senate Bill No. 6067 (individual health insurance coverage). If section 1 of Engrossed Second Substitute Senate Bill No. 6067 is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

PART II
HUMAN SERVICES

Sec. 201. 1999 c 309 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose, except as expressly provided in subsection (3) of this section.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2000, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2000 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in subsection (3)(b) and (c) of this section.

(b) To the extent that transfers under subsection (3)(a) of this section are insufficient to fund actual expenditures in excess of fiscal year 2000 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, voluntary placement, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose after approval by the director of financial management.

(c) The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any allotment modifications.

Sec. 202. 1999 c 309 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2000) $

((~~207,273,000~~))

205,114,000

General Fund--State Appropriation (FY 2001) $

((~~223,208,000~~))

224,155,000

General Fund--Federal Appropriation $

((~~337,357,000~~))

349,446,000

General Fund--Private/Local Appropriation $

400,000

Violence Reduction and Drug Enforcement Account--
State Appropriation $

4,194,000

TOTAL APPROPRIATION $

((~~772,432,000~~))

783,309,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $594,000 of the general fund--state appropriation for fiscal year 2000, $1,964,000 of the general fund--state appropriation for fiscal year 2001, and $195,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 5557 (the HOPE act) or sections 10 through 29 of Engrossed Second Substitute House Bill No. 1493. If neither bill is enacted by June 30, 1999, the funds shall be provided for:

(a) The department to contract for 10 temporary residential placements, for up to 30 days, for youth by June 30, 2000, and for 29 temporary residential placements for youth by June 30, 2001. These youth shall be sixteen to eighteen years old who are dependents of the state, and who live outdoors or in unsafe locations not intended for occupancy by a minor, and whose permanency plan of care does not include return to home or family reunification. The department shall contact the missing children's clearinghouse regarding these youth. The department may approve placements for fourteen and fifteen-year olds who

also meet these criteria. Youth who receive these placements may receive one or more of the following services: Educational services, vocational training, job readiness assistance, job search assistance, chemical dependency treatment, and counseling; and

(b) For the department to contract for 10 residential placements for dependent youth by June 30, 2000, and for 29 residential placements for youth by June 30, 2001. These youth shall be aged sixteen through eighteen who live outdoors or in unsafe locations not intended for occupancy by a minor, and whose permanency plan does not include return to home or family reunification. These placements may be available to youth up to eighteen years of age. Youth who receive these placements shall receive training related to one or more of the following: Basic education, employment, money management and other skills that will assist the youth in developing independent living skills.

(2) ((~~$2,745,000 of the fiscal year 2000 general fund--state appropriation, $2,745,000 of the fiscal year 2001 general fund--state appropriation, and $1,944,000 of the general fund--federal appropriation are provided for the category of services titled "intensive family preservation services."~~)) Within the existing appropriation, intensive family preservation services shall be provided in all regions according to the department's model in chapter 74.14C RCW.

(3) $670,925 of the general fund--state fiscal year 2000 appropriation and $670,925 of the general fund--state fiscal year 2001 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(4) $513,000 of the general fund--state fiscal year 2000 appropriation and $513,000 of the general fund--state fiscal year 2001 appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(5) ((~~$3,440,000~~)) $5,440,000 of the general fund--state appropriation for fiscal year 2000 and ((~~$3,441,000~~)) $7,441,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per petition processing costs nor shall it penalize counties with lower than average per petition processing costs.

(6) Each quarter during the 1999-01 fiscal biennium, each county shall report the number of petitions processed and the total costs of processing the petitions in each of the following categories: Truancy, children in need of services, and at-risk youth. Counties shall submit the reports to the department no later than 45 days after the end of the quarter. The department shall forward this information to the chair and ranking minority member of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a quarter ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(7) $2,311,000 of the fiscal year 2000 general fund--state appropriation, $2,370,000 of the fiscal year 2001 general fund--state appropriation, and $4,182,000 of the violence reduction and drug enforcement account appropriation are provided solely for the family policy council and community public health and safety networks.

(8) $90,000 of the general fund--state appropriation for fiscal year 2000, $91,000 of the general fund--state appropriation for fiscal year 2001, and $64,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 1619 (foster parent reimbursements). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(9) $121,000 of the general fund--state appropriation for fiscal year 2000, $101,000 of the general fund--state appropriation for fiscal year 2001, and $80,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1668 (foster parent training). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(10) $213,000 of the general fund--state appropriation for fiscal year 2000, $93,000 of the general fund--state appropriation for fiscal year 2001, and $78,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 1692 or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). ((~~If neither of these bills is enacted by June 30, 1999, the amounts provided in this subsection shall lapse.~~))

(11) $140,000 of the fiscal year 2001 state general fund appropriation is provided solely for the department to establish and maintain a toll-free telephone number and an electronic on-line system for communication of information regarding child day-

care centers and family day-care providers. This number shall be available during standard business hours, and during nonbusiness hours callers shall be able to leave messages. The number shall be published in reasonably available printed and electronic media. The number shall be easily identifiable as a method that callers may use to determine whether a day-care provider is licensed, determine whether a day-care provider is in good standing regarding licensing requirements, determine the general nature of enforcement actions against the provider, obtain information on how to report suspected or observed noncompliance with licensing requirements, obtain information on how to report health, safety, and welfare concerns, receive follow-up assistance including information on the office of the family and children's ombudsman, and receive referral information on other agencies or entities that may be of further assistance to the caller. Upon request, the department shall disclose the receipt, general nature, current status and resolution of all complaints on record with the department after the effective date of this section against a child day-care center or family day-care provider that result in an enforcement action. The department shall make available to the public during business hours all inspection reports and notices of enforcement actions involving child day-care centers and family day-care providers consistent with chapter 42.17 RCW. The department shall include in the inspection report a statement of the corrective measures taken by the center or provider.

(12) $348,000 of the general fund--federal appropriation is provided solely for the department to determine the character of persons who have unsupervised access to children in care, including exempt child care providers defined in RCW 74.15.020, through a conviction record and pending charges check at the Washington state patrol, in order to authorize payment for care. If a check through the Washington state patrol or the federal bureau of investigation has been completed within the preceding year of the department's request, the department may rely upon the previous check for persons who confirm no offenses have been committed within the last year. This subsection does not establish any obligation, duty, or cause of action.

(13) $100,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for allocation, without deduction for administrative costs by the department, to the educational institute for rural families to ensure continued seasonal child care in region two of the department. These funds are not intended to supplant the contracted rate of reimbursement or the total reimbursement for the provision of seasonal child care by this provider.

(14) $174,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a foster parent retention pilot program. This program will be directed at foster parents caring for children who act out sexually, as described in House Bill No. 2709 (foster parent retention program).

(15) $150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to implement Substitute House Bill No. 2588 (domestic violence fatalities).

(16) The amounts provided in this section are sufficient to implement Engrossed Second Substitute Senate Bill No. 6400 (domestic violence).

(17) From the level funded in chapter 309, Laws of 1999, no reductions shall be taken in the foster care budget, from workers or support staff in child protective services, or from the children's administration research office.

Sec. 203. 1999 c 309 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2000) $

((~~32,816,000~~))

31,939,000

General Fund--State Appropriation (FY 2001) $

((~~34,094,000~~))

34,842,000

General Fund--Federal Appropriation $

((~~8,072,000~~))

9,732,000

General Fund--Private/Local Appropriation $

380,000

Juvenile Accountability Incentive Account--Federal Appropriation $

((~~5,427,000~~))

6,548,000

Violence Reduction and Drug Enforcement Account--
State Appropriation $

((~~21,034,000~~))

20,977,000

TOTAL APPROPRIATION $

((~~101,823,000~~))

104,418,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) $666,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(b) $5,742,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(c) $1,161,000 of the general fund--state appropriation for fiscal year 2000, $1,162,000 of the general fund--state appropriation for fiscal year 2001, $5,000,000 of the violence reduction and drug enforcement account appropriation, and $177,000 of the juvenile accountability incentive account--federal appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(d) ((~~$2,507,000~~)) $2,419,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(e) $100,000 of the general fund--state appropriation for fiscal year 2000 and $100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for juvenile rehabilitation administration to contract with the institute for public policy for responsibilities assigned in chapter 338, Laws of 1997 (juvenile code revisions).

(f) The juvenile rehabilitation administration, in consultation with the juvenile court administrators, may agree on a formula to allow the transfer of funds among amounts appropriated for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative.

(g) $75,000 of the general fund--state appropriation for fiscal year 2000 ((~~is~~)) and $100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a contract for expanded services of the teamchild project.

(h) $75,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the Skagit county delinquency prevention project.

(i) $350,000 of the general fund--state appropriation for fiscal year 2000, $735,000 of the general fund--state appropriation for fiscal year 2001, $229,000 of the general fund--federal appropriation, and $673,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates for contracted service providers. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(j) ((~~$1,191,000 of the general fund--state appropriation for fiscal year 2000, $1,191,000 of the general fund--state appropriation for fiscal year 2001 and $356,000 of the general fund--federal appropriation are provided solely for parole services for lower risk youth.~~)) No later than January 1, 2001, the Washington state institute for public policy shall report to the legislature on the outcomes of low and moderate risk juvenile rehabilitation administration offenders who were released without supervision compared to those who were released with supervision. The study shall compare both the recidivism rates as well as the nature of any new criminal offenses each group commits. The legislature shall consider the results of this study in making any decision to continue or revise parole services for this group of offenders.

(k) $16,000 of the general fund--state appropriation for fiscal year 2000 and $16,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Substitute Senate Bill No. 5214 (firearms on school property). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse. The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of Substitute Senate Bill No. 5214 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(l) $31,000 of the violence reduction and drug enforcement account appropriation is provided solely for the evaluation of the juvenile offender co-occurring disorder pilot program implemented pursuant to section 204 of this 2000 act.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2000) $
((~~47,599,000~~))
46,937,000

General Fund--State Appropriation (FY 2001) $
((~~48,799,000~~))
45,856,000

General Fund--Private/Local Appropriation $
740,000

Violence Reduction and Drug Enforcement Account--
State Appropriation $
15,282,000

TOTAL APPROPRIATION $
((~~112,420,000~~))
108,815,000

The appropriations in this subsection are subject to the following conditions and limitations: $37,000 of the general fund--state appropriation for fiscal year 2000 and $74,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase payment rates for contracted service providers. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2000) $
1,419,000

General Fund--State Appropriation (FY 2001) $
((~~1,418,000~~))
1,421,000

General Fund--Federal Appropriation $
((~~320,000~~))
317,000

Juvenile Accountability Incentive Account--Federal
Appropriation $
1,100,000

Violence Reduction and Drug Enforcement Account--
State Appropriation $
421,000

TOTAL APPROPRIATION $
4,678,000

NEW SECTION. **Sec. 204.** A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE OFFENDER CO-OCCURRING DISORDER PILOT PROGRAM

$867,000 from the juvenile accountability incentive account--federal is appropriated to the department of social and health services, juvenile rehabilitation administration, community services program, solely to implement a pilot program to provide for postrelease planning and treatment of juvenile offenders with co-occurring disorders. The secretary shall select and contract with a

private or nonprofit provider to provide a program of specialized access and integrated services to juvenile offenders who are identified as having co-occurring disorders and selected for participation in the pilot program prior to release from total confinement within the juvenile rehabilitation administration. The program shall enroll no more juvenile offenders than the number that can be accommodated within the appropriated funding level and shall seek to fill any vacancies that occur.

Juvenile offenders identified by the secretary and selected by the program as having co-occurring disorders and a high risk of reoffending are eligible for consideration for enrollment in the program.

(1) Criteria for admission into the program shall include a determination by the secretary that the offender:

(a) Has a mental disorder as defined in chapter 71.05 RCW, or is a severely emotionally disturbed child or a seriously disturbed person as defined in chapter 71.24 RCW and needs continued mental health treatment;

(b) Has a chemical abuse disorder, as determined by the secretary;

(c) Is less likely to reoffend if he or she receives integrated, highly individualized treatment;

(d) Is unable or unlikely to obtain appropriate treatment from other sources; and

(e) Will remain under the supervision of the secretary for at least four months following release from total confinement.

(2) The program enrollment shall, to the extent possible, reflect the demographics of juvenile offenders having co-occurring disorders and who are in total confinement under the jurisdiction of the secretary.

(3) The provider shall provide research-based, integrated, and highly individualized mental health and chemical abuse treatment to persons enrolled in the program. The services shall emphasize family and community involvement and shall be aimed at:

(a) Lowering the risk of reoffending;

(b) Improving the education level and vocational opportunities;

(c) Connecting the offenders with appropriate community services;

(d) Achieving abstinence from unlawful use of controlled substances and alcohol;

(e) Improving the mental health status and stability of the juvenile; and

(f) Increasing prosocial behavior.

(4) The services offered in the program shall:

(a) Include intensive, community-based case management and treatment with a client-to-staff ratio not to exceed seven offenders to each case manager;

(b) Be available at any time;

(c) Be based on a collaboration with the appropriate department employees during the preparation of a release plan for the offender, prior to discharge, and in on-going supervision of the offender by the secretary;

(d) Include all appropriate medications, including the full range of psychotropic medications, as well as monitoring and counseling to support offender understanding, acceptance, and compliance with medication regimens;

(e) Include a systematic effort to engage offenders and their families, where possible, to continuously involve themselves in current and long-term treatment and appropriate rehabilitative activities;

(f) Include classes appropriate to the clinical and living needs of the offender and to his or her level of understanding;

(g) Provide assistance in applying for all appropriate federal, state, and private support for which the offender or his or her family is eligible; and

(h) Include access to daily activities such as school, drop-in centers, prevocational and vocational training and jobs, and volunteer activities.

(5) The pilot program must begin providing services to selected juveniles no later than September 1, 2000.

Sec. 205. 1999 c 309 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2000) $

((~~166,271,000~~))

<u>165,723,000</u>

General Fund--State Appropriation (FY 2001) $

((~~174,541,000~~))

<u>179,190,000</u>

General Fund--Federal Appropriation $

((~~306,547,000~~))

305,644,000

General Fund--Local Appropriation $

1,827,000

Health Services Account Appropriation $

1,225,000

TOTAL APPROPRIATION $

((649,186,000))

653,609,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(b) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) ((~~$600,000~~)) $711,000 of the general fund--state appropriation for fiscal year 2000 and ((~~$616,000~~)) $757,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to directly reimburse eligible providers for the medicaid share of mental health services provided to persons eligible for both medicaid and medicare.

(d) $64,000 of the general fund--state appropriation for fiscal year 2000 and $150,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for regional support networks to participate in prerelease treatment planning and to conduct involuntary commitment evaluations, as required by Substitute Senate Bill No. 5011 (mentally ill offenders). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(e) $5,000 of the general fund--state appropriation for fiscal year 2000 and $466,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for case management and other community support services, as authorized by Substitute Senate Bill No. 5011 (mentally ill offenders). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(f) Within funds appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a pilot project demonstrating new and collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services are to be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of WAC 275-57. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government. The regional support network shall provide the department with (i) periodic reports on project service levels, methods, and outcomes; (ii) protocols, guidelines, and handbooks suitable for use by other school districts and regional support networks seeking to replicate the pilot project's approach; and (iii) intergovernmental transfer equal to the state share of the increased medicaid payment provided for operation of this project.

(g) $47,000 of the general fund--state appropriation for fiscal year 2000 and $47,000 of the general fund--state appropriation for fiscal year 2001 are provided for implementation of Substitute Senate Bill No. 5214 (firearms on school premises). If the bill is not enacted by June 30, 1999, the amounts provided shall lapse.

(h) $1,000,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for implementation of Substitute House Bill No. 2663 (atypical antipsychotic medications). If Substitute House Bill No. 2663 is not enacted by June 30, 2000, the amount provided in this subsection shall lapse. Prior to implementing the projects established in the bill, the department shall report to the appropriate policy and fiscal committees of the legislature on proposed medication delivery and monitoring systems and arrangements for obtaining manufacturer discounts or rebates. No more than $175,000 of the funds provided in this subsection may be used for state and contractor start-up, administration, and evaluation of the projects, and no more than $100,000 of that amount may be for ongoing costs that continue beyond fiscal year 2001. The department may transfer and allot the state component of such administrative costs to its mental health program support subprogram. The funds provided in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the distribution formula established pursuant to RCW 71.24.035.

(i) The health services account appropriation is provided solely for implementation of strategies that the department and the affected regional support networks conclude will best assure continued availability of community-based inpatient psychiatric services in all areas of the state. Such strategies may include, but are not limited to, emergency contracts for continued operation of inpatient facilities otherwise at risk of closure because of demonstrated, disproportionate uncompensated psychiatric care; start-up grants for development of evaluation and treatment facilities; and increases in the rate paid for inpatient psychiatric services for

medically indigent and/or general assistance for the unemployed patients. (i) The funds provided in this subsection must be: (A) Prioritized for use in those areas of the state that are at greatest risk of lacking sufficient inpatient psychiatric treatment capacity; (B) prioritized for use by those areas that do not receive low-income disproportionate share hospital payments as of the date of application for funding; (C) matched on a one-quarter local, three-quarters state basis by funding from the regional support network or networks in the area in which the funds are expended; and (D) used to support strategies which can be sustained during the 2001-03 biennium at a state cost no more than 100 percent greater than the amount provided in this subsection. (ii) Except for prospective rate increases, payments from the amount provided in this subsection shall not be made to any provider that has not agreed: (A) Except for prospective rates increases, that the payment shall offset, on a dollar-for-dollar basis, any liability that may be established against the state for the rate of state reimbursement for inpatient psychiatric care; and (B) that the provider will maintain or enhance its inpatient psychiatric treatment capacity throughout the period ending June 30, 2001, or for the duration of the funding, whichever is later. The funds provided in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the distribution formula established pursuant to RCW 71.24.035.

(j) The general fund--state appropriation for fiscal year 2001 includes $1,891,000 to replace federal funding for outpatient services which is no longer available due to the reduction in the federal medical assistance percentage. The department shall distribute these additional state funds among the regional support networks according to each regional support network's capitation rate by eligibility category.

(k) The appropriations in this subsection include an increase in funding for medicaid outpatient services as a result of the forecasted increase in the number of persons eligible for medicaid over the number previously budgeted. The department shall distribute these additional appropriations among the regional support networks according to each regional support network's capitation rate by eligibility category.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2000) $

((~~69,946,000~~))

69,797,000

General Fund--State Appropriation (FY 2001) $

((~~69,932,000~~))

72,297,000

General Fund--Federal Appropriation $

((~~138,825,000~~))

141,160,000

General Fund--Private/Local Appropriation $

((~~29,456,000~~))

29,848,000

TOTAL APPROPRIATION $

((~~308,159,000~~))

313,102,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma prerelease program of the department of corrections.

(c) The department shall use general fund--local appropriations in this subsection to establish a third-party revenue incentive pool, which shall be used for staff-initiated projects which will increase the quality of care at the state hospitals. For fiscal year 2000, the incentive pool shall be (i) the first $200,000 by which revenues from third-party payers exceed $27,800,000; and (ii) fifty percent of any amounts beyond $28,000,000, up to a maximum of $500,000. For fiscal year 2001, the incentive pool shall be (iii) the first $350,000 by which third-party revenues exceed $29,050,000; and (iv) fifty percent of any amounts beyond $29,400,000, up to a maximum of $700,000. For purposes of this subsection, "third-party revenues" does not include disproportionate share hospital payments. The department may establish separate incentive pools for each hospital. The department may also divide the annual revenue target into quarterly goals, and make funds available from the incentive pool on a quarterly basis.

(d) $444,000 of the general fund--state appropriation for fiscal year 2000, $1,866,000 of the general fund--state appropriation for fiscal year 2001, $196,000 of the general fund--private/local appropriation, and $157,000 of the general fund--federal appropriation are provided solely for improvements at western state hospital related to the treatment of individuals with developmental disabilities and mental illness. This includes efforts to comply with new rules issued by the federal government regarding the use of restraint and seclusion.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2000) $
((~~8,665,000~~))
10,895,000

General Fund--State Appropriation (FY 2001) $
((~~9,524,000~~))
11,940,000

Public Safety and Education Account--State Appropriation $
9,172,000

TOTAL APPROPRIATION $
((~~18,189,000~~))
32,007,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall report to the fiscal committees of the legislature by October 1, 1999, on plans for increasing the efficiency of staffing patterns at the civil commitment center sufficiently to operate within authorized staffing and expenditure levels.

(b) The public safety and education account appropriation is provided solely for deposit into the state building and construction account for design and construction of a new special commitment center facility (capital project 01-2-001). These funds shall not be transferred for other purposes as otherwise provided in section 201(3)(b) of this act. The amount provided in this subsection is subject to the review and allotment procedures under sections 902 and 903, chapter 379, Laws of 1999. In accordance with section 909, chapter 379, Laws of 1999, the department of corrections is responsible for project management.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2000) $
444,000

General Fund--State Appropriation (FY 2001) $
443,000

General Fund--Federal Appropriation $
3,282,000

TOTAL APPROPRIATION $
4,169,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2000) $
2,612,000

General Fund--State Appropriation (FY 2001) $
2,706,000

General Fund--Federal Appropriation $
3,227,000

TOTAL APPROPRIATION $
8,545,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) By December 1, 1999, the department shall provide the fiscal committees of the legislature with an independent assessment of options for increasing the efficiency and effectiveness of current systems and organizational structures for billing third-party payers for hospital services.

(b) $100,000 of the general fund--state appropriation for fiscal year 2000, $100,000 of the general fund--state appropriation for fiscal year 2001, and $120,000 of the general fund federal appropriation are provided solely for the institute for public policy to evaluate the impacts of Substitute Senate Bill No. 5011 (mentally ill offenders), and of chapter 297, Laws of 1998

(commitment of mentally ill persons). If Substitute Senate Bill No. 5011 is not enacted by June 30, 1999, one-half of each of these amounts shall lapse.

Sec. 206. 1999 c 309 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2000) $
((~~183,530,000~~))
185,555,000

General Fund--State Appropriation (FY 2001) $
((~~197,412,000~~))
207,422,000

General Fund--Federal Appropriation $
((~~319,962,000~~))
327,963,000

Health Services Account--State Appropriation $
262,000

TOTAL APPROPRIATION $
((~~701,166,000~~))
721,202,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The health services account appropriation and $127,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(b) $3,100,000 of the general fund--state appropriation for fiscal year 2000, $4,650,000 of the general fund--state appropriation for fiscal year 2001, and $8,250,000 of the general fund--federal appropriation are provided solely to increase services and supports for people with developmental disabilities. These funds shall be expended in accordance with priorities established by the stakeholder advisory group established in accordance with chapter 216, Laws of 1998 (developmental disabilities), except that (i) at least 60 percent of these amounts must be used to increase the number of people receiving residential, employment, family support, or other direct services; (ii) the services and supports must be designed and implemented such that the cost of continuing them in the 2001-03 biennium does not exceed $19.2 million, of which no more than $9.3 million is from state funds; and (iii) strong consideration shall be given to the need for increased wages for direct care workers in contracted residential programs.

(c) $82,000 of the general fund--state appropriation for fiscal year 2000, $329,000 of the general fund--state appropriation for fiscal year 2001, and $428,000 of the general fund--federal appropriation are provided solely to increase the number of developmentally disabled people receiving residential, employment, family support, or other direct services. The amounts in this subsection (1)(c) are subject to the restrictions in (b)(ii) of this subsection (1).

(d) $413,000 of the general fund--state appropriation for fiscal year 2000, $1,172,000 of the general fund--state appropriation for fiscal year 2001, and $694,000 of the general fund--federal appropriation are provided solely for employment, or other day activities and training programs, for young people who complete their high school curriculum in 1999 or 2000.

((~~(d) $1,919,000 of the general fund--state appropriation for fiscal year 2000, $2,892,000 of the general fund--state appropriation for fiscal year 2001, and $4,992,000 of the general fund--federal appropriation are provided solely for alternatives for persons who would otherwise be at substantial risk of state psychiatric hospitalization. The department shall use these funds and other resources appropriated in this section and in section 205(1) of this act to assure that the average number of persons with developmental disabilities in the state hospitals does not exceed sixty-six per day during the first biennial quarter; sixty per day during the second; fifty-four per day during the third; and forty-eight per day during the final quarter of the 1999-2001 biennium. The developmental disabilities program shall transfer $285 of the general fund--state appropriation to the mental health program for each bed-day by which these quarterly targets are exceeded.~~))

(e) $513,000 of the general fund--state appropriation for fiscal year 2000, $1,421,000 of the general fund--state appropriation for fiscal year 2001, and $2,033,000 of the general fund--federal appropriation are provided to develop and operate

secure residential and day program placements for persons who seem likely to pose a significant risk to the public safety if their current residential arrangement were to continue.

(f) $209,000 of the general fund--state appropriation for fiscal year 2000, $664,000 of the general fund--state appropriation for fiscal year 2001, and $939,000 of the general fund--federal appropriation are provided to increase wages as required by Initiative No. 688 (state minimum wage) for contracted adult family homes, adult residential care facilities, hourly and daily family support providers, and hourly attendant care providers.

(g) $1,978,000 of the general fund--state appropriation for fiscal year 2000, $4,475,000 of the general fund--state appropriation for fiscal year 2001, and $6,989,000 of the general fund--federal appropriation are provided solely to increase compensation for individual and agency home care workers. Payments to individual providers are to be increased from $6.18 per hour to $6.68 per hour on July 1, 1999, and to $7.18 per hour on July 1, 2000. Payments to agency providers are to be increased to $11.97 per hour on July 1, 1999, and to $12.62 per hour on July 1, 2000. All but 14 cents per hour of the July 1, 1999, increase to agency providers, and all but 15 cents per hour of the additional July 1, 2000, increase is to be used to increase wages for direct care workers. The appropriations in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(h) Within amounts appropriated in this subsection, the developmental disabilities program shall contract for a pilot program to test an alternative service delivery model for persons with autism. The department must use a competitive process to determine the site of the pilot. The pilot program must be time-limited and subject to an evaluation of client outcomes to determine the effectiveness and efficiency of the pilot program compared to the standard service model for persons with autism.

(i) $1,919,000 of the general fund--state appropriation for fiscal year 2000, $6,673,000 of the general fund--state appropriation for fiscal year 2001, and $7,361,000 of the general fund--federal appropriation are provided solely to improve services for persons with developmental disabilities who would otherwise be at risk of needing involuntary commitment to or prolonged treatment at state psychiatric hospitals. The department shall use these funds to enhance the community crisis response system managed by regional support networks, improve crisis prevention and stabilization services through the developmental disabilities community services system, and expand community residential capacity for persons with developmental disabilities who are ready for discharge from state psychiatric hospitals. Funding for community residential capacity is sufficient to move a biennium total of 48 patients out of the state hospitals at a reasonable pace by June 30, 2001. The department shall manage the intensity of services provided so that the average cost per day does not exceed $300 per person placed in this expanded community residential capacity. The department shall report to the appropriate committees of the legislature on progress towards implementing this subsection after each calendar quarter. The legislature finds that, in addition to the appropriations in this subsection for improvements in services to persons with developmental disabilities who are committed to the custody of the secretary under chapter 71.05 RCW, it is necessary to study long-term treatment alternatives and their legal, fiscal, and policy implications. Therefore, the department shall provide a report to the ways and means committee of the senate and the appropriations committee of the house of representatives by December 1, 2000, containing options and recommendations for secure treatment programs. The report shall identify various treatment models that could be implemented and various types and locations of secure facilities, both state-owned and leased, in which programs could be sited, together with the department's recommendations. The report shall evaluate the potential for siting such programs on the grounds of existing state residential habilitation centers. The report shall also include analysis of advantages and disadvantages associated with contracting for some or all of the new program options identified. The report shall evaluate the options based on short-term and long-term costs, client and community security, efficiency of coordination with other service delivery systems, and how they address specific legal issues. In developing this report, the department shall invite participation by representatives of the Washington protection and advocacy system (WPAS), and shall include in the report WPAS' position on options and recommendations submitted by the department and any additional recommendations made by WPAS. The legislature recognizes a need to improve long-term services provided to individuals with developmental disabilities who are undergoing involuntary treatment under chapter 71.05 RCW. The legislature is committed to providing resources necessary to address issues in the U.S. District Court case of *Allen v. Western State Hospital*.

(j) $500,000 of the general fund--state appropriation for fiscal year 2001 and $160,000 of the general fund--federal appropriation are provided solely for increased family support services and related case management support.

(k) $2,000,000 of the general fund--state appropriation for fiscal year 2001 and $2,000,000 of the general fund--federal appropriation are provided solely to implement the choice of service provisions in RCW 71A.16.010. The secretary may transfer these amounts between subsections (1) and (2) of this section.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2000) $

66,076,000

General Fund--State Appropriation (FY 2001) $

((~~66,184,000~~))

66,449,000

General Fund--Federal Appropriation $

((~~147,776,000~~))

145,367,000

General Fund--Private/Local Appropriation $

10,227,000

TOTAL APPROPRIATION $

((~~290,263,000~~))

288,119,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2000) $

2,431,000

General Fund--State Appropriation (FY 2001) $

2,435,000

General Fund--Federal Appropriation $

2,080,000

TOTAL APPROPRIATION $

6,946,000

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation $

12,007,000

Sec. 207. 1999 c 376 s 3 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2000) $

((~~452,044,000~~))

446,025,000

General Fund--State Appropriation (FY 2001) $

((~~476,761,000~~))

475,043,000

General Fund--Federal Appropriation $

((~~1,001,629,000~~))

979,301,000

General Fund--Private/Local Appropriation $

((~~4,274,000~~))

3,910,000

Health Services Account--State Appropriation $

2,104,000

TOTAL APPROPRIATION $

((~~1,936,812,000~~))

1,906,383,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, ((~~$2,118,000~~)) $2,101,000 of the general fund--federal appropriation, $923,000 of the general fund--state appropriation for fiscal year 2000, and $958,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week. Premium payments for individual provider home care workers shall be made only to the subsidized

basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(2) $1,640,000 of the general fund--state appropriation for fiscal year 2000 and $1,640,000 of the general fund--state appropriation for fiscal year 2001, plus the associated vendor rate increase for each year, are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing Engrossed Second Substitute House Bill No. 1484 (nursing home payment rates), the weighted average nursing facility payment rate for fiscal year 2000 shall be no more than ((~~$10.36~~)) $10.85 for the capital portion of the rate and no more than $108.20 for the noncapital portion of the rate. For fiscal year 2001, the weighted average nursing facility payment rate shall be no more than ((~~$10.57~~)) $11.44 for the capital portion of the rate and no more than ((~~$110.91~~)) $111.21 for the noncapital portion of the rate. These rates include vendor rate increases, but exclude nurse's aide training.

(4) In addition to the rates set forth in subsection (3), $286,000 of the general fund--state appropriation for fiscal year 2000((~~, $574,000 of the general fund--state appropriation for fiscal year 2001,~~)) and ((~~$928,000~~)) $310,000 of the general fund--federal appropriation are provided solely for supplemental rate adjustments for certain nursing facilities. In accordance with RCW 74.46.431, the department shall use these funds to apply an additional economic trends and conditions adjustment factor to the rate of any facility whose total rate allocation would otherwise be less than its April 1, 1999, total rate, adjusted for case-mix changes. This supplemental adjustment factor shall be the percentage by which the facility's April 1, 1999, rate would otherwise exceed the rate calculated in accordance with chapter 74.46 RCW and subsection (3) of this section, except that (a) no adjustment shall be provided for any amounts by which a facility's rate is lower due to a reduction in its facility-average medicaid case-mix score; and (b) the adjustment factor shall be reduced proportionately for all facilities by the percentage by which total supplemental payments would otherwise exceed the funds provided for such payments in this subsection. This subsection applies only to rates paid for services provided between July 1, 1999, and March 31, 2000.

(5) $50,000 of the general fund--state appropriation for fiscal year 2000 and $50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for payments to any nursing facility licensed under chapter 18.51 RCW which meets all of the following criteria: (a) The nursing home entered into an arm's length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased nursing home after January 1, 1980; and (c) the lessor defaulted on its loan or mortgage for the assets of the home after January 1, 1991, and prior to January 1, 1992. Payments provided pursuant to this subsection shall not be subject to the settlement, audit, or rate-setting requirements contained in chapter 74.46 RCW.

(6) ((~~$6,264,000 of the general fund--state appropriation for fiscal year 2000, $13,860,000 of the general fund--state appropriation for fiscal year 2001, and $21,795,000 of the general fund--federal appropriation are provided solely~~)) Funds are appropriated in this section to increase compensation for individual and for agency home care providers. Payments to individual home care providers are to be increased from $6.18 per hour to $6.68 per hour on July 1, 1999, and to $7.18 per hour on July 1, 2000. Payments to agency providers are to increase to $11.97 per hour on July 1, 1999, and to $12.62 per hour on July 1, 2000. All but 14 cents per hour of the July 1, 1999, increase to agency providers, and all but 15 cents per hour of the additional July 1, 2000, increase is to be used to increase wages for direct care workers. The appropriations in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(7) $200,000 of the general fund--state appropriation for fiscal year 2000, $80,000 of the general fund--state appropriation for fiscal year 2001, and $280,000 of the general fund--federal appropriation are provided solely for enhancement and integration of existing management information systems to (a) provide data at the local office level on service utilization, costs, and recipient characteristics; and (b) reduce the staff time devoted to data entry.

(8) The department of social and health services shall provide access and choice to consumers of adult day health services for the purposes of nursing services, physical therapy, occupational therapy, and psychosocial therapy. Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(9) $1,452,000 of the general fund--state appropriation for fiscal year 2000, $1,528,000 of the general fund--state appropriation for fiscal year 2001, and $2,980,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1546 (in-home care services). If Second Substitute House Bill No. 1546 is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(10) $610,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of Substitute House Bill No. 2454 (family caregiver). If the bill is not enacted by June 30, 2000, the amounts provided in this subsection shall lapse.

(11) $8,000 of the general fund--state appropriation for fiscal year 2000, $131,000 of the general fund--state appropriation for fiscal year 2001, and $139,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 2637 (background checks). If the bill is not enacted by June 30, 2000, the amounts provided in this subsection shall lapse.

(12) $60,000 of the general fund--state appropriation for fiscal year 2001 and $60,000 of the general fund--federal appropriation are provided solely to enhance training for persons employed in community residential settings pursuant to Senate Bill No. 6502 (long-term care training).

Sec. 208. 1999 c 309 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2000) $

((~~457,162,000~~))

428,222,000

General Fund--State Appropriation (FY 2001) $

((~~441,575,000~~))

411,433,000

General Fund--Federal Appropriation $

((~~1,220,874,000~~))

1,229,274,000

General Fund--Private/Local Appropriation $

((~~30,838,000~~))

30,807,000

TOTAL APPROPRIATION $

((~~2,150,449,000~~))

2,099,736,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~$308,504,000~~)) $279,702,000 of the general fund--state appropriation for fiscal year 2000, ((~~$293,144,000~~)) $263,140,000 of the general fund--state appropriation for fiscal year 2001, ((~~$1,133,782,000~~)) $1,142,182,000 of the general fund--federal appropriation, and ((~~$28,402,000~~)) $28,371,000 of the general fund--local appropriation are provided solely for the WorkFirst program and child support operations. WorkFirst expenditures include TANF grants, diversion services, subsidized child care, employment and training, other WorkFirst related services, allocated field services operating costs, and allocated economic services program administrative costs. Within the amounts provided in this subsection, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid measures of job retention and wage progression shall be developed and reported for families who leave assistance, measured after 12 months, 24 months, and 36 months.

(b) Provide $500,000 from the general fund--state appropriation for fiscal year 2000 and $500,000 from the general fund--state appropriation for fiscal year 2001 for continuation of the WorkFirst evaluation conducted by the joint legislative audit and review committee.

(c) Provide $1,400,000 of the general fund--federal appropriation solely for after-school care for middle school youth as described in House Bill No. 2530 (after-school care).

(d) Provide $2,710,000 of the general fund--federal appropriation solely for training and a technical assistance program for child care providers seeking training to enable them to competently serve children with special needs as described in House Bill No. 2869 (child care provider training).

(e) Provide $230,000, or as much thereof as may be necessary, to the department of health to expand the vasectomy project to temporary assistance for needy families clients and their partners until such time as a federal family planning waiver is granted that will cover these services.

(f) Report to the appropriate committees of the legislature, by December 1, ((~~1999~~)) 2000, how the new federal child support incentive system can be used to maximize federal incentive payments and to support the greatest achievement of WorkFirst program goals. In the event that the department earns federal child support incentive payments in excess of amounts budgeted, the department shall use one-half of those additional funds to offset general fund--state allotments and one-half of those additional funds to improve child support services.

(2) ((~~$50,860,000~~)) $43,638,000 of the general fund--state appropriation for fiscal year 2000 and ((~~$50,825,000~~)) $44,156,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for

services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed funds provided. The department shall, by July 1, 2000, begin using federal funds provided in subsection (1) of this section, as allowed by federal rules, for the costs of providing income assistance to children with court-appointed guardians and court-appointed custodians.

(3) (($8,752,000)) $5,444,000 of the general fund--state appropriation for fiscal year 2000 and (($8,752,000)) $5,632,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

(4) RCW 78.08A.280 permits the department to develop contracts for state-wide welfare-to-work services.

Within amounts available in this section, the department shall provide progress reports on the use of such contracting to the fiscal committees of the legislature by September 1, 2000, and January 1, 2000. Each of these reports shall describe the number of current contracts for temporary assistance for needy families (TANF) or WorkFirst services that the department has with community social service providers and a description of the services being provided through each of those contracts.

(5) The legislature finds that, since the passage of the federal personal responsibility and work opportunity act in 1997, Washington's public assistance population has declined dramatically, and that the currently appropriated level for the temporary assistance for needy families program is sufficient for the 1999-01 biennium. The legislature further finds that federal funding for the temporary assistance for needy families program may decrease after the current five-year block grant has expired. The legislature declares that at least $60,000,000 of the year-end balance in the federal TANF grant shall be held in reserve by the office of financial management at the close of the 1999-01 biennium.

Sec. 209. 1999 c 309 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2000) $
((~~21,451,000~~))
21,338,000

General Fund--State Appropriation (FY 2001) $
((~~21,858,000~~))
23,095,000

General Fund--Federal Appropriation $
((~~90,800,000~~))
90,373,000

General Fund--Private/Local Appropriation $
1,204,000

Public Safety and Education Account--State
Appropriation $
6,660,000

Violence Reduction and Drug Enforcement Account--
State Appropriation $
77,150,000

TOTAL APPROPRIATION $
((~~219,123,000~~))
219,820,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $1,960,000 of the general fund--state appropriation for fiscal year 2000 and $1,960,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for expansion of 50 drug and alcohol treatment beds for persons committed under RCW 70.96A.140. Patients meeting the commitment criteria of RCW 70.96A.140 but who voluntarily agree to treatment in lieu of commitment shall also be eligible for treatment in these additional treatment beds. The department shall develop specific placement criteria for these expanded treatment beds to ensure that this new treatment capacity is prioritized for persons incapacitated as a result of chemical dependency and who are also high utilizers of hospital services.

(2) $18,000 of the general fund--state appropriation for fiscal year 2000, $88,000 of the general fund--state appropriation for fiscal year 2001, and $116,000 of the general fund--federal appropriation are provided solely for activities related to chemical

dependency services under subsection 202(1) of this act. If that subsection is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(3) $1,444,000 of the general fund--state appropriation for fiscal year 2000, $1,484,000 of the general fund--state appropriation for fiscal year 2001, and $330,000 of the general fund--federal appropriation are provided for implementation of Engrossed Substitute Senate Bill No. 5480 (drug-affected infants) or sections 1 through 17 of Second Substitute House Bill No. 1574. If legislation expanding services to prevent drug-affected infants is not enacted by June 30, 1999, the amounts provided in this subsection shall be provided solely for the development and implementation of comprehensive programs for alcohol and drug abusing mothers and their young children. The pilot programs shall be implemented in several locations, including at least one rural location. The pilot programs shall also be supported with TANF funds provided in section ((~~208~~)) 207 of this act as a way to reduce prolonged dependency on public assistance for program participants.

(4) $994,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for drug courts in counties that have exhausted federal grant funding.

Sec. 210. 1999 c 392 s 2 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2000) $
((~~722,863,000~~))
744,327,000

General Fund--State Appropriation (FY 2001) $
((~~2,401,804,000~~))
2,542,526,000

General Fund--Private/Local Appropriation $
((~~261,534,000~~))
272,587,000

Emergency Medical Services and Trauma Care Systems
Trust Account--State Appropriation $
9,200,000

Health Services Account--State Appropriation $
((~~391,582,000~~))
478,288,000

TOTAL APPROPRIATION $
((~~4,571,641,000~~))
4,881,743,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994.

(2) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(3) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(4) $1,647,000 of the general fund--state appropriation for fiscal year 2000 and $1,672,000 of the general fund--state appropriation for fiscal year 2001 are provided for treatment of low-income kidney dialysis patients.

(5) $80,000 of the general fund--state appropriation for fiscal year 2000, $80,000 of the general fund--state appropriation for fiscal year 2001, and $160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

(6) ((~~The department shall adopt a new formula for distributing funds under the low-income disproportionate share hospital (LI-DSH) program. Under this new formula, (a) the state's Level 1 trauma center shall continue to receive the same amount of LI-DSH payments as in fiscal year 1999; and (b) a net profitability factor shall be included with other factors to determine LI-DSH payments. The net profitability factor shall inversely relate hospital percent net operating income to payment under the program.~~

((~~(7)~~)) The department shall report to the fiscal committees of the legislature by September 15, 1999, and again by December 15, 1999, on (a) actions it has taken and proposes to take to increase the share of medicare part B premium payments upon which it is collecting medicaid matching funds; (b) the percentage of such premium payments for each month of service subsequent to June 1998 which have been paid with unmatched, state-only funds; and (c) why matching funds could not be collected on those payments.

(((~~(8)~~))) (7) The department shall report to the fiscal committees of the legislature by December 1, 1999, and again by October 1, 2000, on the amount which has been recovered from third-party payers as a result of its efforts to improve coordination of benefits on behalf of "basic health plan-plus" enrollees.

(((~~(9)~~))) (8) The department shall report to the health care and fiscal committees of the legislature by December 1, 1999, on options for controlling the growth in medicaid prescription drug expenditures through strategies such as but not limited to volume purchasing, selective contracting, supplemental drug discounts, and improved care coordination for high utilizers.

(((~~(10)~~))) (9) $3,992,000 of the health services account appropriation and $7,651,000 of the general fund--federal appropriation are provided solely for health insurance coverage for children with family incomes between 200 percent and 250 percent of the federal poverty level, as provided in Substitute Senate Bill No. 5416 (children's health insurance program). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(((~~(11) $191,000 of the general fund--state appropriation for fiscal year 2000 and $391,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for implementation of Substitute Senate Bill No. 5587 (patient bill of rights). If the bill is not enacted by June 30, 1999, these amounts shall lapse.~~

(~~(12)~~))) (10) Upon approval from the federal health care financing administration, the department shall implement the section 1115 family planning waiver to provide family planning services to persons with family incomes at or below two hundred percent of the federal poverty level.

(((~~(13) Except in the case of rural hospitals and Harborview medical center, weighted average payments under the ratio-of-cost-to-charges hospital payment system shall increase by no more than 175 percent of the DRI HCFA hospital reimbursement market basket index.~~

(~~(15)~~))) (11) In accordance with Substitute Senate Bill No. 5968, ((~~$25,978,000~~)) $70,821,000 of the health services account appropriation for fiscal year 2000, ((~~$26,069,000~~)) $42,041,000 of the health services account appropriation for fiscal year 2001, and ((~~$56,002,000~~)) $120,278,000 of the general fund--federal appropriation, or so much thereof as may be expended without exceeding the medicare upper payment limit, are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. Such payments shall be distributed among the participating rural public hospital districts proportional to the number of days of medicaid-funded nursing home care provided by each district during the preceding calendar year, relative to the total number of such days of care provided by all participating rural public hospital districts. Prior to making any supplemental payments, the department shall first obtain federal approval for such payments under the medicaid state plan. The payments shall further be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least ((~~82~~)) 86 percent of the total supplemental payment ((~~amount~~)) amounts received during the 1999-01 fiscal biennium; and (b) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate-setting. The participating districts shall retain no more than 14 percent, or as much thereof as may be necessary, up to a 1999-01 fiscal biennium total of $32,000,000.

(12) $13,971,000 of the general fund--local appropriation, $5,000,000 of the health services account, and $14,529,000 of the general fund--federal appropriation are provided solely for the public hospital disproportionate share program. Expenditure of the amounts in this subsection is contingent upon federal approval of a state plan amendment that will authorize payments to the University of Washington and Harborview Medical Center for state fiscal year 2001 at 100 percent of the allowable medicaid upper payment limit.

(13) From funds provided in this section, the department shall develop disease state management and therapeutic substitution programs which will substantially maintain or enhance the quality of the drug benefit for medical assistance recipients, while controlling overall health care costs. In designing the disease state management programs, the department shall research programs which have proven effective with similar populations in other states, and shall then work with concerned provider and consumer groups to adapt those strategies to Washington's service delivery system. The department shall work with its drug utilization and education council to develop a therapeutic substitution program for at least two classes of drugs. Under the therapeutic substitution program, the council shall analyze pharmacoeconomic research on the costs and benefits of all drugs within the class, and identify the most cost-effective drug or drugs within the class for placement on the formulary. Other drugs within the class shall be preauthorized when clinically indicated under criteria established by the council. The department shall report to the appropriate committees of the legislature by December 1, 2000, prior to implementing its proposed strategies.

(14) $926,000 of the health services account--state appropriation for fiscal year 2001 and $676,000 of the general fund--federal appropriation are provided solely for an enhanced rural reimbursement program. Payments for recipients eligible for medical assistance programs under chapter 74.09 RCW for services provided by hospitals, regardless of the beneficiary's managed care enrollment status, may include, but are not limited to, consideration of cost-based reimbursement when services are provided by a rural hospital that either: (a) Has been certified by the health care financing administration as a critical access hospital; or (b) meets the geographic criteria for a critical access hospital and has no more than twenty-five available beds, with not more than fifteen acute care beds and ten swing beds. If cost-based reimbursement is considered, it is as defined by the hospital's cost to charge ratio. Any additional payments made by the medical assistance administration for the healthy options program shall be no more than the additional amounts per service paid under this section for other medical assistance programs. By December 15, 2000, the department shall report on the overall increase in case-mix adjusted rates resulting from the reimbursement changes authorized in this subsection. If the overall case-mix adjusted rate of increase resulting from the use of the reimbursement methodology authorized in this subsection exceeds twice the federal health care financing administration hospital marketbasket index, then the department shall make recommendations as to how the rate of increase can be controlled.

(15) $290,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for implementation of the asset exemption provisions of House Bill No. 2686. If these provisions are not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(16) $1,529,000 of the general fund--state appropriation for fiscal year 2000, $4,077,000 of the general fund--state appropriation for fiscal year 2001, and $5,394,000 of the general fund--federal appropriation are provided solely for implementation of the settlement negotiated by the department and the attorney general in the case of *Allenmore et al. v. DSHS*.

(17) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries of Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

Sec. 211. 1999 c 309 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2000) $

((~~8,960,000~~))

8,770,000

General Fund--State Appropriation (FY 2001 $

((~~9,078,000~~))

8,635,000

General Fund--Federal Appropriation $

81,906,000

General Fund--Private/Local Appropriation $

((~~2,904,000~~))

1,865,000

TOTAL APPROPRIATION $

((~~102,848,000~~))

101,176,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with state and local organizations to improve and expand employment opportunities for people with severe disabilities served by those organizations.

(2) $190,000 of the general fund--state appropriation for fiscal year 2000, $240,000 of the general fund--state appropriation for fiscal year 2001, and $1,590,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for individuals enrolled for services with the developmental disabilities program who complete their high school curriculum in 1999 ((~~or~~)), 2000, or 2001.

Sec. 212. 1999 c 309 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2000) $

((~~25,695,000~~))

25,882,000

General Fund--State Appropriation (FY 2001) $

((~~25,200,000~~))

22,353,000

General Fund--Federal Appropriation $

((~~46,601,000~~))

43,342,000

General Fund--Private/Local Appropriation $

720,000

TOTAL APPROPRIATION $

((~~98,216,000~~))

92,297,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding is provided for the incremental cost of lease renewals and for the temporary increased costs for relocating staff out of state office building no. 2 (OB2) during the renovation of that building. Of this increase, $2,400,000 is provided for relocating staff. This amount is recognized as one-time-only funding for the 1999-01 biennium. As part of the 2001-2003 budget request, the department shall update the estimate of increased cost for relocating staff, including specifying what portion of that increase is due to providing more square footage per FTE in the new leased space compared to the space occupied previously.

(2) The department may transfer up to $528,000 of the general fund--state appropriation for fiscal year 2000, ((~~$1,057,000~~)) $4,473,000 of the general fund--state appropriation for fiscal year 2001, and ((~~$812,000~~)) $4,215,000 of the general fund--federal appropriation and associated FTEs to the administration and supporting services program from various other programs to implement administrative reductions and cover the nonspecific staff reductions assumed in this section. Within this reduction, the department may not eliminate any funding or staff that will cause an increase in appeals or filings to superior courts.

(3) $187,000 of the general fund--state appropriation for fiscal year 2000, $746,000 of the general fund--state appropriation for fiscal year 2001, and $2,251,000 of the general fund--federal appropriation are provided solely to implement a new fraud and abuse detection system. By December 1, 2000, the department shall provide a report to the fiscal committees of the legislature that will include: The actual cost recovery in fiscal year 1999 and fiscal year 2000, prior to implementation of the new fraud and abuse detection system; actual cost avoidance in fiscal year 1999 and fiscal year 2000, prior to implementation of the new fraud and abuse detection system; actual cost recovery and actual cost avoidance achieved to date after implementation in fiscal years 2000 and 2001, compared to the savings included in sections 202, 205, 206, and 209 of this 2000 act; and the criteria and methodology used for determining cost recovery and cost avoidance.

Sec. 213. 1999 c 309 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2000) $

((~~30,790,000~~))

31,190,000

General Fund--State Appropriation (FY 2001) $

((~~30,719,000~~))

31,225,000

General Fund--Federal Appropriation $

((~~22,747,000~~))

21,932,000

TOTAL APPROPRIATION $

((~~84,256,000~~))

84,347,000

Sec. 214. 1999 c 309 s 214 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2000) $

6,441,000

General Fund--State Appropriation (FY 2001) $

6,563,000

State Health Care Authority Administrative Account--
State Appropriation $

((~~39,585,000~~))

16,705,000

Health Services Account--State Appropriation $

((~~414,159,000~~))

414,260,000

General Fund--Federal Appropriation $

4,501,000

TOTAL APPROPRIATION $

((~~471,249,000~~))

448,470,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations are provided solely for health care services provided through local community clinics.

(2) Within funds appropriated in this section and sections ((~~205 and~~)) 206 and 207 of ((~~chapter 149, Laws of 1997~~)) this act, the health care authority shall continue to provide an enhanced basic health plan subsidy option for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at a cost of ten dollars per covered worker per month.

(3) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay the following: (i) A minimum of fifteen dollars per enrollee per month for persons below 100 percent of the federal poverty level; and (ii) a minimum of twenty dollars per enrollee per month for persons whose family income is 100 percent to 125 percent of the federal poverty level.

(4) $442,000 of the state health care authority administrative account appropriation is provided solely for the uniform medical plan to contract for the following services: (a) A provider profiling system; (b) a waste, fraud, and abuse monitoring and information system; (c) an optional case management program; and (d) hospital audits. The health care authority may not expend any funds under this subsection until the office of financial management has approved a detailed project plan for expenditure of these funds.

(5) ((~~$572,000 of the health services account appropriation is provided solely to implement Substitute Senate Bill No. 5587 (patient bill of rights). If this bill is not enacted by June 30, 1999, this amount shall lapse.~~)) Within the health services account appropriation provided in this section, the health care authority shall prioritize providing health care coverage in rural areas over total enrollment.

(6) $111,000 of the health care authority administrative account appropriation and $164,000 of the health services account appropriation are provided solely for a study of the health care authority's insurance information systems.

(7) $200,000 of the health services account appropriation is provided solely for administration and implementation of premium discounts for enrollees in the Washington state high-risk insurance pool, as authorized by Engrossed Second Substitute Senate Bill No. 6067 (health care coverage). If the provisions of Engrossed Second Substitute Senate Bill No. 6067 authorizing such premium discounts are not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(8) $150,000 of the health services account appropriation is provided solely for the design and development of administrative systems which would be needed for the health care authority to offer the new plan of health care coverage established by Engrossed Second Substitute Senate Bill No. 6067 (health care coverage). If the provisions of Engrossed Second Substitute Senate Bill No. 6067 authorizing this new health coverage plan are not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

Sec. 215. 1999 c 309 s 215 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2000) $

((~~2,536,000~~))

2,567,000

General Fund--State Appropriation (FY 2001) $

((~~2,550,000~~))

2,580,000

General Fund--Federal Appropriation $

1,474,000

General Fund--Private/Local Appropriation $

100,000

TOTAL APPROPRIATION $

((~~6,660,000~~))

6,721,000

The appropriations in this section are subject to the following conditions and limitations: $31,000 of the general fund--state appropriation for fiscal year 2000 and $30,000 of the general fund--state appropriation for fiscal year 2001 are provided to: (1) Educate owners of businesses with seven or fewer employees about the impacts of the state supreme court decision *Roberts v. Dudley* (cause no. 67365-9, February 17, 2000); and (2) provide information on how to meet the requirements of the applicable laws against discrimination and how to obtain additional information and assistance to meet those requirements.

By July 30, 2000, the commission shall contract with the employment security department to mail information prepared by the commission to those employers identified by the employment security department as having between one and seven employees at the time of the mailing.

By June 30, 2000, the commission shall also establish a special location on its internet web site. The location shall provide information for small businesses on how they are affected by *Roberts v. Dudley* and the state's other laws against discrimination.

By December 1, 2000, the commission shall provide a report to the appropriate committees of the legislature. The report shall describe the implementation of this section.

Sec. 216. 1999 c 309 s 217 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund--State Appropriation (FY 2001) $

215,000

General Fund--Federal Appropriation $

100,000

Death Investigations Account--State
Appropriation $

((~~38,000~~))

148,000

Public Safety and Education Account--State
Appropriation $

((~~17,469,000~~))

17,493,000

Municipal Criminal Justice Assistance Account--State
Appropriation $

1,404,000

TOTAL APPROPRIATION $

((~~17,607,000~~))

19,360,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $125,000 of the public safety and education account appropriation is provided solely for information technology upgrades and improvements for the criminal justice training commission.

(2) $481,000 of the public safety and education account appropriation is provided solely for the implementation of provisions of chapter 351, Laws of 1997 (criminal justice training) dealing with supervisory and management training of law enforcement personnel. Within the funds provided in this subsection, the criminal justice training commission shall provide the required training in the least disruptive manner to local law enforcement agencies and may include, but is not limited to, regional on-site training, interactive training, and credit for training given by the home department.

(3) ((~~$2,092,000~~)) $1,990,000 of the public safety and education account appropriation is provided solely for expanding the basic law enforcement academy (BLEA) from 469 hours to 720 hours. The funds provided in this subsection are assumed sufficient for the criminal justice training commission to provide expanded BLEA training to 330 attendees in fiscal year 2000 and 660 attendees in fiscal year 2001.

(4) $180,000 of the public safety and education account appropriation is provided solely for the implementation of Second Substitute House Bill No. 1176 (sexually violent offender records). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(5) $276,000 of the public safety and education account appropriation is provided solely for the implementation of Second Substitute House Bill No. 1692 or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). If neither of these bills is enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(6) $215,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the Washington association of sheriffs and police chiefs to conduct a study of law enforcement services and expenditures for both counties and cities within the county for counties with populations over one hundred fifty thousand. The study shall begin no later than July 1, 2000, and it must be completed by June 30, 2001. The final report shall be distributed to the Washington association of sheriffs and police chiefs and to the appropriate standing committees of the legislature. The study shall:

(a) Make recommendations to improve the efficiency of delivering law enforcement services. The recommendations may be made to law enforcement jurisdictions, Washington association of sheriffs and police chiefs' actions, units of local government, and the legislature;

(b) Research, compile, and analyze data sufficient to provide a comprehensive analysis of the costs and total expenditures for law enforcement. These costs include but are not limited to special services, defined as but not limited to: SWAT teams, bomb disposal units, air support, marine units, hostage negotiation teams, homicide investigation units, drug units, canine units, arson investigation teams, computer fraud and forensics units, domestic violence and special assault units, and gang and youth violence units. The study shall identify duplications and inefficiencies in current service delivery;

(c) Obtain data from all local governments on the types of costs identified in (b) of this subsection. This data will be compiled and analyzed by the agency or organization that conducts the study for each county; and

(d) Obtain data from those counties and law enforcement agencies where master interlocal agreements, joint specialty service units, and other cooperative arrangements have been developed between law enforcement agencies to improve the effectiveness, efficiency, and ensured quality of specialty law enforcement services.

(7) $50,000 of the public safety and education account appropriation is provided solely for additional domestic violence training courses for 911 operators.

(8) Subject to RCW 43.101.200, $1,404,000 of the municipal criminal justice assistance account--state appropriation is provided solely to reimburse participating law enforcement agencies with ten or less full-time commissioned patrol officers for the cost of temporary replacement of each officer who is enrolled in basic law enforcement training.

Sec. 217. 1999 c 309 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2000) $

7,268,000

General Fund--State Appropriation (FY 2001) $

7,240,000

Public Safety and Education Account--State

Appropriation $

((~~16,091,000~~))

18,756,000

Public Safety and Education Account--Federal

Appropriation $

5,950,000

Public Safety and Education Account--Private/Local

Appropriation $

3,057,000

Electrical License Account--State
Appropriation $

((~~24,055,000~~))

24,402,000

Farm Labor Revolving Account--Private/Local
Appropriation $

28,000

Worker and Community Right-to-Know Account--State
Appropriation $

2,211,000

Public Works Administration Account--State
Appropriation $

2,996,000

Accident Account--State Appropriation $

((~~167,736,000~~))

167,092,000

Accident Account--Federal Appropriation $

9,112,000

Medical Aid Account--State Appropriation $

((~~170,197,000~~))

169,172,000

Medical Aid Account--Federal Appropriation $

1,592,000

Plumbing Certificate Account--State
Appropriation $

971,000

Pressure Systems Safety Account--State
Appropriation $

2,167,000

TOTAL APPROPRIATION $

((~~420,671,000~~))

422,014,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider and managed care contracts; (c) coordinate with the department of social and health services to use the public safety and education account as matching funds for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims. Cost containment measures shall not include holding invoices received in one fiscal period for payment from appropriations in subsequent fiscal periods.

(2) ((~~$123,000 of the accident account--state appropriation and $22,000 of the medical aid account--state appropriation are provided solely for the implementation of Engrossed Senate Bill No. 5597 (needle stick protection). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.~~

~~(3) $302,000 of the accident account--state appropriation and $302,000 of the medical aid account--state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5439 (false claims). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.~~

~~(4) $709,000 of the accident account--state appropriation and $709,000 of the medical aid account--state appropriation are provided solely for the implementation of Engrossed Senate Bill No. 5580 (payments during appeals). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.~~

~~(5) $481,000 of the medical aid account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5470 (chemically related illnesses). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.~~)) $2,665,000 of the public safety and education account--state appropriation is provided solely for additional costs for client benefits in the crime victims compensation program, provided that no more than $5,095,000 of the appropriations provided in subsection (1) of this section is expended for department administration of the crime victims compensation program.

Sec. 218. 1999 c 309 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2000) $
((~~1,409,000~~))
1,640,000

General Fund--State Appropriation (FY 2001) $
((~~1,428,000~~))
1,628,000

General Fund--Federal Appropriation $
134,000

General Fund--Private/Local Appropriation $
78,000

Industrial Insurance Premium Refund Account--State
Appropriation $
78,000

Charitable, Educational, Penal, and Reformatory
Institutions Account--State
Appropriation $
2,000

TOTAL APPROPRIATION $
((~~3,129,000~~))
3,560,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) $39,000 of the general fund--state appropriation is provided solely as an additional state contribution toward the cost of constructing a memorial on the state capitol grounds to the men and women who served in the nation's armed forces during the second world war.

(b) $231,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for disbursement to the national World War II memorial fund for construction and maintenance of the national monument honoring the men and women from Washington and the other states who served in the nation's armed forces during the second world war.

(c) $200,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to conduct a predesign study for replacement of aging skilled nursing facilities. The predesign study shall comply with the requirements of sections 902 and 903, chapter 379, Laws of 1999.

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2000) $
2,466,000

General Fund--State Appropriation (FY 2001) $
2,494,000

General Fund--Federal Appropriation $
26,000

General Fund--Private/Local Appropriation $
1,495,000

TOTAL APPROPRIATION $
6,481,000

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2000) $

((~~6,155,000~~))

5,346,000

General Fund--State Appropriation (FY 2001) $

((~~5,337,000~~))

4,790,000

General Fund--Federal Appropriation $

((~~20,949,000~~))

23,002,000

General Fund--Private/Local Appropriation $

((~~14,682,000~~))

16,527,000

TOTAL APPROPRIATION $

((~~47,123,000~~))

49,665,000

Sec. 219. 1999 sp.s. c 12 s 4 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2000) $

((~~65,437,000~~))

65,461,000

General Fund--State Appropriation (FY 2001) $

((~~66,135,000~~))

66,805,000

General Fund--Federal Appropriation $

((~~268,710,000~~))

268,032,000

General Fund--Private/Local Appropriation $

68,648,000

Hospital Commission Account--State Appropriation $

((~~3,128,000~~))

2,378,000

Health Professions Account--State Appropriation $

37,529,000

Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation $

14,856,000

State Drinking Water Account--State Appropriation $

2,531,000

Drinking Water Assistance Account--Federal Appropriation $

5,456,000

Waterworks Operator Certification--State Appropriation $ 593,000

Water Quality Account--State Appropriation $ 3,124,000

Accident Account--State Appropriation $ 258,000

Medical Aid Account--State Appropriation $ 45,000

State Toxics Control Account--State Appropriation $ 2,614,000

Health Services Account Appropriation $ ((~~7,000,000~~)) 7,923,000

Medical Test Site Licensure Account--State Appropriation $ 1,651,000

Youth Tobacco Prevention Account--State Appropriation $ 1,804,000

Tobacco Prevention and Control Account--State Appropriation $ ((~~620,000~~)) 15,620,000

TOTAL APPROPRIATION $ ((~~550,139,000~~)) 565,328,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $2,434,000 of the health professions account appropriation is provided solely for the development and implementation of a licensing and disciplinary management system. Expenditures are conditioned upon compliance with section 902 of this act. These funds shall not be expended without appropriate project approval by the department of information systems.

(2) The department or any successor agency is authorized to raise existing fees charged to the nursing assistants, podiatrists, and osteopaths; for certificate of need; for temporary worker housing; for state institution inspection; for residential care facilities and for transient accommodations, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(3) $339,000 of the general fund--state appropriation for fiscal year 2000, $339,000 of the general fund--state appropriation for fiscal year 2001, and $678,000 of the general fund--federal appropriation are provided solely for technical assistance to local governments and special districts on water conservation and reuse. $339,000 of the general fund--federal amount may be expended in each fiscal year of the biennium, only if the state receives greater than $25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

(4) $1,685,000 of the general fund--state fiscal year 2000 appropriation and $1,686,000 of the general fund--state fiscal year 2001 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(5) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this

subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(6) $620,000 of the tobacco prevention and control account appropriation and $209,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5516 or, if the bill is not enacted, for the development of a sustainable, long-term, comprehensive tobacco control program. The plan shall identify a specific set of outcome measures that shall be used to track long range progress in reducing the use of tobacco. Nationally accepted measures that can be used to compare progress with other states shall be included. The plan shall emphasize programs that have demonstrated effectiveness in achieving progress towards the specified outcome measures. Components of the plan that do not have a record of success may be included, provided that the plan also includes the means of evaluating those components. The plan shall also include an inventory of existing publically funded programs that seek to prevent the use of tobacco, alcohol, or other drugs by children and youth and recommendations to coordinate and consolidate these programs in order to achieve greatest positive outcomes within total available resources. A preliminary plan shall be submitted to the appropriate committees of the legislature by December 1, 1999, with the final plan submitted by September 1, 2000.

(7) $2,075,000 of fiscal year 2000 general fund--state appropriation and $2,075,000 of fiscal year 2001 general fund--state appropriation are provided for the Washington poison center. The department shall require the center to develop a long range financing plan that identifies options for diversifying funding for center operations, including, but not limited to, federal grants, private sector grants and sponsorships, and multistate or regional operating agreements. The plan shall be submitted to the appropriate committees of the legislature by December 1, 2000.

(8) $50,000 of fiscal year 2000 general fund--state appropriation and $50,000 of fiscal year 2001 general fund--state appropriation are provided solely for fund raising and other activities for the development of early hearing loss clinics. The development plan for these clinics shall not assume ongoing general fund--state appropriations.

(9) $15,000,000 of the tobacco prevention and control account appropriation is provided solely for the implementation for a sustainable, long-term tobacco control program. The integrated components of the program may include: Community-based programs, cessation, public awareness and education, youth access, and assessment and evaluation. A final plan will define the sustainable implementation of the long-term program given the remaining available balance in the tobacco prevention and control account. This plan shall be submitted to the appropriate committees of the legislature by September 1, 2000.

(10) $24,000 of the fiscal year 2000 general fund--state appropriation and $117,000 of the fiscal year 2001 general fund--state appropriation are provided solely to implement Second Substitute Senate Bill No. 6199 (patient bill of rights). If the bill is not enacted by June 30, 2000, the amounts provided in this subsection shall lapse.

Sec. 220. 1999 c 309 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS. The appropriations to the department of corrections in chapter 309, Laws of 1999, as amended, shall be expended for the programs and in the amounts specified therein. However, after April 1, 2000, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2000 between the correctional operations and community supervision programs after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations from appropriation levels.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2000) $

((~~29,449,000~~))

28,064,000

General Fund--State Appropriation (FY 2001) $

((~~28,169,000~~))

28,022,000

Public Safety and Education Account--State Appropriation $

((~~5,216,000~~))

2,962,000

Cost of Supervision Fund--State Appropriation $

2,254,000

TOTAL APPROPRIATION $

((~~62,834,000~~))

61,302,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) $2,072,000 of the general fund--state appropriation for fiscal year 2000, $212,000 of the general fund--state appropriation for fiscal year 2001, ((~~and $5,216,000~~)) $2,962,000 of the public safety and education account appropriation, and $2,254,000 of the cost of supervision fund appropriation are provided solely for replacement of the department's offender-based tracking system. These amounts are subject to section 902 of this act.

(b) $462,000 of the general fund--state appropriation for fiscal year 2000 and $538,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2000) $

((~~363,411,000~~))

360,685,000

General Fund--State Appropriation (FY 2001) $

((~~364,857,000~~))

364,386,000

General Fund--Federal Appropriation $

((~~34,393,000~~))

35,577,000

Violence Reduction and Drug Enforcement Account--
State Appropriation $

1,614,000

Public Health Services Account--State
Appropriation $

1,884,000

Institutional Welfare Betterment Account
Appropriation $

2,570,000

TOTAL APPROPRIATION $

((~~764,275,000~~))

766,716,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Not more than $3,000,000 may be expended to provide financial assistance to counties for monitoring and treatment services provided to felony offenders involved in drug court programs pursuant to sections 7 though 12 of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing). The secretary may negotiate terms, conditions, and amounts of assistance with counties or groups of counties operating drug courts, and may review charging and other documents to verify eligibility for payment. The secretary may contract with the division of alcohol and substance abuse, department of social and health services, for monitoring and treatment services provided pursuant to this subsection.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(d) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(e) $583,000 of the general fund--state appropriation for fiscal year 2000 and $1,178,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase payment rates for contracted education providers and contracted work release facilities. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(f) $151,000 of the general fund--state appropriation for fiscal year 2000 and $57,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(g) $18,000 of the general fund--state appropriation for fiscal year 2000 and $334,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Senate Bill No. 5538 (sentencing) or section 3 of House Bill No. 1544 (sentencing corrections). If neither bill is enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(h) $171,000 of the general fund--state appropriation for fiscal year 2000 and $1,094,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(i) The department of corrections shall submit to the appropriate policy and fiscal committees of the senate and house of representatives, by December 15, 1999, a report on how the department plans to manage hepatitis C in the inmate population. In developing the plan, the department shall work with recognized experts in the field and shall take notice of the current national institutes of health hepatitis C guidelines and hepatitis C protocols observed in other correctional settings. Included in the plan shall be offender education about the disease, how and when offenders would be tested, how the disease would be managed if an inmate is determined to have hepatitis C, and an estimate of the number of inmates in the Washington prison system with hepatitis C. The proposed plan must also include recommendations to the legislature on ways to improve hepatitis C disease management and what level of funding would be necessary to appropriately test for and treat the disease.

(j) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following:

(A) Enter into a long-term ground lease or a long-term lease with purchase option for development of a Tacoma prerelease facility for approximately $360,000 per year. Prior to entering into any lease, the department of corrections shall obtain written confirmation from the city of Tacoma and Pierce county that the prerelease facility planned for the site meets all land use, environmental protection, and community notification requirements.

(B) Enter into a financing contract in the amount of $21,350,000 to acquire, construct, or remodel a 400-bed, expandable to 600-bed, Tacoma prerelease facility.

(C) Lease-develop with the option to purchase or lease-purchase approximately 100 work release beds in facilities throughout the state for $7,000,000.

(k) $117,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of Second Substitute Senate Bill No. 6255 (anhydrous ammonia). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(l) $1,884,000 of the public health services account--state appropriation is provided solely for the testing, treatment, and management of hepatitis C within the offender population.

(m) $2,570,000 of the institutional welfare betterment account appropriation is provided solely for deposit in the public health services account.

(n) During the 1999-01 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account as of January 1, 2000.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2000) $

((~~54,371,000~~))

52,074,000

General Fund--State Appropriation (FY 2001) $

((~~61,321,000~~))

60,025,000

TOTAL APPROPRIATION $

((~~115,692,000~~))

112,099,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) $445,000 of the general fund--state appropriation for fiscal year 2000 and $6,662,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(c) $109,000 of the general fund--state appropriation for fiscal year 2000 and $126,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Substitute Senate Bill No. 5011 (dangerous mentally ill offenders). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(d) $219,000 of the general fund--state appropriation for fiscal year 2000 and $75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in Engrossed Second Substitute Senate Bill No. 5421 (offender accountability act) and sections 7 through 12 of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing).

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2000) $

817,000

General Fund--State Appropriation (FY 2001) $

((~~3,654,000~~))

3,523,000

Institutional Welfare Betterment Account

Appropriation $

3,509,000

TOTAL APPROPRIATION $

((~~4,471,000~~))

7,849,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) $100,000 of the general fund--state appropriation for fiscal year 2000 and $100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(b) $50,000 of the general fund--state appropriation for fiscal year 2000 and $50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the correctional industries board of directors to hire one staff person, responsible directly to the board, to assist the board in fulfilling its duties.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2000) $

((~~12,823,000~~))

12,898,000

General Fund--State Appropriation (FY 2001) $

((~~11,908,000~~))

11,983,000

TOTAL APPROPRIATION $

((~~24,731,000~~))

24,881,000

Sec. 221. 1999 c 309 s 224 (uncodified) is amended to read as follows:

FOR THE SENTENCING GUIDELINES COMMISSION

General Fund--State Appropriation (FY 2000) $

803,000

General Fund--State Appropriation (FY 2001) $

((~~746,000~~))

838,000

TOTAL APPROPRIATION $

((~~1,549,000~~))

1,641,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $63,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(2) $80,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the sentencing guidelines commission to conduct a comprehensive review and evaluation of state sentencing policy. The review and evaluation shall include an analysis of whether current sentencing ranges and standards, as well as existing mandatory minimum sentences, existing sentence enhancements, and special sentencing alternatives, are consistent with the purposes of the sentencing reform act as set out in RCW 9.94A.010, including the intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender. The review and evaluation shall also examine whether current sentencing ranges and standards are consistent with existing corrections capacity.

The review and evaluation shall consider cost-effectiveness and other studies performed by the Washington state institute for public policy, as well as the fiscal impact of sentencing policies on state and local government. In conducting the review and evaluation, the commission shall consult with the superior court judges' association, the Washington association of prosecuting attorneys, the Washington defenders' association, the Washington association of criminal defense lawyers, the Washington association of sheriffs and police chiefs, organizations representing crime victims, and other organizations and individuals with expertise and interest in sentencing policy.

Not later than December 1, 2001, the commission shall present to the appropriate standing committees of the legislature the report of its comprehensive review and evaluation, together with its recommendations for revisions and modifications to state sentencing policy, including sentencing ranges and standards, mandatory minimum sentences, and sentence enhancements. If implementation of the recommendations of the commission would result in exceeding the capacity of correctional facilities, the commission shall at the same time present to the legislature a list of revised standard sentence ranges which are consistent with currently authorized rated and operational corrections capacity, and consistent with the purposes of the sentencing reform act.

Sec. 222. 1999 c 309 s 225 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation (FY 2000) $

1,263,000

General Fund--State Appropriation (FY 2001) $

1,259,000

General Fund--Federal Appropriation $

209,498,000

General Fund--Private/Local Appropriation $

29,135,000

Unemployment Compensation Administration Account--
Federal Appropriation $

((~~174,343,000~~))

169,985,000

Administrative Contingency Account--State
Appropriation $

9,443,000

Employment Service Administrative Account--State
Appropriation $

((~~16,890,000~~))

19,457,000

TOTAL APPROPRIATION $

((~~441,831,000~~))

440,040,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of funds appropriated in this section for the information systems project to improve the agency's labor exchange system are conditioned upon compliance with section 902 of this act.

(2) $327,000 of the unemployment compensation administration account--federal appropriation is provided consistent with section 903(c)(2) of the federal social security act to address deficiencies in the tax and wage information system (TAXIS) and to improve the quality and timeliness of employer tax information and employee wage records.

(3) $2,567,000 of the employment service administrative account--state appropriation is provided solely for implementation of Substitute House Bill No. 3077 (unemployment insurance). If the bill is not enacted by June 30, 2000, the amounts provided in this subsection shall lapse.

(4) $5,000,000 of the general fund--federal appropriation is provided solely for contracts with community-based organizations for family development or similar services. The department shall contract with community-based organizations for family development services or similar services that provide a community-based comprehensive approach to helping families become self-sufficient.

PART III
NATURAL RESOURCES

Sec. 301. 1999 c 309 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2000) $
((~~33,558,000~~))
36,462,000

General Fund--State Appropriation (FY 2001) $
((~~33,539,000~~))
44,580,000

General Fund--Federal Appropriation $
((~~48,981,000~~))
55,246,000

General Fund--Private/Local Appropriation $
4,234,000

Special Grass Seed Burning Research Account--
State Appropriation $
14,000

Reclamation Revolving Account--State
Appropriation $
1,735,000

Flood Control Assistance Account--
State Appropriation $
3,989,000

Public Safety and Education Account--State
Appropriation $
749,000

State Emergency Water Projects Revolving Account--
State Appropriation $
317,000

Waste Reduction/Recycling/Litter Control Account--
State Appropriation $
((~~13,192,000~~))
13,193,000

Salmon Recovery Account--State
Appropriation $
1,120,000

State and Local Improvements Revolving Account
(Water Supply Facilities)--State
Appropriation $
557,000

Water Quality Account--State Appropriation $
((~~3,879,000~~))
4,231,000

Wood Stove Education and Enforcement Account--
State Appropriation $
((~~351,000~~))
551,000

Worker and Community Right-to-Know Account--
State Appropriation $
3,155,000

State Toxics Control Account--State
Appropriation $
((~~46,838,000~~))
46,869,000

State Toxics Control Account--Private/Local
Appropriation $
377,000

Local Toxics Control Account--State
Appropriation $
((~~4,586,000~~))
4,587,000

Water Quality Permit Account--State
Appropriation $
((~~21,003,000~~))
21,763,000

Underground Storage Tank Account--State
Appropriation $
2,475,000

Environmental Excellence Account--State
Appropriation $
20,000

Biosolids Permit Account--State Appropriation $
572,000

Hazardous Waste Assistance Account--State
Appropriation $
((~~3,942,000~~))
3,943,000

Air Pollution Control Account--State
Appropriation $
((~~15,844,000~~))
4,576,000

Oil Spill Administration Account--State
Appropriation $

((~~7,521,000~~))

9,172,000

Air Operating Permit Account--State
Appropriation $

((~~3,548,000~~))

3,549,000

Freshwater Aquatic Weeds Account--State
Appropriation $

1,430,000

Oil Spill Response Account--State
Appropriation $

7,078,000

Metals Mining Account--State Appropriation $

43,000

Water Pollution Control Revolving Account--
State Appropriation $

439,000

Water Pollution Control Revolving Account--
Federal Appropriation $

2,200,000

State Drought Preparedness Account--
State Appropriation $

675,000

TOTAL APPROPRIATION $

((~~266,537,000~~))

279,901,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $3,432,000 of the general fund--state appropriation for fiscal year 2000, $3,438,000 of the general fund--state appropriation for fiscal year 2001, $394,000 of the general fund--federal appropriation, $2,070,000 of the oil spill administration account--state appropriation, $819,000 of the state toxics control account--state appropriation, and $3,686,000 of the water quality permit account--state appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-03, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) $170,000 of the oil spill administration account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's sea grant program to develop an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(3) $374,000 of the general fund--state appropriation for fiscal year 2000 and $283,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department to digitize water rights documents and to provide this information to watershed planning groups.

(4) ((~~$500,000 of the general fund--federal appropriation is provided solely for the department to update its water rights tracking system. $250,000 of this amount may be expended in each fiscal year of the biennium only if the state receives greater than $25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.~~

~~(5)~~)) $1,566,000 of the general fund--federal appropriation, $1,033,000 of the general fund--private/local appropriation, and $919,000 of the water quality account appropriation are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(((~~(6)~~)) (5) $250,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for study of the impacts of gravel removal on the hydrology of Maury Island. The study shall consider impacts to the nearshore environment and aquifer recharge, and assess the potential for groundwater or marine sediment contamination. The department shall contract for the study, which shall be completed by June 30, 2000.

(((~~(7)~~))) (6) $250,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for a study of the impacts of gravel deposit on the Highline aquifer. The study shall consider impacts to instream flow and sedimentation of Des Moines, Miller, and Walker creeks. The department shall contract for the study, which shall be completed by June 30, 2000.

(((~~(8)~~))) (7) The entire freshwater aquatic weeds account appropriation shall be distributed according to the provisions of RCW 43.21A.660. Funding may be provided for chemical control of Eurasian watermilfoil.

(((~~(9)~~))) (8) $15,000 of the general fund--state appropriation for fiscal year 2000 and $15,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to monitor and address, in coordination with the marine operations division of the department of transportation, odor problems in Fauntleroy Cove.

(((~~(10)~~))) (9) $144,000 of the general fund--state appropriation for fiscal year 2000((~~,~~)) and $133,000 of the general fund--state appropriation for fiscal year 2001((~~, and $277,000 of the general fund--federal appropriation~~)) are provided solely for water quality activities related to forest practices. ((~~$138,500 of the general fund--federal amount may be expended in each fiscal year of the biennium only if the state receives greater than $25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.~~

(~~(11)~~))) (10) $100,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the department to form an advisory committee for the purpose of updating the department's storm water management plan and the Puget Sound storm water management manual. The advisory committee shall be appointed no later than September 1, 1999, and it shall provide its recommendations on storm water management to the legislature by December 31, 2000.

(((~~(12)~~))) (11) $383,000 of the general fund--state appropriation for fiscal year 2000 and $384,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for an agency permit assistance center, including four regional permit assistance offices.

(((~~(13)~~))) (12) $438,000 of the general fund--state appropriation for fiscal year 2000, $1,025,000 of the general fund--state appropriation for fiscal year 2001, and $1,870,000 of the general fund--federal appropriation are provided solely ((~~to implement Substitute Senate Bill No. 5670 (noxious weed herbicide)~~)) for the following purposes:

(a) The establishment of total maximum daily loads for surface water bodies across the state. ((~~$433,000 of the general fund--state appropriation is to implement the Puget Sound work plan and agency action item DOE-2. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.~~)) If ground water quality is to be addressed by the department in any area that has been designated as a ground water management area and in which ground water quality is currently being addressed as part of a ground water management area process, it shall be addressed in cooperation with that process;

(b) Pilot projects to evaluate the ability of existing voluntary and regulatory programs to improve water quality in water quality limited segments listed pursuant to section 303(d) of the federal clean water act; and

(c) University research to determine the source of fecal coliform bacteria.

Activities under (b) and (c) of this subsection are subject to the following conditions:

Pilot projects under (b) of this subsection shall include the following allocations from the general fund--state amounts provided in this subsection: $100,000 shall be provided to a conservation district in the Palouse region; $100,000 shall be provided to the Lake Whatcom management committee through the city of Bellingham; and $250,000 shall be provided to the Roza-Sunnyside irrigation district joint board of control. Each pilot project sponsor shall provide a report to the legislature by January 1, 2001, describing the water quality goals of the project, how the goals relate to meeting state water quality standards, the strategies to accomplish those goals, and the method of evaluating project effectiveness. The pilot project sponsors shall also submit final reports to the legislature at project completion.

The university research under (c) of this subsection shall be conducted by Washington State University for $150,000. The university shall develop and apply genetic typing methods in the analysis of fecal coliform bacteria samples in representative water bodies across the state including, but not limited to those water bodies listed as water quality limited because of fecal coliform bacteria under section 303(d) of the federal clean water act. The genetic typing will be used to allow the department to more accurately identify and address the sources of the bacteria. Funding for the fecal coliform genetic typing project shall include salaries for up to three full-time equivalent employees and shall also cover the costs of any necessary equipment.

(((~~(14)~~))) (13) $591,000 of the general fund--state appropriation for fiscal year 2000 and $1,131,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to process water rights applications.

(((~~(15)~~))) (14) $414,000 of the general fund--state appropriation for fiscal year 2000((~~,~~)) and $383,000 of the general fund--state appropriation for fiscal year 2001((~~, and $797,000 of the general fund--federal appropriation~~)) are provided solely for technical assistance and project review for water conservation and reuse projects. ((~~$398,000 of the general fund--federal appropriation may be expended in each fiscal year of the biennium only if the state receives greater than $25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.~~

(~~(16)~~))) (15) The entire salmon recovery account appropriation is provided to increase compliance with existing water quality and water resources laws.

(((~~(17) $4,500,000~~))) (16) $4,250,000 of the general fund--state appropriation for fiscal year 2000((~~, $4,500,000~~)) and $4,750,000 of the general fund--state appropriation for fiscal year 2001((~~, and $1,500,000 of the general fund--federal appropriation~~)) are provided solely for grants

to local governments to conduct watershed planning. ((~~$750,000 of the general fund--federal amount may be expended in each fiscal year of the biennium only if the state receives greater than $25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.~~)) Of the general fund--state amounts provided in this subsection: (a) $500,000 is provided solely for a grant to the Methow river planning unit to develop baseline hydrological data for the Methow river; and (b) $85,000 is provided for the lower Yakima/Naches/upper Yakima planning unit contingent upon recommendations of the governor's fact finder that a dual watershed assessment process is necessary. If such a recommendation is not provided, this amount is available for the purposes of this subsection.

(((~~18~~))) (17) $100,000 of the general fund--state appropriation for fiscal year 2000((~~,~~)) and $82,000 of the general fund--state appropriation for fiscal year 2001((~~, and $181,000 of the general fund--federal appropriation~~)) are provided solely for the department, in cooperation with the department of fish and wildlife, to establish fish and habitat index monitoring sites to measure the effectiveness of salmon recovery activities. ((~~$90,500 of the general fund--federal amount may be expended in each fiscal year of the biennium only if the state receives greater than $25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.~~

~~(19)~~))) (18) $276,000 of the general fund--state appropriation for fiscal year 2000 and $207,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Senate Bill No. 5424 (aquatic plant management). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(((~~20~~))) (19) $500,000 of the general fund--state appropriation for fiscal year 2000 and $500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the continuation of the southwest Washington coastal erosion study.

(((~~21~~))) (20) $638,000 of the oil spill administration account appropriation is provided solely to implement Substitute House Bill No. 2247 (oil spill response tax). Of this amount: (a) $120,000 is provided solely for spill response equipment; (b) $307,000 is provided solely to develop an oil spill risk management plan; and (c) $211,000 is provided solely for spills information management improvements. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(((~~23~~))) (21) $145,000 of the general fund--state fiscal year 2000 appropriation and $145,000 of the general fund--state fiscal year 2001 appropriation are provided solely for training and technical assistance to support the activities of county water conservancy boards.

(22) $925,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for implementing Substitute Senate Bill No. 6525 (water rights changes). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall be provided solely for grants to local governments to conduct watershed planning.

(23) $3,154,000 of the general fund--state appropriation for fiscal year 2000 and $6,649,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to maintain the state's air quality program.

(24) $749,000 of the public safety and education account--state appropriation is provided solely for methamphetamine lab clean up activities.

(25) $150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for creating the task force on water storage. The purpose of the task force is to examine the role of increased water storage in providing water supplies to meet the needs of fish, population growth, and economic development, and to enhance the protection of people's lives and their property and the protection of aquatic habitat through flood control facilities. For this purpose, increased storage may be in the form of surface storage including off-stream storage, underground storage, or the enlargement or enhancement of existing structures. The task force shall also examine means of providing funding for increased water storage.

The department of ecology shall provide staff support for the task force and the director of the department of ecology shall convene the first meeting of the task force not less than thirty days after the effective date of this section.

No member of the task force shall receive compensation, per diem, or reimbursement of expenses from the task force or the department of ecology for his or her activities as a member of the task force. However, each may receive such compensation, per diem, and/or reimbursement as is authorized by the entity he or she is employed by, is appointed from, or represents on the task force.

Following its examination, the task force shall report its recommendations to the appropriate committees of the legislature by December 31, 2000.

(26) $300,000 of the drought preparedness account--state appropriation is provided solely for a preconstruction analysis of the Roza irrigation district off-stream storage project at Washout canyon.

(27) $375,000 of the state drought preparedness account--state appropriation is provided solely for an environmental impact statement of the Pine Hollow reservoir project to be conducted in conjunction with the local irrigation district.

(28) $1,650,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to the oil spill administration account to be used for a rescue tug. By December 1, 2000, the department shall report to the appropriate fiscal committees of the legislature on the activities of the dedicated rescue tug. The report shall include information on rescues, assists, or responses performed by the tug. The report shall also indicate the class of vessels involved and the nature of the rescue, assist, or response.

(29) $1,430,000 of the general fund--state appropriation for fiscal year 2001, $350,000 of the water quality account appropriation, and $105,000 of the general fund--federal appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.

(30) Within the funds appropriated in this section, the department shall develop for review by the legislature a proposed long-term strategy to address persistent, bio-accumulative and toxic chemicals in the environment. The department shall submit its proposal to the appropriate legislative committees by December 30, 2000.

Sec. 302. 1999 c 309 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2000) $

((~~27,498,000~~))

27,522,000

General Fund--State Appropriation (FY 2001) $

((~~28,073,000~~))

28,227,000

General Fund--Federal Appropriation $

2,113,000

General Fund--Private/Local Appropriation $

59,000

Winter Recreation Program Account--State Appropriation $

763,000

Off Road Vehicle Account--State Appropriation $

264,000

Snowmobile Account--State Appropriation $

3,653,000

Aquatic Lands Enhancement Account--State Appropriation $

325,000

Public Safety and Education Account--State Appropriation $

48,000

Water Trail Program Account--State Appropriation $

14,000

Parks Renewal and Stewardship Account--State Appropriation $

25,907,000

TOTAL APPROPRIATION $

((~~88,717,000~~))

88,895,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $189,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan agency action items P&RC-01 and P&RC-03.

(2) ((~~$105,000~~)) $65,000 of the general fund--state appropriation for fiscal year 2000 and ((~~$31,000~~)) $71,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the state parks and recreation commission to meet its responsibilities under the Native American graves protection and repatriation act (P.L. 101-601).

(3) $2,000,000 of the parks renewal and stewardship account appropriation is dependent upon the parks and recreation commission generating revenue to the account in excess of $26,000,000 for the biennium. These funds shall be used for deferred maintenance and visitor and ranger safety activities.

(4) $772,000 of the general fund--state appropriation for fiscal year 2000 and $849,000 of the general fund--state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(5) Fees approved by the state parks and recreation commission in 1998 for camping, group camping, extra vehicles, and the sno-park daily permit are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(6) ((~~$40,000~~)) $79,000 of the general fund--state appropriation for fiscal year 2000 and ((~~$40,000~~)) $79,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a grant for the operation of the Northwest avalanche center.

(7) The state parks and recreation commission may increase fees adopted prior to January 1, 2000, for implementation on or after July 1, 2000, in excess of the fiscal growth factor under RCW 43.135.055.

(8) $25,000 of the general fund--state appropriation for fiscal year 2000 and $75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a study on existing and future recreational needs and opportunities on the west slope of the Cascade foothills. The study shall include an inventory of existing land and facilities, an assessment of projected demand, and recommendations for regional coordination among public and private outdoor recreation providers to promote expanded recreation opportunities within the Cascade foothills. The study shall be submitted to the governor and the appropriate committees of the legislature by June 30, 2001.

Sec. 303. 1999 sp.s. c 13 s 21 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund--State Appropriation (FY 2000) $
137,000

General Fund--State Appropriation (FY 2001) $
138,000

General Fund--Federal Appropriation $
3,332,000

Firearms Range Account--State Appropriation $
34,000

Recreation Resources Account--State Appropriation $
2,370,000

Recreation Resources Account--Federal Appropriation $
11,000

NOVA Program Account--State Appropriation $
604,000

TOTAL APPROPRIATION $
((~~3,294,000~~))
6,626,000

The appropriations in this section are subject to the following conditions and limitations: $137,000 of the fiscal year 2000 general fund--state appropriation and $138,000 of the fiscal year 2001 general fund--state appropriation are provided solely to implement Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079 (salmon recovery). If legislation establishing the board is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

Sec. 304. 1999 c 309 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2000) $
((~~2,630,000~~))
2,580,000

General Fund--State Appropriation (FY 2001) $
((~~2,634,000~~))
2,384,000

((~~General Fund--Federal Appropriation~~ $
~~1,800,000~~))

Salmon Recovery Account--State Appropriation $
3,618,000

Water Quality Account--State Appropriation $
444,000

TOTAL APPROPRIATION $

((~~11,126,000~~))

9,026,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $182,000 of the general fund--state appropriation for fiscal year 2000, $182,000 of the general fund--state appropriation for fiscal year 2001, and $130,000 of the water quality account appropriation are provided solely for the implementation of the Puget Sound work plan agency action item CC-01.

(2) $550,000 of the general fund--state appropriation for fiscal year 2000 and $550,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to conservation districts to reduce nitrate contamination in the Columbia Basin ground water management area.

(3) $1,968,000 of the salmon recovery account appropriation is provided solely for conducting limiting factors analysis for salmon species.

(4) $250,000 of the salmon recovery account appropriation is provided solely for the agriculture, fish, and water negotiation process, including a facilitated review of the field office technical guides of the federal natural resource conservation service to ensure the guides meet the requirements of the federal endangered species act and clean water act.

(5) $500,000 of the salmon recovery account appropriation ((~~and $1,500,000 of the general fund--federal appropriation are~~)) is provided solely for a volunteer salmon recovery initiative((~~. The salmon recovery account appropriation is provided~~)) for volunteer coordination through regional fisheries enhancement groups. ((~~$750,000 of the general fund--federal amount may be expended in each fiscal year only if the state receives greater than $25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.~~))

(6) $900,000 of the salmon recovery account appropriation ((~~and $300,000 of the general fund--federal appropriation are~~)) is provided solely for local salmon recovery technical assistance. Technical assistance shall be coordinated among all state agencies including the conservation commission, department of fish and wildlife, department of ecology, department of health, department of agriculture, department of transportation, state parks and recreation, interagency committee for outdoor recreation, governor's salmon recovery office, Puget Sound water quality action team, department of community, trade, and economic development, and department of natural resources. ((~~$150,000 of the general fund--federal amount may be expended in each fiscal year of the biennium only if the state receives greater than $25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.~~))

Sec. 305. 1999 c 309 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2000) $

((~~42,896,000~~))

42,731,000

General Fund--State Appropriation (FY 2001) $

((~~42,443,000~~))

44,649,000

General Fund--Federal Appropriation $

((~~42,755,000~~))

37,380,000

General Fund--Private/Local Appropriation $

((~~14,416,000~~))

16,800,000

Off Road Vehicle Account--State Appropriation $

490,000

Aquatic Lands Enhancement Account--State Appropriation $

((~~6,432,000~~))

5,992,000

Public Safety and Education Account--State Appropriation $

586,000

Recreational Fisheries Enhancement Account--State Appropriation $

3,596,000

Salmon Recovery Account--State Appropriation $

9,316,000

Warm Water Game Fish Account--State Appropriation $

((~~2,419,000~~))

2,499,000

Eastern Washington Pheasant Enhancement Account--State Appropriation $

((~~551,000~~))

851,000

Wildlife Account--State Appropriation $

((~~40,293,000~~))

40,961,000

Wildlife Account--Federal Appropriation $

((~~40,040,000~~))

38,040,000

Wildlife Account--Private/Local Appropriation $

((~~13,072,000~~))

15,072,000

Game Special Wildlife Account--State Appropriation $

1,939,000

Game Special Wildlife Account--Federal Appropriation $

9,603,000

Game Special Wildlife Account--Private/Local Appropriation $

350,000

Environmental Excellence Account--State Appropriation $

15,000

Regional Fisheries Salmonid Recovery Account--Federal Appropriation $

((~~750,000~~))

1,750,000

Oil Spill Administration Account--State Appropriation $

969,000

TOTAL APPROPRIATION $

((~~272,931,000~~))

273,589,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $1,252,000 of the general fund--state appropriation for fiscal year 2000 and $1,244,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan agency action items DFW-01, DFW-02, DFW-03, DFW-04, and DFW-05.

(2) $776,000 of the salmon recovery account appropriation ((~~and $775,000 of the general fund--federal appropriation are~~)) is provided solely for the department's review of forest practices applications and related hydraulic permit applications. ((~~Up to $387,500 of the general fund--federal amount may be expended in each fiscal year of the biennium only if the state receives greater than $25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.~~))

(3) $1,500,000 of the salmon recovery account appropriation ((~~and $1,500,000 of the general fund--federal appropriation are~~)) is provided solely for the department to update the salmon and steelhead stock inventory and, in cooperation with the department of ecology, to establish fish and habitat index monitoring sites to measure the effectiveness of salmon recovery activities. ((~~Up to $750,000 of the general fund--federal amount may be expended in each fiscal year of the biennium only if the state receives greater than $25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.~~))

(4) $232,000 of the general fund--state appropriation for fiscal year 2000 and $232,000 of the general fund--state appropriation for fiscal year 2001 are provided for the control of European green crab (Carcinus maenas). The department shall submit a report to the governor and the appropriate legislative committees by September 1, 2000, evaluating the effectiveness of various control strategies and providing recommendations on long-term control strategies. $248,000 of this amount is for implementation of Puget Sound work plan and agency action item DFW-23.

(5) $191,000 of the general fund--state appropriation for fiscal year 2000 and $191,000 of the general fund--state appropriation for fiscal year 2001 are provided for noxious weed control and survey activities on department lands. Of this amount, $48,000 is provided for the biological control of yellowstar thistle.

(6) All salmon habitat restoration and protection projects proposed for funding by regional fisheries enhancement groups shall be submitted by January 1st or July 1st of each year for review to the salmon recovery funding board.

(7) $2,340,000 of the salmon recovery account appropriation and $7,000,000 of the general fund--federal appropriation are provided solely to implement a license buy-back program for commercial fishing licenses.

(8) $511,000 of the general fund--state appropriation for fiscal year 2000 and $488,000 of the general fund--state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(9) Any indirect cost reimbursement received by the department from federal grants must be spent on agency administrative activities and cannot be redirected to direct program activities.

(10) $43,000 of the general fund--state appropriation for fiscal year 2000 and $42,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for staffing and operation of the Tennant Lake interpretive center.

(11) $32,000 of the general fund--state appropriation for fiscal year 2000 and $33,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(12) $50,000 of the general fund--state appropriation for fiscal year 2000 and $50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Senate Bill No. 5508 (crab catch record cards). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(13) $6,440,000 of the general fund--state appropriation for fiscal year 2000, $5,796,000 of the general fund--state appropriation for fiscal year 2001, $12,260,000 of the wildlife account--state appropriation, $710,000 of the aquatic lands enhancement account appropriation, and $500,000 of the public safety and education account appropriation are provided solely for operation of the enforcement division. Within these funds, the department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within these funds, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(14) $500,000 of the salmon recovery account, $624,000 of the general fund--state appropriation for fiscal year 2000, and $624,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department to implement a hatchery endangered species act response. The strategy shall include emergency hatchery responses and retrofitting of hatcheries for salmon recovery.

(15) $45,000 of the general fund--state appropriation for fiscal year 2000 and $46,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for operation of the Rod Meseberg (ringold) warm water fish hatchery to implement House Bill No. 1716 (warm water fish culture). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(16) $2,500,000 of the salmon recovery account appropriation is provided solely for grants to lead entities established in accordance with RCW 75.46.060.

(17) $200,000 of the salmon recovery account appropriation ((~~and $600,000 of the general fund--federal appropriation are~~)) is provided solely for salmon and steelhead predation control, bycatch monitoring, and selective harvest strategies. ((~~$300,000 of the general fund--federal amount may be expended in each fiscal year of the biennium only if the state receives greater than $25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.~~))

(18) $50,000 of the general fund--state appropriation for fiscal year 2000 ((~~and~~)), $50,000 of the general fund--state appropriation for fiscal year 2001, and $250,000 of the wildlife account--state appropriation are provided solely for additional field surveys of the Olympic Peninsula, North Rainier, and Packwood/South Rainier elk herds.

(19) ((~~$425,000~~)) $155,000 of the general fund--state appropriation for fiscal year 2000 and ((~~$75,000~~)) $345,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to purchase and implement the automated recreational license data base system.

(20) $1,400,000 of the general fund--state appropriation for fiscal year 2000 and $1,400,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for fish passage barrier and screening technical assistance, engineering services, and construction assistance for local governments, state agencies, volunteer groups, and regional fisheries enhancement groups.

(21) $1,500,000 of the salmon recovery account appropriation ((~~and $500,000 of the general fund--federal appropriation are~~)) is provided solely for local salmon recovery technical assistance. Technical assistance shall be coordinated among all state agencies including the conservation commission, department of fish and wildlife, department of ecology, department of health, department of agriculture, department of transportation, state parks and recreation, interagency committee for outdoor recreation, governor's salmon recovery office, Puget Sound water quality action team, department of community, trade, and economic development, and department of natural resources. ((~~$250,000 of the general fund--federal amount may be expended in each fiscal year of the biennium, only if the state receives greater than $25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.~~))

(22) $400,000 of the wildlife account appropriation is provided solely to implement House Bill No. 1681 (trout purchase by state). The fish and wildlife commission may authorize expenditure of these funds only if the costs of the program will be recovered by the increase in license sales directly attributable to the planting of privately grown trout. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(23) ((~~$50,000 of the general fund--state appropriation for fiscal year 2000 and $50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Senate Bill No. 5508 (crab fishery catch records). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.~~

~~(24)~~)) $2,000,000 of the aquatic lands enhancement account appropriation is provided for cooperative volunteer projects.

(24) $65,000 of the general fund--state appropriation for fiscal year 2000, $57,000 of the general fund--state appropriation for fiscal year 2001, and $123,000 of the wildlife fund--state appropriation are provided solely for winter feeding of deer and winter range rehabilitation on the Chiliwist wildlife area.

(25) $400,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of the Puget Sound work plan agency action items DFW-10 and DFW-18, implementing a comprehensive Puget Sound ground fish and forage fish recovery plan.

(26) $800,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for additional enforcement staff to respond and take appropriate action in response to public complaints regarding bear and cougar, and to perform other enforcement activities.

(27) $130,000 of the wildlife account--state appropriation is provided solely for operation of the Reiter pond hatchery.

(28) $703,000 of the general fund--state appropriation for fiscal year 2001 and $70,000 of the wildlife account--state appropriation are provided solely to implement an endangered species act strategy for state hatchery operations. Of the amounts provided in this subsection:

(a) $520,000 is provided for rearing strategies, fish passage and screen compliance at facilities to support wild stock rehabilitation efforts and for restoring production at targeted facilities;

(b) $203,000 is provided to study Lake Washington sockeye; and

(c) $50,000 is provided solely for the Colville hatchery.

(29) $384,000 of the general fund--private/local appropriation is provided solely to implement Senate Bill No. 6277 (authorizing cost reimbursement agreements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

Sec. 306. 1999 c 309 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2000) $
25,784,000
General Fund--State Appropriation (FY 2001) $
((~~25,641,000~~))
28,531,000
General Fund--Federal Appropriation $
((~~12,656,000~~))
2,865,000
General Fund--Private/Local Appropriation $
((~~420,000~~))
1,604,000
Forest Development Account--State
Appropriation $
((~~46,029,000~~))
48,056,000
Off Road Vehicle Account--State
Appropriation $
3,668,000
Surveys and Maps Account--State
Appropriation $
2,221,000
Aquatic Lands Enhancement Account--State
Appropriation $
((~~2,656,000~~))
2,356,000
Resources Management Cost Account--State
Appropriation $
((~~77,016,000~~))
79,032,000
Disaster Response Account--State
Appropriation $
2,651,000
Surface Mining Reclamation Account--State
Appropriation $
1,435,000
Salmon Recovery Account--State
Appropriation $
3,483,000
Aquatic Land Dredged Material Disposal Site
Account--State Appropriation $
((~~764,000~~))
1,014,000
Natural Resource Conservation Areas Stewardship
Account Appropriation $
1,100,000
Air Pollution Control Account--State
Appropriation $

((~~864,000~~))

687,000

Metals Mining Account--State Appropriation $

63,000

Agricultural College Trust Management Account
Appropriation $

1,736,000

TOTAL APPROPRIATION $

((~~205,536,000~~))

206,286,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $18,000 of the general fund--state appropriation for fiscal year 2000, $18,000 of the general fund--state appropriation for fiscal year 2001, and $1,058,000 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DNR-01, DNR-02, and DNR-04.

(2) $7,304,000 of the general fund--state appropriation for fiscal year 2000 ((~~and~~)), $7,304,000 of the general fund--state appropriation for fiscal year 2001, and $2,651,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression.

(3) $331,000 of the general fund--state appropriation for fiscal year 2000 and $339,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for geologic studies to evaluate ground stability in high growth areas and to provide geologic expertise to small communities.

(4) $663,000 of the general fund--state appropriation for fiscal year 2000 and $689,000 of the general fund--state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(5) $3,483,000 of the salmon recovery account appropriation and ((~~$10,991,000 of the general fund--federal appropriation are provided for the department to implement changes in forest practice rules for the protection of salmon. $5,495,500 of the general fund--federal appropriation may be expended in each fiscal year of the biennium only if the state receives greater than $25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001~~)) $3,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for implementation of chapter 4, Laws of 1999 sp. sess.

(a) Of the salmon recovery account appropriation in this subsection (5):

(i) $2,580,000 is provided solely for costs associated with adopting and implementing new forest rules for protection of riparian habitat and water quality; road maintenance and abandonment planning; fish and water quality compliance staff; geographic information systems improvements for forest roads and hydrography; and updating the forest practices permit application system; and

(ii) $903,000 is provided solely to implement sections 501 through 505 of chapter 4, Laws of 1999 sp. sess., including:

(A) The establishment of a small landowner office;

(B) Administration of the forestry riparian easement program;

(C) Contracting with private consultants to perform timber cruises;

(D) Development of small landowner options through alternate management plans;

(E) Evaluation of cumulative impacts of alternate plans;

(F) Establishment of a small landowners advisory committee;

(G) Development of criteria for determining compensation for qualifying timber; and

(H) Collection and reporting of the statistical information on small landowners as directed in section 503 of chapter 4, Laws of 1999 sp. sess.

(b) Of the general fund--state appropriation in this subsection (5):

(i) $872,000 is provided solely for the department to implement sections 501 through 505 of chapter 4, Laws of 1999 sp. sess., including providing technical assistance for small forest landowners for the following:

(A) Determining streamside buffers;

(B) Preparation of road management plans;

(C) Participation in watershed analysis and adaptive management;

(D) Determining culvert replacement needs; and

(E) Developing alternate plans to comply with forest and fish rules; and

(ii) $2,128,000 is provided solely for cooperative monitoring, evaluation, and research projects; hazard zonation; adopting and implementing new forest rules to protect riparian habitat and water quality; and geographic information systems improvements for forest roads and hydrography.

(6) $44,000 of the resource management cost account appropriation is provided solely for maintenance and safety improvements at the Gull Harbor marine station. The department shall develop a plan for use or disposal of the marine station by December 1, 1999.

(7) $582,000 of the resource management cost account appropriation is provided solely to expand geoduck resource management activities.

(8) $172,000 of the resource management cost account appropriation is provided solely to convert aquatic land maps and records to an electronic format.

(9) $100,000 of the general fund--state appropriation for fiscal year 2000, $100,000 of the general fund--state appropriation for fiscal year 2001, and $400,000 of the aquatic lands enhancement account appropriation are provided solely for spartina control. Within these amounts, the department shall continue support for a field study of biological control methods.

(10) $2,000,000 of the general fund--state appropriation for fiscal year 2000 and $2,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for fire protection activities.

(11) $450,000 of the resource management cost account appropriation is provided solely for the control and eradication of class B designate weeds on state lands.

(12) $1,100,000 of the natural resources conservation areas stewardship account is provided solely to the department for planning, management, and stewardship of natural area preserves and natural resources conservation areas.

(13) $384,000 of the general fund--private/local appropriation is provided solely to implement Senate Bill No. 6277 (authorizing cost reimbursement agreements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(14) $2,000,000 of the forest development account appropriation is provided solely for immediate road decommissioning, maintenance, and repair in the Lake Whatcom watershed.

Sec. 307. 1999 c 309 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2000) $
((~~7,476,000~~))
7,876,000

General Fund--State Appropriation (FY 2001) $
((~~7,316,000~~))
7,516,000

General Fund--Federal Appropriation $
4,440,000

General fund--Private/Local Appropriation $
410,000

Aquatic Lands Enhancement Account--State
Appropriation $
818,000

State Toxics Control Account--State
Appropriation $
1,365,000

Local Toxics Control Account--State
Appropriation $
241,000

TOTAL APPROPRIATION $
((~~22,066,000~~))
22,666,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $36,000 of the general fund--state appropriation for fiscal year 2000 and $37,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for technical assistance on pesticide management, including the implementation of the Puget Sound work plan and agency action item DOA-01.

(2) $241,000 of the local toxics control account appropriation is provided solely to implement chapter 36, Laws of 1998 (fertilizer regulation). The amount provided in this subsection shall be used to conduct a comprehensive study of plant uptake of metals and to implement new fertilizer registration requirements.

(3) $133,000 of the general fund--state appropriation for fiscal year 2000 and $127,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for technical assistance to local watershed and salmon recovery planning efforts.

(4) $400,000 of the general fund--state appropriation for fiscal year 2000 and $200,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for activities to control and eradicate infestations of the asian gypsy moth.

PART IV
TRANSPORTATION

Sec. 401. 1999 c 309 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2000) $

((~~5,519,000~~))

5,630,000

General Fund--State Appropriation (FY 2001 $

((~~4,947,000~~))

4,871,000

Architects' License Account--State Appropriation $

((~~754,000~~))

678,000

Cemetery Account--State Appropriation $

((~~203,000~~))

205,000

Profession Engineers' Account--State Appropriation $

((~~2,828,000~~))

2,703,000

Real Estate Commission--State Appropriation $

((~~7,114,000~~))

6,824,000

Master License Account--State Appropriation $

((~~7,423,000~~))

7,317,000

Uniform Commercial Code Account--State Appropriation $

((~~3,472,000~~))

3,448,000

Real Estate Education Account--State Appropriation $

((~~606,000~~))

630,000

Funeral Directors and Embalmers Account--State
Appropriation $

((~~457,000~~))

472,000

Washington Real Estate Research Account
Appropriation $

((~~368,000~~))

313,000

TOTAL APPROPRIATION $

((~~33,691,000~~))

33,091,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $150,000 of the general fund--state appropriation for fiscal year 2000, $25,000 of the general fund--state appropriation for fiscal year 2001, and $100,000 of the professional engineers' account appropriation are provided solely for Second Substitute Senate Bill No. 5821 (on-site wastewater treatment). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(2) ((~~$368,000~~)) $297,000 of the Washington real estate research account appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5720 (real estate research). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

Sec. 402. 1999 c 309 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2000) $

((~~22,129,000~~))

21,496,000

General Fund--State Appropriation (FY 2001) $

((~~20,858,000~~))

20,851,000

General Fund--Federal Appropriation $

3,999,000

General Fund--Private/Local Appropriation $

344,000

Death Investigations Account--State
Appropriation $

((~~2,816,000~~))

3,689,000

Public Safety and Education Account--State
Appropriation $

((~~6,867,000~~))

9,581,000

County Criminal Justice Assistance Account--State
Appropriation $

((~~4,641,000~~))

2,887,000

Municipal Criminal Justice Assistance Account--
State Appropriation $

((~~1,831,000~~))

1,118,000

Fire Service Trust Account--State
Appropriation $

125,000

Disaster Response Account--State
Appropriation $

1,386,000

Fire Service Training Account--State
Appropriation $

6,730,000

State Toxics Control Account--State
Appropriation $

442,000

Violence Reduction and Drug Enforcement Account--
State Appropriation $

260,000

Fingerprint Identification Account--State
Appropriation $

((~~2,392,000~~))

2,958,000

TOTAL APPROPRIATION $

((~~73,434,000~~))

75,866,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $255,000 of the general fund--state appropriation for fiscal year 2000 and $95,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for replacement of fire training equipment at the fire service training academy.

(2) ((~~$430,000~~)) $604,000 of the public safety and education account appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5108 (missing/exploited children). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) $2,816,000 of the death investigation account appropriation is provided solely for the implementation of Substitute House Bill No. 1560 (forensic lab services). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(4) $2,900,000 of the fire service training account appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5102 (fire fighter training). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse. In providing the fire fighter one training program required by the bill, the state patrol shall, to the extent possible, utilize existing public and private fire fighting training facilities in southeastern Washington.

(5) $354,000 of the public safety and education account appropriation is provided solely for additional law enforcement and security coverage on the west capitol campus.

(6) $66,000 of the general fund--state appropriation for fiscal year 2000 and $58,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for activities of the missing children's clearinghouse as related to services performed under subsection 202(1) of this act. If that subsection is not enacted, the amount provided in this subsection shall lapse.

(7) When a program within the agency is supported by more than one fund and one of the funds is the state general fund, the agency shall charge its expenditures in such a manner as to ensure that each fund is charged in proportion to its support of the program. The agency may adopt guidelines for the implementation of this subsection. The guidelines may account for federal matching requirements, budget provisos, or other requirements to spend other moneys in a particular manner.

(8) $300,000 of the death investigations account--state appropriation is provided solely for the operation of the state toxicology laboratory. If House Bill No. 2330 (liquor disbursements) is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(9) $1,386,000 of the disaster response account--state appropriation is provided solely for costs associated with the state patrol's participation in support of the world trade organization conference.

(10) $125,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 2420 (oil/gas pipeline safety). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

PART V
EDUCATION

Sec. 501. 1999 c 309 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION

General Fund--State Appropriation (FY 2000 $
((~~27,800,000~~))
31,662,000

General Fund--State Appropriation (FY 2001 $
((~~26,535,000~~))
29,271,000

General Fund--Federal Appropriation $
((~~78,121,000~~))
83,099,000

Public Safety and Education Account--
State Appropriation $
((~~6,602,000~~))
6,252,000

Health Services Account Appropriation $
((~~5,242,000~~))
6,074,000

Violence Reduction and Drug Enforcement Account
Appropriation $
((~~3,671,000~~))
8,876,000

TOTAL APPROPRIATION $
((~~147,971,000~~))
165,234,000

The appropriations in this section are subject to the following conditions and limitations:

(1) AGENCY OPERATIONS

(a) $404,000 of the general fund--state appropriation for fiscal year 2000 and $403,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b) $348,000 of the ((~~public safety and education account~~)) general fund--state appropriation is provided for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(c) $128,000 of the general fund--state appropriation is provided solely for increased costs of providing a norm-referenced test to all third grade students and retests of certain third grade students and other costs in accordance with chapter 319, Laws of 1998 (student achievement).

(d) $145,000 of the general fund--state appropriation is provided for an institutional education program director.

(2) STATE-WIDE PROGRAMS

(a) $2,524,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center. Of this amount, $350,000 is provided to add a math van.

(b) $63,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.

(c) $2,754,000 of the general fund--state appropriation is provided for educational centers, including state support activities. $100,000 of this amount is provided to help stabilize funding through distribution among existing education centers that are currently funded by the state at an amount less than $100,000 a biennium.

(d) $100,000 of the general fund--state appropriation is provided for an organization in southwest Washington that received funding from the Spokane educational center in the 1995-97 biennium and provides educational services to students who have dropped out of school.

(e) ((~~$3,671,000~~)) $8,876,000 of the violence reduction and drug enforcement account appropriation and $2,252,000 of the public safety education account appropriation are provided solely for matching grants to enhance security in schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in schools during school hours and school events. Of the amount provided in this subsection, at least $2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(f) $200,000 of the general fund--state appropriation for fiscal year 2000, $200,000 of the general fund--state appropriation for fiscal year 2001, and $400,000 of the general fund--federal appropriation transferred from the department of health are provided solely for a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to one-half of the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising, broadcasting, and graphics or video production or other related fields.

(g) $1,500,000 of the general fund--state appropriation for fiscal year 2000 and $1,500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. Allocation of this money to school districts shall be based on the number of petitions filed.

(h) A maximum of $300,000 of the general fund--state appropriation is provided for alcohol and drug prevention programs pursuant to RCW 66.08.180.

(i) $5,702,000 of the general fund--state appropriation is provided solely for shared infrastructure costs, data equipment maintenance, and depreciation costs for operation of the K-20 telecommunications network.

(j) $4,000,000 of the general fund--state appropriation is provided solely for a K-20 telecommunications network technical support system in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network. A maximum of $650,000 may be expended for state-level administration and staff training on the K-20 network.

(k) $50,000 of the general fund--state appropriation for fiscal year 2000 and $50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for allocation to the primary coordinators of the state geographic alliance to improve the teaching of geography in schools.

(l) $2,000,000 of the public safety and education account appropriation is provided for start-up grants for alternative programs and services that improve instruction and learning for at-risk students. Grants shall be awarded to applicants showing the greatest potential for improved student learning for at-risk students including:

(i) Students who are disruptive or have been suspended, expelled, or subject to other disciplinary actions;

(ii) Students with unexcused absences who need intervention;

(iii) Students who have left school; and

(iv) Students involved with the court system.

(m) $1,600,000 of the general fund--state appropriation is provided for grants for magnet schools.

(n) $4,300,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to amounts shown in LEAP Document 30C as developed on April 27, 1997, at 03:00 hours.

(o) ((~~$262,000 of the general fund--state appropriation for fiscal year 2000 and $235,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Substitute Senate Bill No. 5593 (professional educator standards board). If Substitute Senate Bill No. 5593 is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.~~

~~(p) $200,000 of the general fund--state appropriation is provided solely for the purposes of Substitute Senate Bill No. 5413 (teacher assessment/certification). If Substitute Senate Bill No. 5413 is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.~~

~~(q)~~)) $431,000 of the general fund--state appropriation is provided solely to implement Engrossed House Bill No. 2760 (educator quality). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(p) $500,000 of the general fund--state appropriation for fiscal year 2000 and $500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to schools and school districts to establish school safety plans.

(((~~r~~))) (q) $5,242,000 of the health services account appropriation is provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(((~~s~~))) (r) $50,000 of the general fund--state appropriation is provided as matching funds for district contributions to provide analysis of the efficiency of school district business practices.

(((~~t~~))) (s) $750,000 of the general fund--state appropriation is provided solely for computer system programming and upgrades to benefit the office of the superintendent of public instruction, schools, and school districts.

(((~~u~~))) (t) $21,000 of the general fund--state appropriation for fiscal year 2000 appropriation and $21,000 of the general fund--state appropriation for fiscal year 2001 appropriation are provided solely for the increased costs resulting from Engrossed Second Substitute House Bill No. 1477 (school district organization). If the bill is not enacted by June 30, 1999, the amounts in this subsection shall lapse.

(((~~v~~))) (u) $1,500,000 of the general fund--state appropriation is provided solely for the excellence in mathematics training program as specified in Substitute House Bill No. 1569 (excellence in mathematics). If the bill is not enacted by June 30, 1999, the amount in this subsection shall lapse.

(((~~w~~))) (v) $2,000,000 of the public safety and education account appropriation is provided solely for teacher institutes during the summer of 2000, programs, and administration costs, as provided for in Engrossed Second Substitute House Bill No. 2085 (disruptive students). If the bill is not enacted by June 30, 1999, the amount in this subsection shall lapse.

((~~(x) $100,000~~)) (w) $200,000 of the general fund--state appropriation is provided solely for support for vocational student leadership organizations.

(((~~y~~))) (x) $1,100,000 of the general fund--state appropriation is provided for an equal matching grant to the Northeast vocational area cooperative to establish high-technology learning centers to provide college-level technology curriculum for high school students leading to an information technology certificate or degree. Only the following sources may be used as matching for the state funds: Private sector contributions; operating levy revenues; capital levy revenues; technology levy revenues; or other local funds not from federal or state sources.

(((~~z~~))) (y) $75,000 of the general fund--state appropriation is provided for speech pathology grants to charitable organizations as qualified under the internal revenue code and incorporated under the laws of the state of Washington. These grants shall be used for the purpose of providing childhood speech pathology by nationally certified speech pathologists to children who have demonstrated a lack of verbal communication skills and who would benefit from such a program. Speech pathology services shall be provided at no cost to the child receiving the benefits or to the parents or guardians of the child.

(((~~aa~~))) (z) $500,000 of the general fund--state appropriation is provided solely for competitive grants to school districts to obtain curriculum or programs that allow high school students to have access to internet-based curriculum that leads directly to higher education credits or provides preparation for tests that lead to higher education credit in subjects including but not limited to mathematics, languages, and science.

(((~~bb~~))) (aa) $1,000,000 of the general fund--state appropriation for fiscal year 2000 and ((~~$1,000,000~~)) $1,800,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for grants to school districts for programs to prepare high school students to achieve information technology industry skills certifications. The funds may be expended to provide or improve internet access; purchase and install networking or computer equipment; train faculty; or acquire curriculum materials. A match of cash or in-kind contributions from nonstate sources equal to at least half of the cash amount of the grant is required. To assure continuity of the curriculum with higher education institutions, the grant program will be designed and implemented by an interagency team comprised of representatives from the office of the superintendent of public instruction, the state board for community and technical colleges, the higher education coordinating board, and the office of financial management. School districts may apply for grants in cooperation with other school districts or community or technical colleges and must demonstrate in the grant

application a cooperative relationship with a community or technical college in information technology programs. Preference for grants shall be made to districts with sound technology plans, which offer student access to computers outside of school hours, which demonstrate involvement of the private sector in information technology programs, and which serve the needs of low-income communities.

(bb) $150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the Washington civil liberties education program pursuant to Engrossed Second Substitute House Bill No. 1572 (civil liberties education). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(cc) $150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the World War II oral history project pursuant to Substitute House Bill No. 2418 (WWII oral history project). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(dd) $431,000 of the general fund--state appropriation is provided solely for the purchase of filtering servers necessary for districts to implement a computer technology filtering system for schools. Priority shall be given to districts that do not have any filtering systems in place. Funding shall be provided only at the request of that district's school board.

(ee) $885,000 of the general fund--state appropriation is provided solely for the future teacher conditional scholarship program under chapter 28B.102 RCW. Scholarships may be provided to eligible classified employees. The office of the superintendent of public instruction may operate this program through an interagency agreement with the higher education coordinating board.

(ff) $832,000 of the health services account appropriation is provided solely for nursing assistant training under chapter 18.88A RCW. Up to $660 is provided for each school building serving K-5 students. Funding shall be used for training program expenses, including tuition and state certification costs. Districts shall provide the office of the superintendent of public instruction documentation on the use of training funds to certify that funds are expended only for training and associated expenses.

(gg) $4,000,000 of the general fund--state appropriation is provided solely for one-time grants to school districts for fuel costs associated with unexpected price increases in calendar year 2000. Grants shall be provided to districts on the basis of weighted pupil miles during the 1999-00 school year.

Sec. 502. 1999 c 309 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT ((~~BASIC EDUCATION~~))

General Fund--State Appropriation (FY 2000) $

((~~3,545,737,000~~))

3,505,477,000

General Fund--State Appropriation (FY 2001) $

((~~3,551,100,000~~))

3,480,312,000

TOTAL APPROPRIATION $

((~~7,096,837,000~~))

6,985,789,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 1999-00 and 2000-01 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for these additional certificated units shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater

than 53.2 certificated instructional staff per thousand full-time equivalent students in grades K-4. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students in grades K-4 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students for the 1999-00 school year and the 2000-01 school year. Districts documenting staffing ratios of less than 1 certificated staff per 19.5 students shall be allocated the greater of the total ratio in subsections (2)(a)(i) and (iv) of this section or the actual documented ratio; and

(B) Skills center programs meeting the standards for skill center funding recommended by the superintendent of public instruction, January 1999, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Indirect cost charges, as defined by the superintendent of public instruction, to vocational-secondary programs shall not exceed 10 percent; and

(iii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1999-00 and 2000-01 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of ((~~16.97~~)) 16.49 percent in the 1999-00 school year and 15.62 percent in the 2000-01 school year((~~s~~)) for certificated salary allocations provided under subsection (2) of this section, and a rate of ((~~15.75~~)) 15.56 percent in the 1999-00 school year and 15.82 percent in the 2000-01 school year((~~s~~)) for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of $8,117 per certificated staff unit in the 1999-00 school year and a maximum of ((~~$8,271~~)) $8,239 per certificated staff unit in the 2000-01 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of $19,933 per certificated staff unit in the 1999-00 school year and a maximum of ((~~$20,312~~)) $20,232 per certificated staff unit in the 2000-01 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of $15,467 per certificated staff unit in the 1999-00 school year and a maximum of ((~~$15,761~~)) $15,699 per certificated staff unit in the 2000-01 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of $365.28 for the 1999-00 school year and $479.94 for the 2000-01 school year per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1998-99 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of (($6,444,000)) $8,390,000 outside the basic education formula during fiscal years 2000 and 2001 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of $457,000 may be expended in fiscal year 2000 and a maximum of (($466,000)) $464,000 may be expended in fiscal year 2001;

(b) For summer vocational programs at skills centers, a maximum of $2,098,000 may be expended each fiscal year;

(c) A maximum of $325,000 may be expended for school district emergencies; ((and))

(d) A maximum of $500,000 per fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed $500 per full-time equivalent student enrolled in those programs((.)); and

(e) A maximum of $1,558,000 of the general fund--state appropriation for fiscal year 2000 and $390,000 of the general fund--state appropriation for fiscal year 2001 are provided for the 1999-00 school year for districts which experience an enrollment decline in the 1999-00 school year from the 1998-99 school year of more than 4.5 percent in full-time equivalent enrollment or more than 300 full-time equivalent students. The superintendent shall allocate funds to eligible school districts for up to one-quarter of the enrollment loss at the basic education unenhanced rate for the district. School districts receiving small school factor bonus funds shall not be eligible for enrollment decline funds to the extent that the district has no state apportionment loss as a result of the enrollment decline.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under chapter 309, Laws of 1999, including appropriations for salary and benefits increases, is 4.0 percent from the 1998-99 school to the 1999-00 school year, and 3.0 percent from the 1999-00 school year to the 2000-01 school year. This subsection supersedes section 1, chapter 10, Laws of 1999 sp. sess.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

Sec. 503. 1999 c 309 s 503 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION. (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E for the appropriate year, by the district's average staff mix factor for basic education and special education certificated instructional staff in that school year, computed using LEAP Document 1S; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12E for the appropriate year.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100 and "special education certificated staff" means staff assigned to the state-supported special education program pursuant to chapter 28A.155 RCW in positions requiring a certificate;

(b) "LEAP Document 1S" means the computerized tabulation establishing staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 25, 1999, at 16:55 hours; and

(c) "LEAP Document 12E" means the computerized tabulation of 1999-00 and 2000-01 school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on March 25, 1999, at 18:53 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of ((16.33)) 15.85 percent for school year 1999-00 and 14.98 percent for school year 2000-01 for certificated staff and ((12.25)) 12.06 percent for school year 1999-00 and 12.32 percent for school year 2000-01 for classified staff ((for both years of the biennium)).

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

1999-00 K-12 Salary Schedule for Certificated Instructional Staff

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
0	25,716	26,410	27,130	27,850	30,165
1	26,062	26,765	27,494	28,248	30,586
2	26,649	27,367	28,111	28,930	31,284
3	27,527	28,267	29,033	29,895	32,291
4	28,146	28,927	29,705	30,605	33,040
5	28,790	29,581	30,375	31,334	33,785
6	29,161	29,935	30,756	31,765	34,203
7	30,113	30,906	31,747	32,820	35,319
8	31,079	31,915	32,776	33,938	36,471
9	32,960	33,863	35,067	37,659	
10	34,964	36,255	38,881		
11	37,477	40,161			
12	38,660	41,474			
13	42,820				
14	44,173				
15	45,322				
16 or more	46,228				

Years of Service	BA+135	MA	MA+45 or PHD	MA+90
0	31,656	30,831	33,146	34,637
1	32,068	31,174	33,511	34,994
2	32,797	31,827	34,181	35,694
3	33,871	32,794	35,189	36,769
4	34,647	33,476	35,910	37,518
5	35,440	34,176	36,627	38,282
6	35,866	34,551	36,989	38,653
7	37,047	35,607	38,105	39,833
8	38,261	36,724	39,257	41,048
9	39,511	37,853	40,446	42,297
10	40,795	39,042	41,668	43,581
11	42,112	40,264	42,948	44,899
12	43,485	41,534	44,261	46,271
13	44,890	42,848	45,607	47,677
14	46,349	44,202	47,047	49,136
15	47,554	45,351	48,270	50,413
16 or more	48,505	46,258	49,236	51,421

2000-01 K-12 Salary Schedule for Certificated Instructional Staff

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
0	26,487	27,203	27,943	28,686	31,070
1	26,843	27,568	28,319	29,095	31,503
2	27,448	28,189	28,954	29,798	32,223
3	28,352	29,115	29,904	30,792	33,260

4	28,991	29,794	30,596	31,524	34,031
5	29,653	30,469	31,286	32,274	34,798
6	30,036	30,833	31,679	32,718	35,229
7	31,017	31,833	32,699	33,805	36,378
8	32,011	32,873	33,759	34,956	37,565
9	33,949	34,879	36,119	38,789	
10	36,013	37,343	40,048		
11	38,601	41,366			
12	39,820	42,718			
13	44,105				
14	45,498				
15	46,681				
16 or more	47,615				

Years of Service	BA+135	MA	MA+45	MA+90 or PHD
0	32,605	31,756	34,140	35,676
1	33,030	32,109	34,517	36,044
2	33,781	32,782	35,207	36,765
3	34,887	33,778	36,245	37,872
4	35,687	34,480	36,988	38,643
5	36,503	35,202	37,726	39,431
6	36,942	35,588	38,099	39,813
7	38,158	36,675	39,249	41,028
8	39,409	37,826	40,435	42,279
9	40,696	38,989	41,659	43,566
10	42,018	40,213	42,918	44,889
11	43,375	41,471	44,236	46,246
12	44,789	42,780	45,589	47,659
13	46,237	44,134	46,975	49,107
14	47,739	45,528	48,459	50,610
15	48,981	46,711	49,719	51,926
16 or more	49,960	47,645	50,713	52,964

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 12E and the salary schedules in subsection (4)(a) of this section include a 1.67 percent increase for three learning improvement days added in the 1999-00 school year and maintained in the 2000-01 school year. A school district is eligible for the learning improvement day funds for school years 1999-00 and 2000-01, only if three days have been added to the base contract in effect for the 1998-99 school year. If fewer than three days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be for activities related to improving student learning consistent with education reform implementation. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

Sec. 504. 1999 c 309 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund--State Appropriation (FY 2000) $

((~~187,659,000~~))

186,314,000

General Fund--State Appropriation (FY 2001) $

((~~348,636,000~~))

344,013,000

TOTAL APPROPRIATION $

((~~536,295,000~~))

530,327,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~$412,995,000~~)) $406,511,000 is provided for a cost of living adjustment of 3.0 percent effective September 1, 1999, and another 3.0 percent effective September 1, 2000, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of ((~~16.33~~)) 15.85 percent for school year 1999-00 and 14.98 percent for school year 2000-01 for certificated staff and ((~~12.25~~)) 12.06 percent for school year 1999-00 and 12.32 percent for school year 2000-01 for classified staff. The appropriation also includes 1.67 percent effective September 1, 1999, for three learning improvement days pursuant to section 503(7) of this act and the salary allocation schedule adjustments for beginning and senior certificated instructional staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in part VII of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 502 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 502 of this act.

(b) The appropriations in this section provide cost-of-living, learning improvement days for certificated instructional staff, and incremental fringe benefit allocations based on formula adjustments as follows:

(i) For pupil transportation, an increase of $0.60 per weighted pupil-mile for the 1999-00 school year and $1.23 per weighted pupil-mile for the 2000-01 school year;

(ii) For education of highly capable students, an increase of $14.04 per formula student for the 1999-00 school year and ((~~$21.28~~)) $21.09 per formula student for the 2000-01 school year; and

(iii) For transitional bilingual education, an increase of ((~~$36.18~~)) $36.19 per eligible bilingual student for the 1999-00 school year and ((~~$54.99~~)) $54.51 per eligible student for the 2000-01 school year; and

(iv) For learning assistance, an increase of ((~~$13.98~~)) $13.97 per entitlement unit for the 1999-00 school year and ((~~$23.16~~)) $23.04 per entitlement unit for the 2000-01 school year.

(c) The appropriations in this section include ((~~$420,000~~)) $417,000 for fiscal year 2000 and ((~~$962,000~~)) $1,214,000 for fiscal year 2001 for salary increase adjustments for substitute teachers.

(2) ((~~$123,300,000~~)) $123,816,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is $335.75 per month for the 1999-00 and 2000-01 school years. The appropriations in this section

provide for a rate increase to $388.02 per month for the 1999-00 school year and (($~~423.57~~)) $425.89 per month for the 2000-01 school year at the following rates:

(a) For pupil transportation, an increase of $0.48 per weighted pupil-mile for the 1999-00 school year and (($~~0.80~~)) $0.82 for the 2000-01 school year;

(b) For education of highly capable students, an increase of (($~~3.30~~)) $3.32 per formula student for the 1999-00 school year and (($~~5.58~~)) $5.72 for the 2000-01 school year;

(c) For transitional bilingual education, an increase of (($~~8.45~~)) $8.46 per eligible bilingual student for the 1999-00 school year and (($~~14.22~~)) $14.59 for the 2000-01 school year; and

(d) For learning assistance, an increase of $6.65 per funded unit for the 1999-00 school year and (($~~11.17~~)) $11.47 for the 2000-01 school year.

(3) The rates specified in this section are subject to revision each year by the legislature.

Sec. 505. 1999 c 309 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2000) $

((~~179,802,000~~))

181,204,000

General Fund--State Appropriation (FY 2001) $

((~~180,925,000~~))

181,061,000

TOTAL APPROPRIATION $

((~~360,727,000~~))

362,265,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of (($~~1,475,000~~)) $1,473,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) $10,000 of the fiscal year 2000 appropriation and $10,000 of the fiscal year 2001 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of (($~~34.99~~)) $34.96 per weighted mile in the 1999-00 school year and (($~~35.20~~)) $35.17 per weighted mile in the 2000-01 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

Sec. 506. 1999 c 309 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2000) $

3,100,000

General Fund--State Appropriation (FY 2001) $

3,100,000

General Fund--Federal Appropriation $

((~~194,483,000~~))

227,204,000

TOTAL APPROPRIATION $

((~~200,683,000~~))

233,404,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $6,000,000 of the general fund--state appropriations are provided for state matching money for federal child nutrition programs.

(2) $175,000 of the general fund--state appropriations are provided for summer food programs for children in low-income areas.

Sec. 507. 1999 c 309 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2000) $

((~~392,036,000~~))

387,011,000

General Fund--State Appropriation (FY 2001) $

((~~393,461,000~~))

385,482,000

General Fund--Federal Appropriation $

((~~148,159,000~~))

171,667,000

TOTAL APPROPRIATION $

((~~933,656,000~~))

944,160,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure, to the greatest extent possible, that special education students receive their appropriate share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education allocation funded in this section.

(2) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(((~~(2)~~))) (3) The superintendent of public instruction shall distribute state funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(((~~(3)~~))) (4) For the 1999-00 and 2000-01 school years, the superintendent shall distribute state funds to each district based on the sum of:

(a) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (((~~(4)(c)~~))) (5)(c) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(((~~(4)~~))) (5) The definitions in this subsection apply throughout this section.

(a) "Average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(b) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(c) "Enrollment percent" means the district's resident special education annual average enrollment including those students counted under the special education demonstration projects, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 1999-00 and the 2000-01 school years, each

district's funded enrollment percent shall be the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent.

(((~~(5)~~))) (6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be 12.7, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(((~~(6)~~))) (7) A maximum of $12,000,000 of the general fund--state appropriation for fiscal year 2000 and a maximum of $12,000,000 of the general fund--state appropriation for fiscal year 2001 are provided as safety net funding for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (((~~(3)~~))) (4) of this section. Safety net funding shall be awarded by the state safety net oversight committee.

(a) The safety net oversight committee shall first consider the needs of districts adversely affected by the 1995 change in the special education funding formula. Awards shall be based on the amount required to maintain the 1994-95 state special education excess cost allocation to the school district in aggregate or on a dollar per funded student basis.

(b) The committee shall then consider unusual needs of districts due to a special education population which differs significantly from the assumptions of the state funding formula. Awards shall be made to districts that convincingly demonstrate need due to the concentration and/or severity of disabilities in the district. Differences in program costs attributable to district philosophy or service delivery style are not a basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with Substitute Senate Bill No. 5626 (medicaid payments to schools).

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) The superintendent may expend up to $100,000 per year of the amounts provided in this subsection to provide staff assistance to the committee in analyzing applications for safety net funds received by the committee.

(((~~(7)~~))) (8) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(((~~(8)~~))) (9) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) Staff of the office of superintendent of public instruction;

(b) Staff of the office of the state auditor;

(c) Staff of the office of the financial management; and

(d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(((~~(9) A maximum of~~))) (10) To the extent necessary, $5,500,000 of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of one or more individual special education students. If safety net awards to meet the extraordinary needs of one or more individual special education students exceed $5,500,000 of the general fund--federal appropriation, the superintendent shall expend all available federal discretionary funds necessary to meet this need. General fund--state funds shall not be expended for this purpose.

(((~~(10)~~))) (11) A maximum of $678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(((~~(11)~~))) (12) A maximum of $1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(((~~(12)~~))) (13) A school district may carry over from one year to the next year up to 10 percent of general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

(((~~(13)~~))) (14) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(((~~(14)~~))) (15) A maximum of $1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

Sec. 508. 1999 c 309 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

((~~Public Safety and Education Account--State Appropriation $~~

~~16,276,000~~))

General Fund--State Appropriation (FY 2000) $

7,738,000

General Fund--State Appropriation (FY 2001) $

7,771,000

TOTAL APPROPRIATION $

15,509,000

The appropriations in this section ((~~is~~)) are subject to the following conditions and limitations:

(1) The appropriations include((~~s~~)) such funds as are necessary to complete the school year ending in each fiscal year and for prior fiscal year adjustments.

(2) A maximum of $507,000 may be expended for regional traffic safety education coordinators.

(3) The maximum basic state allocation per student completing the program shall be $137.16 in the 1999-00 and 2000-01 school years.

(4) Additional allocations to provide tuition assistance for students from low-income families who complete the program shall be a maximum of $66.81 per eligible student in the 1999-00 and 2000-01 school years.

Sec. 509. 1999 c 309 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2000) $

((~~4,547,000~~))

4,537,000

General Fund--State Appropriation (FY 2001) $

((~~4,547,000~~))

4,530,000

TOTAL APPROPRIATION $

((~~9,094,000~~))

9,067,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) $250,000 of the general fund appropriation for fiscal year 2000 and $250,000 of the general fund appropriation for fiscal year 2001 are provided solely for student teaching centers as provided in RCW 28A.415.100.

(3) A maximum of $500,000 is provided for centers for the improvement of teaching pursuant to RCW 28A.415.010.

Sec. 510. 1999 c 309 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2000) $

((~~98,315,000~~))

102,563,000

General Fund--State Appropriation (FY 2001) $

((~~107,973,000~~))

122,114,000

TOTAL APPROPRIATION $

((~~206,288,000~~))

224,677,000

Sec. 511. 1999 c 309 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2000) $

((~~20,201,000~~))

19,296,000

General Fund--State Appropriation (FY 2001) $

((~~21,542,000~~))

19,469,000

General Fund--Federal Appropriation $

8,548,000

TOTAL APPROPRIATION $

((~~50,291,000~~))

47,313,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) $92,000 of the general fund--state appropriation for fiscal year 2000 and $143,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 512. 1999 c 309 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2000) $

((~~6,226,000~~))

6,164,000

General Fund--State Appropriation (FY 2001) $

((~~6,220,000~~))

6,105,000

TOTAL APPROPRIATION $

((~~12,446,000~~))

12,269,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of ((~~$313.27~~)) $312.19 per funded student for the 1999-00 school year and ((~~$313.39~~)) $310.43 per funded student for the 2000-01 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) $350,000 of the appropriation is for the centrum program at Fort Worden state park.

(4) $186,000 of the appropriation is for the ((~~odyssey of the mind~~)) Washington imagination network and future problem-solving programs.

Sec. 513. 1999 c 309 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT

General Fund--Federal Appropriation $

((~~264,388,000~~))

285,193,000

Sec. 514. 1999 c 309 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2000) $

((~~35,144,000~~))

33,234,000

General Fund--State Appropriation (FY 2001) $

((~~34,355,000~~))

32,855,000

Better Schools Fund--State Appropriation $

57,500,000

TOTAL APPROPRIATION $

((~~69,499,000~~))

123,589,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~$143,000~~)) $268,000 of the general fund--state appropriation for fiscal year 2000 and ((~~$197,000~~)) $322,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the commission established under PART I of Substitute Senate Bill No. 5418 or Second Substitute House Bill No. 1462. If neither bill is enacted by June 30, 1999, the amount provided in this subsection shall be used for implementation of education reform and an accountability system by the office of the superintendent of public instruction.

(2) ((~~$11,343,000~~)) $9,307,000 of the general fund--state appropriation for fiscal year 2000 and ((~~$10,414,000~~)) $11,329,000 of the general fund--state appropriation for fiscal year 2001 are provided for development and implementation of the Washington assessments of student learning. Up to $689,000 of the appropriation may be expended for data analysis and data management of test results.

(3) $2,190,000 is provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) ((~~$6,818,000~~)) $3,373,000 of the general fund--state appropriation for fiscal year 2000 is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260. Funds for the teacher assistance program shall be allocated to school districts based on the number of beginning teachers.

(5) $4,050,000 is provided for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(6) $7,200,000 is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(7) $5,000,000 is provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(8) $1,260,000 is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning or its successor, as specified in RCW 28A.300.130 (center for the improvement of student learning).

(9) ((~~$1,598,000~~)) $2,208,000 is provided solely for the leadership internship program for superintendents, principals, and program administrators.

(10) $1,000,000 of the general fund--state appropriation for fiscal year 2000 and $1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to establish a mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance state-wide, the superintendent of public instruction, shall employ regional school improvement coordinators and mathematics school improvement specialists to provide assistance to schools and districts. The regional coordinators and specialists shall be hired by and work under the direction of a state-wide school improvement coordinator. The mathematics improvement specialists shall serve on a rotating basis from one to three years and shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement coordinators and specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(11) A maximum of $1,000,000 of the general fund--state appropriation is provided to expand the number of summer accountability institutes offered by the superintendent of public instruction and the commission on student learning or its successor. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, and guidance and counseling but placing an emphasis on mathematics.

(12) $8,000,000 of the general fund--state appropriation for fiscal year 2000 and $8,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Washington reading corps subject to the following conditions and limitations:

(a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading for low-performing students in grades K-6. If the grant is made to a school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.

(b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intercessions, or other vacation periods.

(c) Two or more schools may combine their Washington reading corps programs.

(d) A program is eligible for a grant if it meets one of the following conditions:

(i) The program is recommended either by the education commission of the states or the Northwest regional educational laboratory; or

(ii) The program is developed by schools or school districts and is approved by the office of the superintendent of public instruction based on the following criteria:

(A) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;

(B) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;

(C) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;

(D) It has measurable goals for student reading aligned with the essential academic learning requirements; and

(E) It contains an evaluation component to determine the effectiveness of the program.

(e) Funding priority shall be given to low-performing schools.

(f) Beginning, interim, and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from July 1, 1999, through August 31, 2001.

(13) ((~~$100,000~~)) $120,000 of the general fund--state appropriation for fiscal year 2000 and ((~~$227,000~~)) $272,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for ((~~a~~)) salary bonuses for teachers who attain certification by the national board for professional teaching standards.

(a) During the 1999-00 school year, teachers who have attained certification by the national board will receive a one-time 15 percent salary bonus ((~~for teachers who have attained certification by the national board for professional teaching standards~~)). The bonus is provided in recognition of their outstanding performance. The bonuses shall be provided subject to the following conditions and limitations:

(((~~a~~))) (i) For teachers achieving certification prior to September 1, 1999, the bonus shall begin on September 1, 1999.

(((~~b~~))) (ii) Teachers enrolled in the program prior to September 1, 1999, achieving certification during the 1999-2000 school year shall be eligible for the bonus for the number of months during the school year that the individual has achieved certification.

(((~~c) The superintendent shall establish a competitive selection process for teachers desiring to enroll in the program after September 1, 1999, to become eligible for the national certification bonus. Funds are provided for a maximum of 45 bonuses for the 2000-2001 school year. The superintendent shall approve a limited number of the most qualified applicants for potential bonus eligibility to ensure that the number of bonuses does not exceed available funds. The Washington state professional standards board, if created by law, or an advisory committee established by the superintendent of public instruction in consultation with the state board of education if a professional standards board is not created, shall review the national board certification standards to determine whether additional requirements to the national standards are needed to align the national requirements with Washington state standards for teachers and students under education reform~~)) (b) During the 2000-01 school year, teachers who have attained certification by the national board during the 2000-01 school year or in prior school years will receive an annual bonus of $3,500. The annual bonus will be paid in a lump sum amount. The annual bonus provided under this subsection shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(c) It is the intent of the legislature that teachers achieving certification by the national board of professional teaching standards will receive no more than two bonus payments under this subsection.

(14) $57,500,000 of the better schools fund--state appropriation is provided solely to implement House Bill No. 3171 (improving funding for education). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(15) $125,000 of the general fund--state appropriation for fiscal year 2001 is provided for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan.

(16) $35,000 of the general fund--state appropriation for fiscal year 2000 and $71,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the second grade reading test. The funds shall be expended for assessment training for new second grade teachers and replacement of assessment materials.

Sec. 515. 1999 c 309 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2000) $
((~~35,136,000~~))
35,876,000

General Fund--State Appropriation (FY 2001) $
((~~36,608,000~~))
37,605,000

TOTAL APPROPRIATION $
((~~71,744,000~~))
73,481,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of ((~~$648.50~~)) $646.06 per eligible bilingual student in the 1999-00 school year and $641.64 in the 2000-01 school year((~~s~~)), exclusive of salary and benefit adjustments provided in section 503 of this act.

Sec. 516. 1999 c 309 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2000) $

((~~71,205,000~~))

68,936,000

General Fund--State Appropriation (FY 2001) $

((~~75,045,000~~))

69,470,000

TOTAL APPROPRIATION $

((~~146,250,000~~))

138,406,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Funding for school district learning assistance programs shall be allocated at maximum rates of ((~~$382.95~~)) $382.08 per funded unit for the 1999-00 school year and ((~~$383.76~~)) $381.90 per funded unit for the 2000-01 school year.

(3) A school district's funded units for the 1999-2000 and 2000-01 school years shall be the sum of the following:

(a) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag; and

(b) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(c) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade test results, multiplied by 0.92. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(d) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent.

(4) School districts may carry over from one year to the next up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

Sec. 517. 1999 c 309 s 517 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS

General Fund--State Appropriation (FY 2000) $

((~~33,095,000~~))

32,981,000

General Fund--State Appropriation (FY 2001) $

((~~27,265,000~~))

27,315,000

TOTAL APPROPRIATION $

((~~60,720,000~~))

60,296,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Funds are provided for local education program enhancements to meet educational needs as identified by the school district, including alternative education programs.

(3) Allocations for the 1999-00 school year shall be at a maximum annual rate of $28.81 per full-time equivalent student and $28.81 per full-time equivalent student for the 2000-01 school year. Allocations shall be made on the monthly apportionment payment schedule provided in RCW 28A.510.250 and shall be based on school district annual average full-time equivalent enrollment in grades kindergarten through twelve: PROVIDED, That for school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than sixty average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than twenty average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than sixty average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(4) Funding provided pursuant to this section does not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(5) The superintendent shall not allocate up to one-fourth of a district's funds under this section if:

(a) The district is not maximizing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding); ((~~and~~)) or

(b) The district is not in compliance in filing truancy petitions as required under chapter 312, Laws of 1995 and RCW 28A.225.030.

Sec. 518. 1999 c 309 s 519 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Education Savings Account--State Appropriation $

((~~72,000,000~~))

78,612,000

The appropriation in this section is subject to the following conditions and limitations: ((~~$36,000,000~~)) $42,612,000 in fiscal year 2000 and $36,000,000 in fiscal year 2001 are appropriated to the common school construction account.

NEW SECTION. **Sec. 519.** 1999 sp.s. c 10 s 1 (uncodified) is repealed.

PART VI
HIGHER EDUCATION

Sec. 601. 1999 c 309 s 602 (uncodified) is amended to read as follows:

The appropriations in sections 603 through 609 of this act provide state general fund support or employment and training trust account support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	1999-2000 Annual Average	2000-2001 Annual Average
University of Washington		
Main campus	31,927	
		((~~32,266~~))
		32,228

Bothell branch 993

((~~1,136~~))

1,087

Tacoma branch 1,143

((~~1,316~~))

1,231

Washington State University

Main campus 17,272

((~~17,649~~))

17,480

Spokane branch 472

((~~601~~))

558

Tri-Cities branch 754

((~~754~~))

616

Vancouver branch 1,021

((~~1,121~~))

1,083

Central Washington University 7,670

((~~7,867~~))

7,767

Eastern Washington University 7,739

((~~7,739~~))

7,760

The Evergreen State College 3,638

((~~3,713~~))

3,709

Western Washington University 10,648

((~~10,761~~))

10,717

State Board for Community and Technical Colleges 120,529

((~~123,332~~))

123,362

Higher Education Coordinating Board 50

550

Sec. 602. 1999 c 309 s 603 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2000) $

((~~455,664,000~~))

<u>456,322,000</u>

General Fund--State Appropriation (FY 2001) $

((~~486,387,000~~))

<u>492,604,000</u>

General Fund--Federal Appropriation $

11,404,000

Employment and Training Trust Account--
State Appropriation $

((~~1,474,000~~))

<u>888,000</u>

TOTAL APPROPRIATION $

((~~954,929,000~~))

<u>961,218,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2)(a) $5,000,000 of the general fund--state appropriation for fiscal year 2000 and $5,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase salaries and related benefits for part-time faculty. The state board for community and technical colleges shall allocate these funds to college districts based on the headcount of part-time faculty under contract for the 1998-99 academic year. To earn these funds, a college district must match the state funds with local revenue, the amounts for which shall be determined by the state board. State fund allocations that go unclaimed by a college district shall lapse. The board may provide salary increases to part-time faculty in a total amount not to exceed $10,000,000 from tuition revenues. The board shall report to the office of financial management and legislative fiscal committees on the distribution of state funds, match requirements of each district, and the wage adjustments for part-time faculty by October 1 of each fiscal year.

(b) Each college district shall examine its current ratio of part-time to full-time faculty by discipline and report to the board a plan to reduce wage disparity and reliance on part-time faculty through salary improvements, conversion of positions to full-time status, and other remedies deemed appropriate given labor market conditions and educational programs offered in each community. The board shall set long-term performance targets for each district with respect to use of part-time faculty and monitor progress annually. The board shall report to the fiscal and higher education committees of the legislature on implementation of this subsection by no later than December 1, 1999, with recommendations for the ensuing biennium provided no later than December 1, 2000.

(3) $1,155,000 of the general fund--state appropriation for fiscal year 2000 and $2,345,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments and associated benefits. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount.

(4) $950,000 of the general fund--state appropriation for fiscal year 2000 and $950,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to lower the part-time faculty retirement eligibility threshold to fifty percent of the full-time workload.

(5) $332,000 of the general fund--state appropriation for fiscal year 2000 and $3,153,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for Cascadia Community College start-up and enrollment costs.

(6) $1,441,000 of the general fund--state appropriation for fiscal year 2000 and $1,441,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for 500 FTE enrollment slots to implement RCW 28B.50.259 (timber-dependent communities).

(7) ((~~$27,361,000~~)) <u>$27,775,000</u> of the general fund--state appropriation for fiscal year 2000, $28,761,000 of the general fund--state appropriation for fiscal year 2001, and the entire employment and training trust account appropriation are provided solely

as special funds for training and related support services, including financial aid, child care, and transportation, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers).

(a) Funding is provided to support up to 7,200 full-time equivalent students in each fiscal year.

(b) The state board for community and technical colleges shall submit a plan for allocation of the full-time equivalent students provided in this subsection to the workforce training and education coordinating board for review and approval.

(8) $1,000,000 of the general fund--state appropriation for fiscal year 2000 and $1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for tuition support for students enrolled in work-based learning programs.

(9) $567,000 of the general fund--state appropriation for fiscal year 2000 and $568,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for administration and customized training contracts through the job skills program.

(10) $750,000 of the general fund--state appropriation for fiscal year 2000 and ((~~$750,000~~)) $1,950,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to expand information technology ((~~and~~)), computer science programs, and other high demand programs intended to reduce the supply-demand gap of skilled technology workers. Successful grant applications from a college, partnerships of colleges, or partnerships of colleges and K-12 school districts must include a match of cash, in-kind, or donations equivalent to the grant amount. Grant applications shall receive priority that prepare students to meet industry standards, achieve industry skill certificates, or continue to upper division computer science or computer engineering studies. No college may receive more than $300,000 from appropriations in this section. The state board for community and technical colleges shall report the implementation of this section to the governor and legislative fiscal committees by June 30, 2001, including plans of successful grant recipients for the continuation of programs funded by this section.

(11) $1,000,000 of the general fund--state appropriation for fiscal year 2000 and $1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Pierce College branch at Puyallup.

(12) $50,000 of the general fund--state appropriation for fiscal year 2000 and $50,000 of the general fund--state appropriation for fiscal year 2001 are solely for implementation of Substitute Senate Bill No. 5277 (higher education student child care matching grants). In no case shall funds provided in this subsection be used to construct or remodel facilities. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(13) Funding in this section provides for the collection and reporting of Washington enrollment data, and related activities, for the distance learning information project described in section 129 of this act.

(14) $1,000,000 of the general fund--state appropriation is provided solely for roof repairs at Columbia Basin Community College.

(15) $1,500,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a student centered online delivery system to broaden access and increase use of college catalogs, schedules, and registration systems.

(16) $31,000 of the general fund--state appropriation for fiscal year 2000 and $635,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for maintenance and operations of facilities constructed with local funds, certificates of participation, and Cascadia College phase 2.

(17) $500,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for assistance to students with disabilities.

(18) $425,000 of the general fund--state appropriation is provided solely for allocation to Olympic college. Olympic college shall contract with accredited baccalaureate institution(s) to bring a program of upper-division courses, concentrating on but not limited to business, education, and human relations, to Bremerton. Moneys may be used by Olympic college during either fiscal year to equip and support a state-owned or state-leased facility in Bremerton where contracted courses are delivered.

Sec. 603. 1999 c 309 s 604 (uncodified) is amended to read as follows:

FOR UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2000) $

((~~316,592,000~~))

316,379,000

General Fund--State Appropriation (FY 2001) $

((~~334,314,000~~))

334,709,000

Death Investigations Account--State
Appropriation $

((~~221,000~~))

145,000

Accident Account--State Appropriation $

((~~5,773,000~~))

5,777,000

Medical Aid Account--State Appropriation $

((~~5,815,000~~))

5,818,000

TOTAL APPROPRIATION $

((~~662,715,000~~))

662,828,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $8,617,000 of the general fund--state appropriation for fiscal year 2000 and ((~~$10,528,000~~)) $10,057,000 of the general fund--state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Bothell branch campus.

(2) ((~~$10,147,000~~)) $9,934,000 of the general fund--state appropriation for fiscal year 2000 and ((~~$11,438,000~~)) $10,755,000 of the general fund--state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Tacoma branch campus.

(3) $2,312,000 of the general fund--state appropriation for fiscal year 2000 and $2,312,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(4) $1,975,000 of the general fund--state appropriation for fiscal year 2000 and $1,975,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to extend the next-generation internet hub and related expertise.

(5) ((~~$200,000~~)) $90,000 of the death investigations account appropriation is provided solely for the forensic pathologist fellowship program.

(6) $136,000 of the general fund--state appropriation for fiscal year 2000 and $137,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(7) $75,000 of the general fund--state appropriation for fiscal year 2000 and $75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Olympic natural resource center.

(8) $50,000 of the general fund--state appropriation for fiscal year 2000 and $50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the dental education in care of persons with disabilities program.

(9) $904,000 of the accident account and medical aid account appropriations is provided ((~~solely for~~)) to establish a bio-contaminant laboratory and consultation service, create a demonstration project, and enhance laboratory and computing equipment in the department of environmental health.

(10) ((~~For the 1999-01 biennium, five percent of tuition and fee revenue collected from law students may be used when privately matched dollar-for-dollar to provide public interest law scholarships to enrolled students at the university.~~

~~(11)~~)) $958,000 of the general fund--state appropriation for fiscal year 2000 and $958,000 of the general fund--state appropriation for fiscal year 2001 are provided for the mathematics, engineering, science achievement (MESA) program.

(((~~(12)~~))) (11) $1,250,000 of the general fund--state appropriation for fiscal year 2000 and $1,250,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for research faculty clusters in the advanced technology initiative program.

(12) $450,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to enhance university expenditures for graduate student appointee health insurance. For fiscal year 2001, the university shall provide the remainder of funding necessary to maintain the benefits and terms of health insurance in effect for graduate student appointees as of the effective date of this section.

(13) $750,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to provide internet connectivity.

Sec. 604. 1999 c 309 s 605 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2000) $

((~~183,551,000~~))

184,951,000

General Fund--State Appropriation (FY 2001) $

((~~197,015,000~~))

198,491,000

Air Pollution Control Account--State Appropriation $

((~~198,000~~))

49,000

TOTAL APPROPRIATION $

((~~380,764,000~~))

383,491,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $6,702,000 of the general fund--state appropriation for fiscal year 2000 and (($~~7,980,000~~)) $7,575,000 of the general fund--state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Spokane branch campus.

(2) $5,134,000 of the general fund--state appropriation for fiscal year 2000 and $5,325,000 of the general fund--state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Tri-Cities branch campus.

(3) $8,537,000 of the general fund--state appropriation for fiscal year 2000 and (($~~10,164,000~~)) $9,785,000 of the general fund--state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Vancouver branch campus.

(4) $1,438,000 of the general fund--state appropriation for fiscal year 2000 and $1,438,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(5) $565,000 of the general fund--state appropriation in fiscal year 2000 and $340,000 of the general fund--state appropriation in fiscal year 2001 are provided for learning centers in Skagit, Walla Walla, and Grays Harbor counties.

(6) $500,000 of the general fund--state appropriation for fiscal year 2000 and $3,750,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the safe food initiative. Of these amounts, $500,000 each fiscal year is provided solely for the commission on pesticide registration.

(7) $44,000 of the general fund--state appropriation for fiscal year 2000 and $44,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for research efforts to develop suitable and economical alternatives to field burning of grass seed harvest residue.

(8) $165,000 of the general fund--state appropriation for fiscal year 2000 and $166,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(9) $750,000 of the general fund--state appropriation for fiscal year 2000 and $750,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for research faculty clusters in the advanced technology initiative program.

(10) $1,900,000 of the general fund--state appropriation for fiscal year 2000 and $1,700,000 of the general fund--state appropriation for fiscal year 2001 are provided to install a steam boiler at the Pullman campus. Funds provided in this subsection may be used to conduct an energy audit of the campus-wide heating system to assess its viability and the need for modern upgrades.

(11) $450,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a portion of the costs of implementing a health science initiative by the university to enhance economic development in Spokane and eastern Washington. It is the intent of the legislature that funding for this initiative in future years be provided through nonstate grants awarded to the university. The funding for fiscal year 2001 is contingent on:

(a) The university adding to current research staff through employment of a lead researcher for its cancer research and prevention center operations in Spokane; and

(b) A commitment of the university to establish programs in Spokane that are currently conducted on the main university campus. The commitment is for increased allocation of main campus resources for this purpose starting in fiscal year 2001 through fiscal year 2003. The programs shall include, at a minimum, research activities by:

(i) The college of pharmacy;

(ii) The program in reproductive biology; and

(iii) The college of nursing cancer research programs.

The funding committed for these three programs shall be a minimum of $875,000 from all sources of funds by the end of fiscal year 2001. The commitment shall be made to the satisfaction of the office of financial management, which shall then release funds appropriated for the Spokane activities.

Sec. 605. 1999 c 309 s 606 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2000) $

41,620,000

General Fund--State Appropriation (FY 2001) $

((~~43,345,000~~))

43,537,000

TOTAL APPROPRIATION $

((~~84,965,000~~))

85,157,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $375,000 of the general fund--state appropriation for fiscal year 2000 and $375,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(2) $100,000 of the general fund--state appropriation for fiscal year 2001 is provided for additional enrollments at the university.

Sec. 606. 1999 c 309 s 607 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2000) $

((~~41,898,000~~))

42,060,000

General Fund--State Appropriation (FY 2001) $

((~~44,465,000~~))

44,249,000

TOTAL APPROPRIATION $

((~~86,363,000~~))

86,309,000

The appropriations in this section are subject to the following conditions and limitations: $312,000 of the general fund--state appropriation for fiscal year 2000 and $312,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment, retention, and equity salary adjustments for instructional and research faculty, exempt

professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

Sec. 607. 1999 c 309 s 608 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2000) $

((~~22,359,000~~))

22,325,000

General Fund--State Appropriation (FY 2001) $

((~~24,233,000~~))

24,514,000

TOTAL APPROPRIATION $

((~~46,592,000~~))

46,839,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $188,000 of the general fund--state appropriation for fiscal year 2000 and $188,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The college shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(2) ((~~$101,000~~)) $41,000 of the general fund--state appropriation for fiscal year 2000 and $102,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the institute for public policy to complete studies of services described in subsection 202(1) of this act. If that subsection is not enacted, the amounts provided in this subsection shall lapse.

(3) $40,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the institute for public policy to facilitate a work group pursuant to Second Substitute House Bill No. 1692 or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). If neither of these bills are enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(4) $50,000 of the state general fund appropriation for fiscal year 2001 is provided solely for the Washington state institute for public policy to conduct a study that develops recommendations as to how the health services purchasing power of the state can be used to support cities and counties in their efforts to control medical services expenditures for inmates of jails and juvenile detention facilities. In developing the recommendations, the institute must consult with at least the following entities: The department of corrections; the department of social and health services; the Washington state health care authority; the department of health; the Washington association of sheriffs and police chiefs; the association of cities; and the Washington association of counties.

(5) $26,000 of the general fund--state appropriation for fiscal year 2000 and $199,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the institute for public policy to conduct a study of current issues in the state's child welfare system. The study shall: (a) Review and summarize existing research that identifies problems and barriers to improved educational attainment of children in long-term foster care, and suggest ways to improve the availability of information about the educational experiences of these children; (b) compare placement decisions and funding methodologies for residential care services for children in Washington to best practices in other states and in the research literature, using a sample of children from different types of residential care settings; and (c) examine adoption support program criteria, service level decisions, and funding methodologies, using a sample of children receiving different levels of support. The office of the administrator for the courts, the department of social and health services, the superintendent of public instruction, and all other state and local governments shall provide access to any data necessary for the completion of this study. The institute shall provide a report with findings by December 15, 2000.

Sec. 608. 1999 c 309 s 609 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2000) $

53,293,000

General Fund--State Appropriation (FY 2001) $

((~~56,272,000~~))

56,300,000

TOTAL APPROPRIATION $

((~~109,565,000~~))

109,593,000

The appropriations in this section are subject to the following conditions and limitations: $375,000 of the general fund--state appropriation for fiscal year 2000 and $375,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

Sec. 609. 1999 c 309 s 610 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2000) $

((~~4,458,000~~))

4,408,000

General Fund--State Appropriation (FY 2001) $

((~~8,027,000~~))

7,653,000

General Fund--Federal Appropriation $

653,000

TOTAL APPROPRIATION $

((~~13,138,000~~))

12,714,000

The appropriations in this section are provided to carry out the accountability, performance measurement, policy coordination, planning, studies and administrative functions of the board and are subject to the following conditions and limitations:

(1) The board shall review, recommend changes if necessary, and approve plans defined in section 601(6) of this act for achieving measurable and specific improvements in academic years 1999-00 and 2000-01.

(2) $280,000 of the general fund--state appropriation for fiscal year 2000 and $280,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for enrollment to implement RCW 28B.80.570 through 28B.80.585 (rural natural resources impact areas). The number of students served shall be 50 full-time equivalent students per fiscal year. The board shall ensure that enrollments reported under this subsection meet the criteria outlined in RCW 28B.80.570 through 28B.80.585.

(3) ((~~$100,000~~)) $50,000 of the general fund--state appropriation for fiscal year 2000 and ((~~$4,650,000~~)) $4,276,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to contract for 500 full-time equivalent undergraduate students in high-demand fields and programs as evidenced by limited current access, despite graduates who are highly sought after by employers of this state. The board shall consult with the office of financial management and the legislative fiscal and higher education committees to design and implement a bidding process to solicit proposals from public institutions to deliver these student enrollments. Participating institutions shall cooperate with the board to collect the data necessary to report to the governor and the legislature on the impact of this subsection, particularly the degree of improved access to high-demand fields and programs for students and successful job placements for graduates.

(4) $1,000,000 of the general fund--state appropriation for fiscal year 2000 and $1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitive grants to public baccalaureate institutions to expand information technology programs. Successful grant applications to fund faculty, staff, or equipment for computer science, computer engineering, or related disciplines must include a match of nonstate cash or donations equivalent to the grant amount. No institution may receive more than $1,000,000 from appropriations in this section. The board shall report on the implementation of this section

to the governor and legislative fiscal committees by June 30, 2001, including plans of successful grant recipients for the continuation of programs funded by this section.

(5) $600,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the higher education coordinating board fund for innovation and quality under RCW 28B.120.040. If Substitute House Bill No. 1013 is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(6) $150,000 of the general fund--state appropriation for fiscal year 2000 and $150,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Second Substitute House Bill No. 1729 (teacher training pilot program). If Second Substitute House Bill No. 1729 is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(7) With funding provided in this section, the higher education coordinating board, in cooperation with the office of financial management and the state board for community and technical colleges, shall study the feasibility of collecting Washington enrollment data on distance learning programs sponsored by private institutions in Washington as well as by institutions outside the state of Washington, and it shall report findings to the legislature by January, 2000.

(8) $432,000 of the general fund--state appropriation for fiscal year 2000 and $68,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a demonstration project to improve rural access to post-secondary education by bringing distance learning technologies into Jefferson county.

Sec. 610. 1999 c 309 s 611 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2000) $
((~~106,945,000~~))
107,743,000

General Fund--State Appropriation (FY 2001) $
((~~117,807,000~~))
119,249,000

General Fund--Federal Appropriation $
2,422,000

Advanced College Tuition Payment Program Account--
State Appropriation $
3,408,000

TOTAL APPROPRIATION $
((~~230,582,000~~))
232,822,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $534,000 of the general fund--state appropriation for fiscal year 2000 and $529,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the displaced homemakers program.

(2) $220,000 of the general fund--state appropriation for fiscal year 2000 and $225,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the western interstate commission for higher education.

(3) $1,000,000 of the general fund--state appropriation for fiscal year 2000 and $1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement an aid program for the benefit of elementary and secondary public school teachers who do not now hold a masters of education degree. Within available funds and until these funds are exhausted, the board may repay all or a portion of the educational expenses incurred by a teacher, or teacher candidate, for one year of masters' level studies at an accredited Washington college or university. Payment is conditioned upon the applicant's successful matriculation and resumption, or assumption, of classroom teaching duties in a public elementary or secondary school in this state. Among the potential applicants for this program, the board shall give priority to those individuals who returned to the classroom with a math or science teaching credential. The board may adopt rules as necessary to implement this program.

(4) $1,000,000 of the general fund--state appropriation for fiscal year 2000 and $1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the health professional conditional scholarship and loan program under chapter 28B.115 RCW. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(5) $75,000 of the general fund--state appropriation for fiscal year 2000 and $75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for implementation of Substitute Senate Bill No. 5277 (higher education

student child care matching grants). In no case shall funds provided in this subsection be used to construct or remodel facilities. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(6) ((~~$103,686,000~~)) $104,354,000 of the general fund--state appropriation for fiscal year 2000 and ((~~$114,700,000~~)) $116,272,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for student financial aid, including all administrative costs. Of these amounts:

(a) $80,240,000 of the general fund--state appropriation for fiscal year 2000 and $87,696,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the state need grant program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state need grant program may be transferred to the state work study program;

(b) $15,350,000 of the general fund--state appropriation for fiscal year 2000 and $15,350,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the state work study program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state work study program may be transferred to the state need grant program;

(c) $2,920,000 of the general fund--state appropriation for fiscal year 2000 and $2,920,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for educational opportunity grants. The board may deposit sufficient funds from its appropriation into the state education trust fund as established in RCW 28B.10.821 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award. For the purpose of establishing eligibility for the equal opportunity grant program for placebound students under RCW 28B.101.020, Thurston county lies within the branch campus service area of the Tacoma branch campus of the University of Washington;

(d) A maximum of 2.1 percent of the general fund--state appropriation for fiscal year 2000 and 2.1 percent of the general fund--state appropriation for fiscal year 2001 may be expended for financial aid administration, excluding the 4 percent state work study program administrative allowance provision;

(e) $230,000 of the general fund--state appropriation for fiscal year 2000 and $201,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the educator's excellence awards. Any educator's excellence moneys not awarded by April 1st of each year may be transferred by the board to either the Washington scholars program or to the Washington award for vocational excellence;

(f)(i) $1,361,000 of the general fund--state appropriation for fiscal year 2000 and $1,548,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to either the educator's excellence awards or to the Washington award for vocational excellence;

(ii) Of the amounts in (f)(i) of this subsection, $25,000 of the general fund--state appropriation for fiscal year 2000 and $207,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Second Substitute House Bill No. 1661 (Washington scholars program). If Second Substitute House Bill No. 1661 is not enacted prior to June 30, 1999, then the amounts provided in this subsection (6)(f)(ii) shall lapse;

(g) $534,000 of the general fund--state appropriation for fiscal year 2000 and $534,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to either the educator's excellence awards or the Washington scholars program;

(h) ((~~$251,000~~)) $121,000 of the general fund--state appropriation for fiscal year 2000 and ((~~$251,000~~)) $381,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for community scholarship matching grants of $2,000 each. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised $2,000 in new moneys for college scholarships after the effective date of this act. No organization may receive more than one $2,000 matching grant and preference shall be given to organizations affiliated with the citizens' scholarship foundation; and

(i) ((~~$2,800,000~~)) $3,598,000 of the general fund--state appropriation for fiscal year 2000 and ((~~$6,200,000~~)) $7,642,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to establish the Washington promise scholarship program subject to the following conditions and limitations:

(i) Within available funds, the higher education coordinating board shall award scholarships for use at accredited institutions of higher education in the state of Washington to as many students as possible from among those qualifying under (iv) and (v) of this subsection. Each qualifying student will receive two consecutive annual installments, the value of each not to exceed the full-time annual resident tuition rates charged by community colleges.

(ii) Of the amounts provided, no more than $250,000 each year is for administration of the Washington promise scholarship program.

(iii) The Washington's promise scholarship account is created in the custody of the state treasurer. The account shall be a discrete nonappropriated account. Other than funds provided for program administration, the higher education coordinating board

shall deposit in this account all money received for the program. The account shall be self-sustaining and consist of funds appropriated by the legislature for these scholarships, private contributions, and receipts from refunds of tuition and fees.

(iv) Seniors in the top ten percent of their individual Washington state high school class in 1999 and whose family income does not exceed one hundred and thirty-five percent of the state's median family income, adjusted for family size qualify for a scholarship in fiscal year 2000.

(v) Seniors in the top fifteen percent of their individual Washington state high school class in 2000 and whose family income does not exceed one hundred thirty-five percent of the state's median family income, adjusted for family size qualify for a scholarship in fiscal year 2001.

(vi) For students eligible under subsections (iv) and (v) of this subsection, the superintendent of public instruction shall provide the higher education coordinating board with the names, addresses, and unique numeric identifiers of students in the top ten percent, or top fifteen percent, as appropriate in each of the respective high school senior classes in Washington state. This shall be provided no later than August 1 of each year.

(vii) Scholarships awarded under this section may only be used at accredited institutions of higher education in the state of Washington for college-related expenses, including but not limited to, tuition, room and board, books, materials, and transportation. The Washington promise scholarship award shall not supplant other scholarship awards, financial aid, or tax programs related to postsecondary education. Scholarships may not be transferred or refunded to students.

(viii) The higher education coordinating board shall evaluate the impact and effectiveness of the Washington promise scholarship program. The evaluation shall include, but not be limited to: (A) An analysis of other financial assistance promise scholarship recipients are receiving through other federal, state, and institutional programs, including grants, work study, tuition waivers, tax credits, and loan programs; (B) an analysis of whether the implementation of the promise scholarship program has had an impact on student indebtedness; and (C) an evaluation of what types of students are successfully completing high school but do not have the financial ability to attend college because they cannot obtain financial aid or the financial aid is insufficient. The board shall report its findings to the governor and the legislature by November 1, 2001.

(ix) The higher education coordinating board may adopt rules as necessary to implement this program.

Sec. 611. 1999 c 309 s 612 (uncodified) is amended to read as follows:

FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2000) $
1,124,000

General Fund--State Appropriation (FY 2001) $
((~~1,123,000~~))

1,723,000

General Fund--Federal Appropriation $
34,408,000

TOTAL APPROPRIATION $
((~~36,655,000~~))

37,255,000

The appropriations in this section are subject to the following conditions and limitations: $600,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for grants to local work force development councils that will help close the skills gap facing Washington business. The grants shall be used to:

(1) Create partnerships with businesses, labor organizations, and industry associations that share common occupations for the purpose of determining their future employment and training needs;

(2) Bring together community colleges and other employment and training providers to develop the programs that meet the employment and training needs defined by the above industry partnerships;

(3) Expand the use of skills standards, and customized training designed to meet the specific needs of business; and

(4) Support increased use of on-the-job learning strategies among small and medium-sized enterprises.

The board shall provide a preliminary report of the results of at least three partnerships by December 1, 2000, and shall present the report to the appropriate committees of the legislature. The preliminary report shall describe the progress of the partnerships toward meeting the skills gap. The work of all of the partnerships shall be completed by June 30, 2001, and a final report shall be provided to the appropriate committees of the legislature. The final report shall describe the customized training that the board, industries, and the community colleges will use to meet the skills gap. Expenditure of the amounts provided in this section is contingent upon receiving a 50 percent in-kind or cash nonstate match.

Sec. 612. 1999 c 309 s 613 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE LIBRARY

General Fund--State Appropriation (FY 2000) $

((~~8,400,000~~))

8,419,000

General Fund--State Appropriation (FY 2001) $

((~~8,198,000~~))

8,299,000

General Fund--Federal Appropriation $

8,859,000

TOTAL APPROPRIATION $

((~~25,457,000~~))

25,577,000

The appropriations in this section are subject to the following conditions and limitations: At least $2,763,219 shall be expended for a contract with the Seattle public library for library services for the Washington book and braille library.

Sec. 613. 1999 c 309 s 614 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2000) $

2,314,000

General Fund--State Appropriation (FY 2001) $

2,562,000

General Fund--Federal Appropriation $

((~~1,000,000~~))

1,020,000

General Fund--Private/Local Appropriation $

25,000

TOTAL APPROPRIATION $

((~~5,876,000~~))

5,921,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $250,000 from the fiscal year 2000 general fund--state appropriation is provided solely for the arts in education program, arts organization funding, and for new arts funding for underserved communities. During fiscal year 2000, the agency shall prepare a strategic plan. The plan shall be submitted to the governor and appropriate committees of the legislature by July 1, 2000.

(2) $500,000 from the fiscal year 2001 general fund--state appropriation is contingent upon the completion of the strategic plan required in subsection (1) of this section. If the strategic plan is not completed by July 1, 2000, the amount provided in this subsection shall lapse.

Sec. 614. 1999 c 309 s 615 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2000) $

((~~2,646,000~~))

2,656,000

General Fund--State Appropriation (FY 2001) $

((~~2,661,000~~))

2,996,000

TOTAL APPROPRIATION $

((~~5,307,000~~))

5,652,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $50,000 of the general fund--state appropriation for fiscal year 2000 and $50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for activities related to the Lewis and Clark Bicentennial.

(2) $25,000 of the general fund--state appropriation for fiscal year 2000 and $25,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the purchase and replacement costs of historic elm trees along Des Moines memorial drive. These funds shall be allocated to the Highline historical society.

(3) $200,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the Columbia gorge interpretive center for the continued provision of interpretive services to the public. These funds shall be allocated to the Skamania historical society.

(4) $10,000 of the general fund--state appropriation for fiscal year 2000 and $135,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for operation of the history lab project.

Sec. 615. 1999 c 309 s 617 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2000) $

((~~3,986,000~~))

4,040,000

General Fund--State Appropriation (FY 2001) $

((~~4,006,000~~))

4,169,000

General Fund--Private/Local Appropriation $

644,000

TOTAL APPROPRIATION $

((~~8,636,000~~))

8,853,000

The appropriations in this section are subject to the following conditions and limitations: $104,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of Substitute Senate Bill No. 6361 (child abuse and neglect). If the bill is not enacted by June 30, 2000, this amount shall lapse.

Sec. 616. 1999 c 309 s 618 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (FY 2000) $

((~~6,704,000~~))

6,768,000

General Fund--State Appropriation (FY 2001) $

((~~6,686,000~~))

6,931,000

TOTAL APPROPRIATION $

((~~13,390,000~~))

13,699,000

The appropriations in this section are subject to the following conditions and limitations: $176,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of Substitute Senate Bill No. 6361 (child abuse and neglect). If the bill is not enacted by June 30, 2000, this amount shall lapse.

PART VII
SPECIAL APPROPRIATIONS

Sec. 701. 1999 c 309 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2000) $

((~~604,672,000~~))

613,172,000

General Fund--State Appropriation (FY 2001) $

((~~455,689,000~~))

456,908,000

State Building Construction Account--State Appropriation $

((~~4,168,000~~))

6,797,000

Debt-Limit Reimbursable Bond Retirement Account--State Appropriation $

((~~2,574,000~~))

2,565,000

TOTAL APPROPRIATION $

((~~1,067,103,000~~))

1,079,442,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2000 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2000.

Sec. 702. 1999 c 309 s 702 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account--State Appropriation $

((~~32,575,000~~))

32,724,000

Accident Account--State Appropriation $

5,080,000

Medical Aid Account--State Appropriation $

5,080,000

TOTAL APPROPRIATION $

((~~42,735,000~~))

42,884,000

Sec. 703. 1999 c 309 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2000) $

((~~23,806,000~~))

23,678,000

General Fund--State Appropriation (FY 2001) $

((~~23,445,000~~))

23,283,000

Higher Education Construction Account--State Appropriation $

((~~118,000~~))

695,000

Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation $

((~~106,498,000~~))

119,977,000

Stadium and Exhibition Center Construction--State Appropriation $

((~~1,250,000~~))

1,970,000

TOTAL APPROPRIATION $

((~~155,117,000~~))

169,603,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

Sec. 704. 1999 c 309 s 705 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2000) $

567,000

General Fund--State Appropriation (FY 2001) $

568,000

Higher Education Construction Account--State Appropriation $

((~~30,000~~))

83,000

State Building Construction Account--State Appropriation $

1,237,000

Public Safety Reimbursable Bond Account--State Appropriation $

((~~3,000~~))

0

Stadium/Exhibition Center Construction Account--State Appropriation $

250,000

TOTAL APPROPRIATION $

((~~2,655,000~~))

2,705,000

Total Bond Retirement and Interest Appropriations
contained in sections 701 through ((~~705~~)) 704
of this act and section 704, chapter 309,
Laws of 1999 $

((~~1,268,839,000~~))

1,295,863,000

Sec. 705. 1999 c 309 s 710 (uncodified) is amended to read as follows:

FOR THE EDUCATION TECHNOLOGY REVOLVING ACCOUNT. The sum of ((~~$8,200,000~~)) $6,400,000 from the general fund and $6,600,000 from the K-20 technology account are appropriated for fiscal year 2000 to the education technology revolving account.

Sec. 706. 1999 c 309 s 711 (uncodified) is amended to read as follows:

FOR THE AGRICULTURAL COLLEGE TRUST MANAGEMENT ACCOUNT

Resource Management Cost Account
Appropriation $

((~~2,632,000~~))

2,753,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be deposited in the agricultural college trust management account.

NEW SECTION. **Sec. 707.** A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Distribution of Excess Funds from the Forest Development Account

For distribution of state forest land revenues to taxing authorities that received such revenue from calendar year 1995 through calendar year 1999.

(1) Within fifteen days of the effective date of this section, the department shall transmit funds in the amounts specified in subsection (3) of this section to the county treasurers of the counties receiving the funds.

(2) The county treasurer of the counties listed in this section shall distribute funds received from this appropriation to taxing authorities in proportion to the state forest transfer land funds distributed to the taxing authorities based on information available for the calendar years 1995 through 1999. Funds to be credited to the state of Washington and funds credited to school district general levies shall be remitted to the state of Washington within thirty days after the effective date of this section for deposit into the salmon recovery account.

(3) Funds shall be distributed in the following amounts:

Clallam $
440,681
Clark $
168,073
Cowlitz $
103,436
Grays Harbor $
97,518
Jefferson $
59,237
King $
61,088
Kitsap $
43,518
Klickitat $
13,947
Lewis $
439,730
Mason $
58,881

Pacific $

107,275

Pierce $

37,379

Skagit $

346,806

Skamania $

56,895

Snohomish $

360,148

Stevens $

1,114

Thurston $

256,664

Wahkiakum $

109,960

Whatcom $

237,653

TOTAL $

3,000,000

Appropriation:

Forest Development Account--State $

3,000,000

NEW SECTION. **Sec. 708.** A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Shoreline Block Grants

The appropriation in this section is subject to the following conditions and limitations: $1,500,000 of the salmon recovery account--state appropriation is provided solely for a pilot program in Skagit county to implement an agricultural riparian buffer plan. Skagit county shall report back to the local government committees and the appropriate policy and fiscal committees of the legislature by June 30, 2001 regarding the outcomes of the pilot program.

Appropriation:

Salmon Recovery Account--State $

1,500,000

Sec. 709. 1999 c 309 s 713 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--YEAR 2000 ALLOCATIONS

General Fund--State Appropriation (FY 2000) $

((~~5,000,000~~))

3,445,000

General Fund--Federal Appropriation $

462,000

Hospital Commission Account--State

Appropriation $

19,000

Health Professions Account--State

Appropriation $

182,000

Certified Public Accountants' Account--State

Appropriation $

5,000

Safe Drinking Water Account--State
Appropriation $

96,000

Water Quality Permit Account--State
Appropriation $

258,000

State Health Care Authority Administrative
Account--State Appropriation $

1,456,000

Year 2000 Contingency Revolving Account--State
Appropriation $

10,000,000

Accident Account--State Appropriation $

150,000

Medical Aid Account--State Appropriation $

150,000

TOTAL APPROPRIATION $

((~~17,778,000~~))

16,223,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations will be allocated by the office of financial management to agencies to resolve year 2000 issues. Agencies shall submit their estimated costs to resolve year 2000 issues to the office of financial management.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the year 2000 contingency revolving account, in accordance with schedules provided by the office of financial management.

Sec. 710. 1999 c 309 s 714 (uncodified) is amended to read as follows:

FOR THE GOVERNOR--EXTRAORDINARY CRIMINAL JUSTICE COSTS. ((~~$1,200,000~~)) $510,000 of the public safety and education account, or so much thereof as may be necessary, is appropriated solely for providing financial assistance in the 1999-01 biennium to Okanogan county for extraordinary criminal justice costs incurred in the adjudication of an aggravated homicide case. The office of financial management, in consultation with Okanogan county, shall determine the amount to be paid based on an assessment of the portion of the costs associated with the homicide case which is disproportionate relative to the county's criminal justice resources. The amount paid under this section shall not exceed eighty percent of the total costs associated with the investigation, prosecution, indigent defense, jury impanelment, expert witness, interpreters, incarceration, and other adjudication costs of the case. On January 1, 2000, any unexpended funds of the amount appropriated in this section shall lapse and revert to the public safety and education account.

NEW SECTION. **Sec. 711.** A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--ELECTRONIC COMMERCE POOL

Data Processing Revolving Account Appropriation $

4,000,000

Master Licensing Account Appropriation $

1,000,000

Electronic Commerce Revolving Account $

5,000,000

TOTAL APPROPRIATION $

10,000,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations will be allocated by the office of financial management to agencies to address electronic commerce activities.

(2) The data processing revolving account appropriation and the electronic commerce revolving account appropriation are provided solely for electronic commerce activities. The office of financial management, in consultation with the department of information services, shall allocate these funds as needed for electronic commerce projects.

(3) The master licensing account appropriation is provided solely to support systems to enable businesses to file their master business licenses electronically and to enable corporations and companies to file reports electronically as provided in Engrossed House Bill No. 3144.

(4) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the electronic commerce revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management for additional electronic commerce projects.

(5) Agencies receiving these allocations shall report at a minimum to the information services board and to the office of financial management on the progress of electronic commerce projects and efforts.

NEW SECTION. **Sec. 712.** A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--LEGAL COSTS

General Fund--State Appropriation (FY 2000) $ 3,489,000

Salary and Insurance Increase Revolving Account Appropriation $ 688,000

TOTAL APPROPRIATION $ 4,177,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $3,464,000 of the general fund--state appropriation and the salary and insurance increase revolving account appropriation are provided to the department of personnel solely for costs associated with the settlement of the *Warner v. State of Washington* litigation.

(2) $25,000 of the general fund--state appropriation is provided to the citizens' commission on salaries for elected officials solely for legal costs associated with the settlement in *CLEAN v. Citizens' Commission on Salaries for Elected Officials*.

NEW SECTION. **Sec. 713.** A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--BECCA SETTLEMENT. The sum of four million seven hundred thousand dollars is appropriated from the general fund--state for fiscal year 2000 to the office of financial management solely for implementing the settlement agreement in the "Becca Bill" litigation (Thurston County Superior Court Cause No. 98-2-02458). Expenditure of the amount in this section is contingent upon the execution of a release of claims as provided in the settlement agreement.

NEW SECTION. **Sec. 714.** A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:

(a) Douglas Jones, claim number SCJ 99-05 $ 9,420

(b) Tyler Davis, claim number SCJ 99-07 $ 4,933

(c) Joel Maza, claim number SCJ 99-08 $ 4,236

(d) Thomas Vigil, claim number SCJ 99-09 $ 8,070

(e) Wayne Tweed, claim number SCJ 99-10 $ 5,588

(f) William Rhodes, claim number SCJ 99-11 $ 5,000

(g) Lew Roberts, claim number SCJ 99-12 $ 5,091

(h) Thomas Cheetham, claim number SCJ 99-13 $ 7,648

(i) Adonta Goldsby, claim number SCJ 99-14 $ 7,860

(j) Lorenzo Macklin, claim number SCJ 99-16

$ 32,785

(k) Valeriano Rueda, claim number SCJ 99-17

$ 1,211

(l) Duane Dunlap, claim number SCJ 00-01

$ 19,646

(m) Nathan Borge, claim number SCJ 00-02

$ 4,864

(n) George D. Easton Jr., claim number SCJ 00-03

$ 5,837

(o) James Shank, claim number SCJ 00-04

$ 9,977

(p) Jacob Sloboda, claim number SCJ 00-05

$ 12,856

(q) Shawn G. Nickel, claim number SCJ 00-06

$ 4,214

(r) Anthony Montel Davis, claim number SCJ 00-07

$ 10,513

(s) Gregory Owen Thornton, claim number SCJ 00-08

$ 41,989

NEW SECTION. **Sec. 715.** A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--STAFF AND EFFICIENCY SAVINGS. The office of financial management shall reduce the appropriations for agencies of the state by $1,313,000 from general fund--state fiscal year 2000 appropriations, $6,805,000 from general fund--state fiscal year 2001 appropriations, and $9,923,000 from a combination of reductions to appropriated and nonappropriated accounts. The specific reductions shall be determined by the office of financial management, and shall include, but not be limited to, savings from staff vacancies and reductions to allotments for personal service contracts, travel, and equipment. These reductions shall exclude the state parks and recreation commission, institutions of higher education, the department of corrections, and agencies with fewer than 100 FTEs.

Sec. 716. 1999 c 309 s 718 (uncodified) is amended to read as follows:

For the period from July 1, 1999, through June 30, 2001, a one hundred fifty thousand dollar death benefit shall be paid as a sundry claim to ((~~a teacher's~~)) the estate ((~~if the teacher~~)) of an employee in the common school system of the state who is killed in the course of employment. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the director of the department of general administration ((~~if a teacher's estate is determined to be eligible for payment under this section~~)) by order under RCW 51.52.050.

Sec. 717. 1999 c 309 s 719 (uncodified) is amended to read as follows:

FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS

General Fund--State Appropriation (FY 2000) $

10,401,000

General Fund--State Appropriation (FY 2001) $

((~~26,095,000~~))

28,834,000

General Fund--Federal Appropriation $

((~~12,987,000~~))

13,920,000

General Fund--Private/Local Appropriation $

((~~747,000~~))

797,000

Salary and Insurance Increase Revolving Account Appropriation $

((~~25,941,000~~))

27,900,000

TOTAL APPROPRIATION $

((~~75,166,000~~))

81,852,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed ((~~$375.50~~)) $388.02 per eligible employee for fiscal year 2000, and ((~~$410.53~~)) $425.64 for fiscal year 2001. The fiscal year 2001 funding rate includes $0.02 per eligible employee for the benefit expansion in subsection (3) of this section, $0.23 for increased assessments resulting from implementation of individual insurance market reform legislation (Substitute Senate Bill No. 6067), and $1.82 for increased managed care trends.

(b) ((~~The monthly employer funding rate for the operating costs of the health care authority shall not exceed $12.52 per eligible employee for fiscal year 2000, and $13.04 for fiscal year 2001.~~

~~(c)~~)) An additional $2.42 per eligible employee shall be included in the employer funding rate for fiscal year((~~s~~)) 2000 and an additional $7.23 for fiscal year 2001 to repay the public employees' and retirees' insurance account for any claims paid as a result of a court-approved stipulated settlement in *Retired State Employees et al. v. State of Washington* (Thurston county superior court cause no. 92-2-01294-1).

(((~~d~~))) (c) An additional $0.71 per eligible employee shall be included in the employer funding rate for fiscal year 2000, and an additional $1.47 per eligible employee shall be included in the employer funding rate for fiscal year 2001, solely to increase life insurance coverage in accordance with a court approved settlement in *Burbage et al. v. State of Washington* (Thurston county superior court cause no. 94-2-02560-8).

(((~~e~~))) (d) An additional $1.82 per eligible employee shall be included in the employer funding rate for fiscal year 2001 for uniform medical plan claims expenditures and reserves.

(e) Surplus moneys accruing to the public employees' and retirees' insurance account due to lower-than-projected insurance costs may not be reallocated by the health care authority to increase the actuarial value of public employee insurance plans. Such funds shall be held in reserve in the public employees' and retirees' insurance account and may not be expended without prior legislative authorization.

(f) In order to achieve the level of funding provided for health benefits, the public employees' benefits board may require employee premium copayments, increase point-of-service cost sharing, and/or implement managed competition.

(g) The health care authority shall use funds accruing to the public employees' and retirees' insurance account in fiscal year 1999 from payments made by the standard insurance company to the state of Washington related to the state's basic long-term disability plan, for insurance costs in the 1999-2001 biennium.

(h) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(3) Health plans available through the public employees' benefits board shall include coverage for all methods of prescription contraceptive drugs and devices approved by the federal food and drug administration, subject to the same copays as other prescription drugs.

(4) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From January 1, 2000 through December 31, 2000, the subsidy shall be $62.48. Starting January 1, 2001, the subsidy shall be $69.98 per month.

(((~~4~~))) (5) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, $22.03 per month beginning September 1, 1999, and $25.06 beginning September 1, 2000;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, $22.03 each month beginning September 1, 1999, and $25.06 beginning September 1, 2000, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(((~~(5)~~))) (6) The salary and insurance increase revolving account appropriation includes amounts sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (1) of this section, consistent with the 1999-01 transportation appropriations act.

(((~~(6)~~))) (7) The allocations to agencies and institutions under this section reflect a reduction of $3,982,000 general fund--state for fiscal year 2000, an increase of $458,000 general fund--state for fiscal year 2001, and reductions of $1,330,000 general fund--federal, $74,000 general fund--local, and $3,342,000 salary and insurance increase revolving account, to reflect savings resulting from the implementation of employer pension rate reductions on July 1, 1999.

Sec. 718. 1999 c 309 s 720 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS. The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 1999, consistent with chapter 41.45 RCW as amended by this act, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2000) $

((~~16,320,000~~))

16,082,000

General Fund--State Appropriation (FY 2001) $

((~~18,050,000~~))

20,130,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The appropriations include $3,564,000 general fund--state for fiscal year 2001 to pay the increased retirement contributions resulting from enactment of Engrossed Substitute Senate Bill No. 6530 (pension enhancements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(b) The appropriations include reductions of $238,000 general fund--state for fiscal year 2000 and $1,484,000 general fund--state for fiscal year 2001, to reflect savings resulting from the implementation of new employer pension contribution rates based on the 1998 combined actuarial valuation conducted by the office of the state actuary effective May 1, 2000, as provided in section 907 of this act.

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2000) $

7,000,000

General Fund--State Appropriation (FY 2001) $

7,000,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2000) $

750,000

General Fund--State Appropriation (FY 2001) $

750,000

TOTAL APPROPRIATION $

((~~49,870,000~~))

51,712,000

NEW SECTION. **Sec. 719.** A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2001) $

9,302,000

General Fund--Federal Appropriation $

3,368,000

General Fund--Private/Local Appropriation $

133,000

Special Account Retirement Contribution Increase
Revolving Account Appropriation $

8,081,000

TOTAL APPROPRIATION $

20,884,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for state agencies and institutions to pay the increased retirement contributions resulting from enactment of Substitute Senate Bill No. 6530 (pension enhancements). If the bill is not enacted by June 30, 2000, the amount provided in this section shall lapse.

NEW SECTION. **Sec. 720.** A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2000) $

(1,715,000)

General Fund--State Appropriation (FY 2001) $

(10,720,000)

General Fund--Federal Appropriation $

(4,136,000)

General Fund--Private/Local Appropriation $

(146,000)

Special Account Retirement Contribution Increase
Revolving Account Appropriation $

(8,661,000)

TOTAL APPROPRIATION $

(25,378,000)

The appropriations in this section are provided solely to reduce agency and institution appropriations to reflect: (1) Savings resulting from the implementation of new employer pension contribution rates, effective May 1, 2000, based on the 1998 actuarial valuation studies conducted by the office of the state actuary as provided in section 907 of this act; and (2) a 0.04 percent increase in the department of retirement systems administrative expense rate, effective May 1, 2000, to fund implementation of the public employees' retirement system plan 3.

Sec. 721. 1999 c 309 s 723 (uncodified) is amended to read as follows:

SALARY COST OF LIVING ADJUSTMENT

General Fund--State Appropriation (FY 2000) $

((~~33,614,000~~))

33,424,000

General Fund--State Appropriation (FY 2001) $

((~~68,186,000~~))

68,376,000

General Fund--Federal Appropriation $

31,436,000

General Fund--Private/Local Appropriation $

((~~2,001,000~~))

2,014,000

Salary and Insurance Increase Revolving Account
Appropriation $

72,609,000

TOTAL APPROPRIATION $

((~~207,846,000~~))

207,859,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) In addition to the purposes set forth in subsections (2) and (3) of this section, appropriations in this section are provided solely for a 3.0 percent salary increase effective July 1, 1999, and a 3.0 percent salary increase effective July 1, 2000, for all classified employees, including those employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board.

(2) The appropriations in this section are sufficient to fund a 3.0 percent salary increase effective July 1, 1999, and a 3.0 percent increase effective July 1, 2000, for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) The salary and insurance increase revolving account appropriation in this section includes funds sufficient to fund a 3.0 percent salary increase effective July 1, 1999, and a 3.0 percent salary increase effective July 1, 2000, for ferry workers consistent with the 1999-01 transportation appropriations act.

(4)(a) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board.

(b) The average salary increases paid under this section and section 724 of this act to agency officials whose maximum salaries are established by the committee on agency official salaries shall not exceed the average increases provided by subsection (2) of this section.

(5) The appropriations in this section include $1,498,000 general fund--state for fiscal year 2000, $1,765,000 general fund--state for fiscal year 2001, and a reduction of $3,263,000 general fund--federal for the department of social and health services to adjust employer pension funding levels to reflect historical fund source ratios.

Sec. 722. 1999 c 309 s 727 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMPENSATION ACTIONS OF PERSONNEL RESOURCES BOARD

General Fund--State Appropriation (FY 2000) $

((~~6,543,000~~))

6,578,000

General Fund--State Appropriation (FY 2001) $

((~~6,543,000~~))

7,379,000

General Fund--Federal Appropriation $

((~~3,343,000~~))

3,743,000

General Fund--Private/Local Appropriation $

173,000

Salary and Insurance Increase Revolving Account Appropriation $

((~~22,783,000~~))

23,025,000

TOTAL APPROPRIATION $

((~~39,385,000~~))

40,898,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) Funding is provided to implement the salary increase recommendations of the Washington personnel resources board for the top 26 priority classes identified pursuant to RCW 41.06.152. The salary increases shall be effective July 1, 1999.

(2) The appropriations in this section include $800,000 general fund--state for fiscal year 2001 and $400,000 general fund--federal for providing an additional step to all job classes in the N salary range. Funding is contingent upon review and approval of an additional step by the personnel resources board pursuant to RCW 41.06.152(1)(a), and upon approval by the office of financial management that the annual general fund--state cost of the increases proposed for approval do not exceed $800,000. If the board approves the additional step, it shall be effective July 1, 2000.

NEW SECTION. **Sec. 723.** A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE MULTIMODAL TRANSPORTATION ACCOUNT. The sum of fifty million dollars is appropriated from the general fund to the multimodal transportation account for fiscal year 2000.

NEW SECTION. **Sec. 724.** A new section is added to 1999 c 309 (uncodified) to read as follows:

The sum of twelve million seven hundred thousand dollars is appropriated for the fiscal biennium ending June 30, 2001, from the general fund to the multimodal transportation account for rail programs.

NEW SECTION. **Sec. 725.** A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--LOCAL GOVERNMENT CONTINGENCY FUND

The sum of thirty million dollars is appropriated from the general fund to the local government contingency fund for fiscal year 2001.

NEW SECTION. **Sec. 726.** A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--PUBLIC TRANSPORTATION BENEFIT AREAS

(1) For the biennium ending June 30, 2001, as limited by general fund appropriation, the state shall provide a portion of the local share of any political subdivisions' costs for transit programs and services that are the ongoing responsibility of the recipient political subdivision. Such funding shall supplant local funding for this purpose. Any appropriation by the state is a transfer of local government costs under RCW 43.135.060(2), but does not constitute a state obligation after June 30, 2001.

(2) Subject to subsection (1) of this section, the following amounts are appropriated from the general fund to the office of financial management for distribution to the following public transportation benefit areas in the amounts designated:

System	Benefit Area	FY 2000	Biennium
Ben Franklin Transit	*Benton-Franklin PTBA*	*2,401,200*	*2,401,200*
Clallam Transit System	*Clallam County PTBA*	*767,400*	*767,400*
Community Transit	*Snohomish County PTBA*	*6,857,400*	*6,857,400*
C-Tran	*Clark County PTBA*	*4,355,000*	*4,355,000*
Community Urban Bus Service	*Cowlitz PTBA*	*310,800*	*310,800*
Everett Transit	*City of Everett*	*556,000*	*556,000*
Grant Transit Authority	*Grant County*	*657,800*	*657,800*
Grays Harbor Transportation Authority	*Grays Harbor*	*772,700*	*772,70*
Intercity Transit	*Thurston County PTBA*	*2,763,000*	*2,763,000*
Island Transit	*Island County PTBA*	*593,200*	*593,200*
Jefferson Transit Authority	*Jefferson County PTBA*	*305,500*	*305,500*
Kitsap Transit	*Kitsap County PTBA*	*2,936,100*	*2,936,100*
Link	*Chelan-Douglas PTBA*	*1,472,400*	*1,472,400*
Mason County Transportation Authority	*Mason County*	*249,400*	*249,400*
Metropolitan King\County	*King County*	*35,973,300*	*35,973,300*
Pacific Transit	*Pacific County*	*203,000*	*203,000*
Pierce Transit	*Pierce County PTBA*	*8,423,900*	*8,423,900*
Pullman Transit	*Whitman County PTBA*	*198,300*	*198,300*
Skagit Transit System	*Skagit PTBA*	*1,074,200*	*1,074,200*
Spokane Transit Authority	*Spokane County PTBA*	*5,774,100*	*5,774,100*
Twin Transit	*Lewis County PTBA*	*199,300*	*199,300*
Valley Transit	*Walla Walla County PTBA*	*482,800*	*482,800*
Whatcom Transportation Authority	*Whatcom County PTBA*	*2,321,500*	*2,321,500*
Yakima Transit	*City of Yakima*	*351,700*	*351,700*
TOTAL APPROPRIATIONS		*$80,000,000*	*$80,000,000*

PART VIII
OTHER TRANSFERS AND APPROPRIATIONS

Sec. 801. 1999 c 309 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums distribution $

6,617,250

General Fund Appropriation for public utility district excise tax distribution $

35,876,898

General Fund Appropriation for prosecuting attorneys salaries $

2,960,000

City Police and Fire Protection Assistance Account Appropriation $

((~~95,667,000~~))

33,383,000

General Fund Appropriation for camper and travel trailer excise tax distribution $

((~~4,325,826~~))

2,061,000

General Fund Appropriation for boating safety/education and law enforcement distribution $

3,616,000

Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution $

138,000

Liquor Excise Tax Account Appropriation for liquor excise tax distribution $

25,580,000

Liquor Revolving Fund Appropriation for liquor profits distribution $

52,269,932

Timber Tax Distribution Account Appropriation for distribution to "Timber" counties $

74,025,900

Municipal Sales and Use Tax Equalization Account Appropriation $

((~~84,851,000~~))

28,145,000

County Sales and Use Tax Equalization Account Appropriation $

((~~13,147,000~~))

9,426,000

Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies $

1,375,332

County Criminal Justice Account Appropriation $

((~~103,169,000~~))

70,490,000

Municipal Criminal Justice Account
Appropriation $

((~~40,269,000~~))

29,519,000

County Public Health Account Appropriation $

((~~51,520,250~~))

17,938,000

Distressed County Assistance Account
Appropriation $

4,928,000

TOTAL APPROPRIATION $

((~~595,408,380~~))

398,349,312

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 1999 c 309 s 803 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

General Fund: For transfer to the Water Quality Account $

83,423,000

General Fund: For transfer to the Flood Control Assistance Account $

4,000,000

State Convention and Trade Center Account: For transfer to the State Convention and Trade Center Operations Account $

3,800,000

Water Quality Account: For transfer to the Water Pollution Control Account. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the account. The amounts transferred shall not exceed the match required for each federal deposit $

16,350,000

State Treasurer's Service Account: For transfer to the general fund on or before June 30, 2001, an amount up to $10,000,000 in excess of the cash requirements of the State Treasurer's Service Account $

10,000,000

Public Works Assistance Account: For transfer to the Drinking Water Assistance Account $

7,700,000

County Sales and Use Tax Equalization Account: For transfer to the County Public Health Account $

((~~2,577,664~~))

1,288,832

Public Health Services Account: For transfer to

the County Public Health Account $

1,056,000

State Emergency Water Projects Revolving Account:
For transfer to the State Drought Preparedness Account $

6,800,000

Tobacco Settlement Account: For transfer to the Health Services Account $

223,087,000

State Toxics Control Account: For transfer to the local toxics control account on or before June 30, 2001, up to $2,500,000, but not greater than the loan enacted in the 1999 supplemental budget. The exact amount and timing of the transfer shall be determined by the office of financial management, based on state toxics control account fund balances $

2,500,000

Park Land Trust Revolving Fund: For transfer to the common school construction fund, $13,350,000 of the amount deposited into the park land trust revolving fund on January 6, 2000, plus all interest attributed to that amount that has accrued since deposit, up to $13,550,000. Nothing in this section constitutes an authorization or ratification of the transaction that resulted in this deposit $

13,550,000

Park Land Trust Revolving Fund: For transfer to the natural resources real property replacement account, $3,200,000 of the amount deposited into the park land trust revolving fund on January 6, 2000, plus all interest attributed to that amount that has accrued since deposit, up to $3,300,000. Nothing in this section constitutes an authorization or ratification of the transaction that resulted in this deposit $

3,300,000

Tobacco Prevention and Control Account:
For transfer to the Health Services Account $

25,000,000

PART IX
MISCELLANEOUS

NEW SECTION. **Sec. 901.** A new section is added to chapter 43.79 RCW to read as follows:

The electronic commerce revolving account is created in the state treasury. Legislative appropriations and fund transfers for electronic commerce projects must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for electronic commerce projects.

NEW SECTION. **Sec. 902.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The uniform medical plan benefits administration account is created in the custody of the state treasurer. Moneys in the account shall be used exclusively for contracted expenditures for uniform medical plan claims administration, data analysis, utilization management, preferred provider administration, and activities related to benefits administration where the level of services provided pursuant to a contract fluctuate as a direct result of changes in uniform medical plan enrollment. Moneys in the account may also be used for administrative activities required to respond to new and unforeseen conditions that impact the uniform medical plan, but only when the authority and the office of financial management jointly agree that such activities must be initiated prior to the next legislative session.

(2) Receipts from amounts due from or on behalf of uniform medical plan enrollees for expenditures related to benefits administration, including moneys disbursed from the public employees' and retirees' insurance account, shall be deposited into the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. All proposals for allotment increases shall be provided to the house of representatives appropriations committee and to the senate ways and means committee at the same time as they are provided to the office of financial management.

(3) The uniform dental plan benefits administration account is created in the custody of the state treasurer. Moneys in the account shall be used exclusively for contracted expenditures related to benefits administration for the uniform dental plan as established under RCW 41.05.140. Receipts from amounts due from or on behalf of uniform dental plan enrollees for expenditures related to benefits administration, including moneys disbursed from the public employees' and retirees' insurance account, shall be deposited into the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 903. 1999 c 309 s 907 (uncodified) is amended to read as follows:

RETIREMENT CONTRIBUTION RATES. (1) The changes to the basic state and employer contribution rates adopted by the pension funding council for the 1999-2001 biennium shall be effective on the following dates:

(a) The changes to the basic state contribution rate for the law enforcement officers' and fire fighters' retirement system, and to the basic employer contribution rate for the public employees' retirement system ((~~plan 1 and the Washington state patrol retirement system~~)) shall each take effect on July 1, 1999, and continue until April 30, 2000; and

(b) The change to the basic employer contribution rate for the teachers' retirement system ((~~plan 1~~)) shall take effect on September 1, 1999, and continue until April 30, 2000.

(2) The director of the department of retirement systems shall establish new contribution rates, to be effective July 1, 1999, for the public employees' retirement system plan 2 and the law enforcement officers' and fire fighters' retirement system plan 2. The new rates shall be established pursuant to RCW 41.40.650 and 41.26.450 respectively. The director of the department of retirement systems shall establish a new contribution rate, to be effective September 1, 1999, for the teachers' retirement system plan 2. The new rate shall be established pursuant to RCW 41.45.061.

(3) This section expires on ((~~June 30, 2001~~)) April 30, 2000.

NEW SECTION. **Sec. 904.** A new section is added to chapter 41.45 RCW to read as follows:

The change to the basic employer contribution rate for the Washington state patrol retirement system adopted by the pension funding council for the 1999-2001 biennium shall be effective July 1, 1999, through June 30, 2001.

Sec. 905. 1999 c 309 s 908 (uncodified) is amended to read as follows:

PUBLIC EMPLOYEES' RETIREMENT SYSTEM. For the period from July 1, 1999, through ((~~June 30, 2001~~)) April 30, 2000, in addition to the basic and supplemental employer contributions required by RCW 41.45.060 and 41.45.070, the department of retirement systems shall also charge all public employees' retirement system employers an additional employer contribution rate of 0.05 percent for all members of the public employees' retirement system.

This section expires on ((~~June 30, 2001~~)) April 30, 2000.

Sec. 906. RCW 41.45.060 and 1998 c 341 s 404, 1998 c 340 s 11, and 1998 c 283 s 6 are each reenacted and amended to read as follows:

(1) The state actuary shall provide actuarial valuation results based on the assumptions adopted under RCW 41.45.030.

(2) Not later than September 30, 1998, and every two years thereafter, consistent with the assumptions adopted under RCW 41.45.030, the council shall adopt changes to:

(a) A basic state contribution rate for the law enforcement officers' and fire fighters' retirement system;

(b) Basic employer contribution rates for the public employees' retirement system ((~~plan 1~~)), the teachers' retirement system ((~~plan 1~~)), and the Washington state patrol retirement system to be used in the ensuing biennial period; and

(c) A basic employer contribution rate for the school employees' retirement system for funding the public employees' retirement system plan 1.

For the 1999-2001 fiscal biennium, the rates adopted by the council shall be effective for the period designated in sections 903 and 904 of this act.

(3) The employer and state contribution rates adopted by the council shall be the level percentages of pay that are needed:

(a) To fully amortize the total costs of the public employees' retirement system plan 1, the teachers' retirement system plan 1, the law enforcement officers' and fire fighters' retirement system plan 1, and the unfunded liability of the Washington state patrol retirement system not later than June 30, 2024, except as provided in subsection (5) of this section; and

(b) To also continue to fully fund the public employees' retirement system plan 2, the teachers' retirement system plans 2 and 3, the school employees' retirement system plans 2 and 3, and the law enforcement officers' and fire fighters' retirement system plan 2 in accordance with RCW 41.40.650, 41.26.450, and this section.

(4) The aggregate actuarial cost method shall be used to calculate a combined plan 2 and 3 employer contribution rate.

(5) An amount equal to the amount of extraordinary investment gains as defined in RCW 41.31.020 shall be used to shorten the amortization period for the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

(6) The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted.

(7) The director of the department of retirement systems shall collect those rates adopted by the council.

NEW SECTION. **Sec. 907.** A new section is added to chapter 41.45 RCW to read as follows:

(1) The 1998 combined actuarial valuation studies conducted by the office of the state actuary determined the pension contribution rates necessary to meet the state's pension funding goals established by this chapter. The contribution rates in this section reflect the findings of the 1998 actuarial valuations, adjusted for a May 1, 2000, implementation date.

(2) Beginning May 1, 2000, the basic employer contribution rates shall be as follows:

(a) 3.58 percent for the public employees' retirement system;

(b) 6.03 percent for the teachers' retirement system; and

(c) 3.25 percent for the law enforcement officers' and fire fighters' retirement system plan 2.

(3) Beginning May 1, 2000, the basic state contribution rate for the law enforcement officers' and fire fighters' retirement system plan 2 shall be 2.16 percent.

(4) Beginning May 1, 2000, the member contribution rates shall be as follows:

(a) 1.54 percent for the public employees' retirement system plan 2;

(b) 1.85 percent for the teachers' retirement system plan 2; and

(c) 5.41 percent for the law enforcement officers' and fire fighters' retirement system plan 2.

(5) For the school employees' retirement system, the basic employer contribution rate shall be 3.58 percent and the plan 2 member contribution rate shall be 1.54 percent effective as of the establishment of the new retirement system on September 1, 2000.

(6) This section expires on June 30, 2001.

Sec. 908. RCW 41.26.080 and 1991 c 35 s 17 are each amended to read as follows:

(1) Except as set forth under subsection (2) of this section, the total liability of the plan 1 system shall be funded as follows:

(((~~(1)~~))) (a) Every plan 1 member shall have deducted from each payroll a sum equal to six percent of his or her basic salary for each pay period.

(((~~(2)~~))) (b) Every employer shall contribute monthly a sum equal to six percent of the basic salary of each plan 1 employee who is a member of this retirement system. The employer shall transmit the employee and employer contributions with a copy of the payroll to the retirement system monthly.

(((~~(3)~~))) (c) The remaining liabilities of the plan 1 system shall be funded as provided in chapter 41.45 RCW.

(((~~(4)~~))) (d) Every member shall be deemed to consent and agree to the contribution made and provided for herein, and shall receipt in full for his or her salary or compensation. Payment less said contributions shall be a complete discharge of all claims and demands whatsoever for the services rendered by such person during the period covered by such payments, except his or her claim to the benefits to which he or she may be entitled under the provisions of this chapter.

(2) No employer or member contribution is required after June 30, 2000, unless the most recent valuation study for law enforcement officers' and fire fighters' retirement system plan 1 indicates the plan has unfunded liabilities.

NEW SECTION. **Sec. 909.** A new section is added to 1999 c 309 (uncodified) to read as follows:

DONATIONS OF EMPLOYEE LEAVE. During the 1999-2001 fiscal biennium, an employee of the Washington state department of transportation may, consistent with the provisions of RCW 41.04.665(3), donate leave to the existing leave balances of an employee of the Washington state department of transportation who dies in the line of duty between February 1, 2000, and June 30, 2000. The value of the donated leave will be included in the deceased employee's final compensation, but is not compensation earnable for the purposes of chapter 41.40 RCW. The agency head shall determine the total amount of leave, not to

exceed 261 days, that may be donated under this section. The Washington personnel resources board may adopt rules, in consultation with the office of financial management, as it deems necessary for the implementation of this temporary benefit.

Sec. 910. RCW 43.08.250 and 1999 c 309 s 915 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. During the fiscal biennium ending June 30, 2001, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, sexual assault treatment, operations of the office of administrator for the courts, security in the common schools, alternative school start-up grants, programs for disruptive students, criminal justice data collection, Washington state patrol criminal justice activities, department of ecology methamphetamine-related activities, financial assistance to local jurisdictions for extraordinary costs incurred in the adjudication of criminal cases, domestic violence treatment and related services, the design, sitework, and construction of a special commitment center, and the replacement of the department of corrections' offender-based tracking system.

Sec. 911. RCW 70.105D.070 and 1999 c 309 s 923 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; and (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed $200,000. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

Sec. 912. RCW 43.72.902 and 1995 c 43 s 12 are each amended to read as follows:

The public health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended only for maintaining and improving the health of Washington residents through the public health system. For purposes of this section, the public health system shall consist of the state board of health, the state department of health, and local health departments and districts. During the 1999-01 biennium, moneys in the fund may also be used for costs associated with hepatitis C testing and treatment in correctional facilities.

NEW SECTION. **Sec. 913.** A new section is added to chapter 43.79 RCW to read as follows:

The local government contingency fund is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to continue state appropriations for programs and services that were previously the responsibility of local government.

Sec. 914. RCW 72.11.040 and 1999 c 309 s 921 are each amended to read as follows:

The cost of supervision fund is created in the custody of the state treasurer. All receipts from assessments made under RCW 9.94A.270 and 72.04A.120 shall be deposited into the fund. Expenditures from the fund may be used only to support the collection of legal financial obligations. During the 1999-2001 biennium, funds from the account may also be used for costs associated with the department's supervision of the offenders in the community, and the replacement of the department of corrections' offender-based tracking system. Only the secretary of the department of corrections or the secretary's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 915. RCW 76.12.110 and 1999 sp.s. c 13 s 18 are each amended to read as follows:

There is created a forest development account in the state treasury. The state treasurer shall keep an account of all sums deposited therein and expended or withdrawn therefrom. Any sums placed in the account shall be pledged for the purpose of paying interest and principal on the bonds issued by the department, and for the purchase of land for growing timber. Any bonds issued shall constitute a first and prior claim and lien against the account for the payment of principal and interest. No sums for the above purposes shall be withdrawn or paid out of the account except upon approval of the department.

Appropriations may be made by the legislature from the forest development account to the department for the purpose of carrying on the activities of the department on state forest lands, lands managed on a sustained yield basis as provided for in RCW 79.68.040, and for reimbursement of expenditures that have been made or may be made from the resource management cost account in the management of state forest lands. For the 1999-2001 fiscal biennium, moneys from the account shall be distributed as directed in the omnibus appropriations act to the beneficiaries of the revenues derived from state forest lands. Funds that accrue to the state from such a distribution shall be deposited into the salmon recovery account. These funds shall be used for a pilot program for riparian buffer zones.

Sec. 916. RCW 50.22.--- and 2000 c 2 (SHB 3077) s 7 are each amended to read as follows:

The employment security department is authorized to pay training benefits under section 8 of this act, but may not obligate expenditures beyond the limits specified in this section or as otherwise set by the legislature. ((~~Beginning with expenditures~~)) For the fiscal year ending June 30, 2000, ((~~and including expenditures for the fiscal biennium~~)) the commissioner may not obligate more than twenty million dollars for training benefits. For the two fiscal years ending June 30, 2002, the commissioner may not obligate more than sixty million dollars for training benefits. Any funds not obligated in one fiscal year may

be carried forward to the next fiscal year. For each fiscal year beginning after June 30, 2002, the commissioner may not obligate more than twenty million dollars annually in addition to any funds carried over from previous fiscal years. The department shall develop a process to ensure that expenditures do not exceed available funds and to prioritize access to funds when again available.

NEW SECTION. **Sec. 917.** 1999 c 309 s 908 (uncodified) is repealed.

PART X
CAPITAL APPROPRIATIONS

Sec. 1001. 1999 c 379 s 106 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SECRETARY OF STATE

Eastern Branch Archives Building: Design (98-2-001)

The reappropriation in this section is provided solely for completion of the design phase for the eastern regional archives facility to be sited on the south campus of the Riverpoint higher education park in Spokane.

Reappropriation:

State Building Construction Account--State $

((~~48,645~~))

295,482

Prior Biennia (Expenditures) $

((~~530,972~~))

284,135

Future Biennia (Projected Costs) $

5,135,000

TOTAL $

5,714,617

Sec. 1002. 1999 c 379 s 107 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Economic Revitalization (86-1-001) (00-2-001)

The reappropriation in this section from the public facilities construction loan revolving account is subject to the following conditions and limitations:

(1) The department shall ensure that all funds transferred from the public works assistance account into the public facilities construction loan revolving account during the 1997-99 biennium are used only for loans to local governments.

(2) The department shall also ensure that all principal and interest payments from these loans are paid into the public works assistance account.

(3) The new appropriation from the public facility construction loan revolving account shall be used solely to provide loans to eligible local governments and grants to the extent permitted by law. The department shall ensure that all principal and interest payments from loans made on moneys from this account are paid into this account.

Reappropriation:

Public Works Assistance Account--State $

1,539,515

Public Facility Construction Loan Revolving
Account--State $

9,500,000

Subtotal Reappropriation $

((~~11,539,515~~))

11,039,515

Appropriation:

Public Facility Construction Loan Revolving Account--State $

((~~13,000,000~~))

6,641,000

Prior Biennia (Expenditures) $

559,003

Future Biennia (Projected Costs) $

36,000,000

TOTAL $

((~~60,598,518~~))

54,239,518

Sec. 1003. 1999 c 379 s 108 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

County Public Facility Construction (00-2-010)

The appropriations in this section shall be used solely for financial assistance to distressed counties that have experienced extraordinary costs due to the location of a major new business facility or the substantial expansion of an existing business facility in the county. The entire appropriation from the state building construction account shall be provided as a grant to support the Grays Harbor water system project.

Appropriation:

Distressed County Facilities Construction Loan Account--State $

((~~4,000,000~~))

2,619,000

State Building Construction Account--State $

3,500,000

Subtotal Appropriation $

((~~7,500,000~~))

6,119,000

Prior Biennia (Expenditures) $

0

Future Biennia (Projected Costs) $

16,000,000

TOTAL $

((~~23,500,000~~))

22,119,000

Sec. 1004. 1999 c 379 s 110 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public Works Trust Fund (94-2-001) (00-2-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) $10,000,000 of the new appropriation in this section is provided solely for the preconstruction program as set forth in RCW 43.155.068.

(2) $2,000,000 of the new appropriation in this section is for the emergency loan program as set forth in RCW 43.155.065.

(3) Not more than one percent of the new appropriation may be used for planning loans.

(4) It is the express intent of the legislature to use moneys in the public works assistance account for no other purposes except the following:

(a) To make loans and to give financial guarantees to local governments for public works projects approved and recommended by the public works board;

(b) To provide appropriations for state match requirements under federal law for projects and activities conducted and financed by the public works board under the drinking water assistance account;

(c) To provide those costs approved by the public works board for administration of the programs specified in this section; and

(d) To provide water quality facility grants to local governments pursuant to section 1017 of this act.

Reappropriation:

Public Works Assistance Account--State $ 179,446,108

Appropriation:

Public Works Assistance Account--State $ 203,150,000

Prior Biennia (Expenditures) $ 68,904,717

Future Biennia (Projected Costs) $ 852,600,000

TOTAL $ 1,304,100,825

NEW SECTION. **Sec. 1005.** A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Holly Park Education Center

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for education space in the Holly park housing development for South Seattle Community College; and

(2) The appropriation in this section must be matched by an equal amount from other sources.

Appropriation:

State Building Construction Account--State $ 500,000

Prior Biennia (Expenditures) $ 0

Future Biennia (Projected Costs) $ 0

TOTAL $ 500,000

NEW SECTION. **Sec. 1006.** A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Clark County Skills Center

The appropriation in this section must be matched by at least $1,300,000 from other sources.

Appropriation:

State Building Construction Account--State $ 300,000

Prior Biennia (Expenditures) $ 0

Future Biennia (Projected Costs) $ 0

TOTAL $ 300,000

NEW SECTION. **Sec. 1007.** A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Services Facilities Program

The appropriation in this section is subject to the following conditions and limitations:

(1) The state grant may provide no more than twenty-five percent of either the estimated total capital cost or actual total capital cost, whichever is less. The remaining portion of the project capital cost shall be a match from nonstate sources and may include cash, land value, and other in-kind contributions.

(2) Funds provided in this section shall be applied in the amounts and in the order of the list of projects approved and prioritized by the community services facility program advisory board.

Appropriation:

State Building Construction Account--State $ 953,000

Prior Biennia (Expenditures) $ 0

Future Biennia (Projected Costs) $ 0

TOTAL $ 953,000

NEW SECTION. **Sec. 1008.** A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building Rehabilitation and Capitol Addition

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903, chapter 379, Laws of 1999;

(2) $500,000 of the appropriation in this section is provided for design of the interior rehabilitation and exterior preservation of the state legislative building;

(3) $1,500,000 of the appropriation in this section is provided for design of a capitol addition and access and site improvements to the south portico area; and

(4) $1,000,000 of the appropriation in this section is provided to conduct a feasibility study to identify the potential for private financial support, to investigate the attachment of exterior sandstone, and to develop a detailed space use analysis and programming to improve the overall efficiency of buildings on the capitol campus.

Appropriation:

Capitol Building Construction Account--State $ 3,000,000

Prior Biennia (Expenditures) $

0

Future Biennia (Projected Costs) $

102,500,000

TOTAL $

105,500,000

Sec. 1009. 1999 c 379 s 928 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Yakima National Guard Armory and Readiness Center: Design and ((~~utilities~~)) construction (98-2-001)

The reappropriation in this section is subject to the following conditions and limitations:

Funds expended on this project for off-site utility infrastructure, and facility construction and design, which may include the provision of electricity, natural gas service, water service, sewer service, or facility construction and design shall be for the benefit of the state. Entities that subsequently connect or use this off-site utility infrastructure shall reimburse the state at a rate proportional to their use. The military department shall develop policies and procedures to ensure that this reimbursement occurs.

Appropriation:

General Fund--Federal $

474,000

Reappropriation:

State Building Construction Account--State $

2,725,000

General Fund--Federal $

8,275,000

Subtotal Reappropriation $

11,000,000

Prior Biennia (Expenditures) $

2,573,000

Future Biennia (Projected Costs) $

((~~3,288,000~~))

692,000

TOTAL $

((~~16,861,000~~))

14,739,000

Sec. 1010. 1999 c 379 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Ward renovation phase 6 (94-1-316)

Reappropriation:

State Building Construction Account--State $

((~~768,458~~))

82,800

Prior Biennia (Expenditures) $

((~~5,400,765~~))

12,088,480

Future Biennia (Projected Costs) $

0

TOTAL $

((~~6,169,223~~))

12,171,280

Sec. 1011. 1999 c 379 s 240 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Legal offender unit (98-2-002)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State $

((~~6,297,315~~))

5,297,315

Prior Biennia (Expenditures) $

12,398,685

Future Biennia (Projected Costs) $

0

TOTAL $

((~~18,696,000~~))

17,696,000

NEW SECTION. **Sec. 1012.** A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Security Improvements at Western State Hospital (99-1-001)

The reappropriation in this section is provided solely for facility improvements that are required as a result of the passage of Senate Bill No. 6214.

Reappropriation:

State Building Construction Account--State $

538,815

Prior Biennia (Expenditures) $

115,185

Future Biennia (Projected Costs) $

0

TOTAL $

654,000

NEW SECTION. **Sec. 1013.** A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center: Phase I (01-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903, chapter 379, Laws of 1999.

(2) The appropriation in this section is provided for design, sitework, and construction costs associated with building the first 48-bed housing unit for the special commitment center located at McNeil Island. The department of social and health services shall notify the office of financial management and the legislative fiscal committees if there are changes to the scheduled March 2002 occupancy date.

Appropriation:

State Building Construction Account--State $ 14,000,000

Prior Biennia (Expenditures $ 0

Future Biennia (Projected Costs) $ 50,000,000

TOTAL $ 64,000,000

Sec. 1014. 1999 c 379 s 252 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

Drinking Water Assistance Program (97-2-001)

The reappropriation in this section is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Reappropriation:

Drinking Water Assistance Account--Federal $ 16,133,576

Appropriation:

Drinking Water Assistance Account--Federal $ <u>16,985,921</u>

Prior Biennia (Expenditures) $ 17,739,874

Future Biennia (Projected Costs) $ 34,000,000

TOTAL $ ((~~67,873,450~~)) <u>84,859,371</u>

Sec. 1015. 1999 c 379 s 301 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Rights Purchase

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided for a pilot project for the purchase of water rights under the trust water rights program under chapter 90.42 RCW, for the purpose of improving stream and river flows in fish critical basins. This appropriation shall only be used to acquire water rights in basins with current or proposed listings of salmon or steelhead under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.) and where low flows have been identified as a limiting factor for salmon recovery. Priority for funding such purchases and leases shall take into consideration the following:

(a) Proposals providing the greatest benefit for restoring and protecting fish;

(b) Proposals providing benefits in addition to protecting fish critical streams and rivers;

(c) Proposals that include funds from other sources;

(d) Proposals showing a broad level of support among interested parties;

(e) Proposals requiring the lowest administrative costs to implement; and

(f) Proposals requiring the lowest overall cost within the context of the local marketplace.

(2) Up to $500,000 of the appropriation in this section is provided for leases of up to three years of water rights in the Methow river water resource inventory area from willing sellers or lessors.

(3) On or before December 1, 2000, the department shall report to the governor and appropriate legislative committees on the progress in implementing the pilot program and recommendations for continuation of the program.

Appropriation:

State Building Construction Account--State $ 1,000,000

Prior Biennia (Expenditures) $ 0

Future Biennia (Projected Costs) $ 24,000,000

TOTAL $ 25,000,000

Sec. 1016. 1999 c 379 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Referendum 39 Waste Disposal Facilities (82-2-005)

The reappropriation in this section is provided solely for projects under contracts on or before June 30, 1999. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1999. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1999, listing all projects funded from this section.

Reappropriation:

State and Local Improvements Revolving Account (Waste Facilities 1980)--State $ ((~~6,113,126~~)) 6,871,420

Prior Biennia (Expenditures) $ ((~~12,293,785~~)) 11,535,491

Future Biennia (Projected Costs) $ 0

TOTAL $ 18,406,911

Sec. 1017. 1999 c 379 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Fund (86-2-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to $15,000,000 of the water quality account appropriation is provided for the extended grant payment to Metro/King county. The department shall, in cooperation with Metro/King county, document the eligible costs remaining for the extended grant payment, and submit a revised payment schedule to the governor and appropriate legislative committees by December 1, 1999.

(2) Up to $10,000,000 of the water quality account appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(3) $3,600,000 of the water quality account appropriation is provided for the construction of a wastewater treatment plant at the city of Connell.

(4) $900,000 of the water quality account appropriation is provided for the construction of a wastewater treatment plant at the city of Pateros.

(5) The entire public works assistance account appropriation is provided for water quality facility grants for communities with populations less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality regulations; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

(((~~(5)~~))) (6) The remaining appropriation in this section is provided for state-wide water quality implementation and planning grants and loans. The department shall give priority consideration to projects located in basins with critical or depressed salmonid stocks.

(((~~(6)~~))) (7) The reappropriation in this section is provided solely for projects under contract on or before June 30, 1999. Reappropriated funds not associated with contracted projects lapse on June 30, 1999. The office of financial management may grant waivers from this subsection for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and the senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and the senate ways and means committee by December 1, 1999, listing all projects funded from the reappropriation in this section.

Reappropriation:

Water Quality Account--State $ 32,336,890

Appropriation:

Water Quality Account--State $ 52,000,000

Public Works Assistance Account--State $ 10,000,000

Subtotal Appropriation $ 62,000,000

Prior Biennia (Expenditures) $ 158,376,857

Future Biennia (Projected Costs) $ 140,000,000

TOTAL $ 392,713,747

Sec. 1018. 1999 c 379 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Fund (90-2-002)

Reappropriation:

Water Pollution Control Revolving Account--State $

((~~55,640,931~~))

28,810,479

Water Pollution Control Revolving Account--Federal $

((~~34,914,688~~))

38,704,192

Subtotal Reappropriation $

((~~90,555,619~~))

67,514,671

Appropriation:

Water Pollution Control Revolving Account--
State $

((~~32,375,833~~))

52,854,981

Water Pollution Control Revolving Account--
Federal $

((~~46,830,366~~))

48,147,552

Subtotal Appropriation $

((~~79,206,199~~))

101,002,533

Prior Biennia (Expenditures) $

120,971,790

Future Biennia (Projected Costs) $

320,207,299

TOTAL $

((~~610,940,907~~))

609,696,293

Sec. 1019. 1999 sp.s. c 13 s 22 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Grants Program (00-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire ((~~$119,928,000~~)) appropriation in this section is provided solely to the salmon recovery funding board to provide grants to local governments, state agencies, tribes, conservation districts, private landowners, and nonprofit entities for salmon recovery activities pursuant to chapter . . . (House Bill No. 2079), Laws of 1999 sp. sess. or chapter . . . (Senate Bill No. 5595), Laws of 1999 sp. sess. If neither chapter . . . (House Bill No. 2079), Laws of 1999 sp. sess. nor chapter . . . (Senate Bill No. 5595), Laws of 1999 are enacted by June 30, 1999, the amount provided in this section shall lapse.

(2) Up to $19,650,000 of the general fund--federal appropriation is provided for grants to local governments for salmon recovery in accordance with a grant from the department of interior, United States fish and wildlife service received in December 1998.

(((~~6~~))) (3) $6,200,000 of the state building construction account--state, $30,840,000 of the salmon recovery account, and $63,238,000 of the general fund--federal appropriation is provided solely for distribution by the salmon recovery funding board for fish passage barrier correction and fish screens to protect fish, for habitat projects, for salmon recovery activities, to buy back

commercial licenses for salmon fishers, and to purchase or lease riparian easements to restore and to protect environmentally sensitive land in riparian areas to protect water quality and improve salmon and steelhead habitat.

(4) The salmon recovery funding board shall adopt policies for the purchase or lease of riparian easements consistent with the requirements of the conservation reserve enhancement program, except that the eligibility is not limited to agricultural lands, and contracts may exceed fifteen years in duration. It is the intent of the legislature that this appropriation be used primarily for landowners that do not qualify for the federal conservation reserve enhancement program.

(5) If federal money is granted to the state for buy back of commercial licenses of salmon fishers, and if that money requires a state match, the salmon recovery funding board shall distribute up to $5,000,000 of the salmon recovery account appropriation for meeting the federal match requirements.

(6) The salmon recovery funding board shall give priority to requests for lead entity grants. A maximum of $730,000 may be expended for lead entity grants in fiscal year 2001. The interagency committee for outdoor recreation shall execute an interagency agreement with the department of fish and wildlife to implement this program for lead entities to ensure maximum consistency of implementation.

(7) Grants for contracted engineering services shall be awarded to lead entities or community-based organizations to implement habitat projects. Engineering services grants shall be transferred to the department of fish and wildlife for distribution to lead entities or community-based organizations and shall not be distributed until the salmon recovery funding board and the department of fish and wildlife reach an agreement on a strategy to maximize the benefit of contracted engineering services and these services are integrated into the salmon recovery funding board's project evaluation and allocation process.

(8) In addition to amounts expended before the effective date of this section, a minimum of $789,000 from the state building construction account shall be expended for fish screens and in-stream flow projects in the Methow water resource inventory area.

(9) $500,000 of the salmon recovery account is provided solely for the people for salmon nonprofit organization in fiscal year 2001.

(10) $6,000,000 of the salmon recovery account is provided solely for the jobs for the environment program in the department of natural resources. The interagency committee for outdoor recreation shall execute an interagency agreement with the department of natural resources to implement this program.

(11) $100,000 of the salmon recovery account is provided solely to implement methods to reduce the by-catch of listed salmon stocks.

(12) A final list of projects funded with appropriations from this section shall be submitted to the office of financial management and the legislature by June 30th of each year.

Appropriation:

General Fund--Federal	$ 82,888,000
State Building Construction Account--State	$ 6,200,000
Salmon Recovery Account	$ 30,840,000
Subtotal Appropriation	$ 119,928,000
Prior Biennia (Expenditures)	$ 0
Future Biennia (Projected Costs)	$ 0
TOTAL	$ 119,928,000

Sec. 1020. 1999 c 379 s 930 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (98-2-003)

The appropriations in this section for the wildlife and recreation program under chapter 43.98A RCW and RCW 43.98A.040 are subject to the following condition and limitation:

(1) The new appropriations in this section are provided for the approved list of projects included in LEAP capital document No. 1999-W3, as developed on April 23, 1999, and LEAP capital document No. 2000-W4, as developed on February 28, 2000.

(2) Any funding provided in this section for the Mt. Spokane - Quartz Mountain acquisition by the state parks and recreation commission shall not exceed fair market value as determined by an evaluation of three independent appraisals.

Reappropriation:

State Building Construction Account--State $ 6,475,416

Outdoor Recreation Account--State $ 23,733,311

Habitat Conservation Account--State $ 25,872,718

Subtotal Reappropriation $ 56,081,445

Appropriation:

Outdoor Recreation Account--State $ 23,000,000

Habitat Conservation Account--State $ 25,000,000

Subtotal Appropriation $ 48,000,000

Prior Biennia (Expenditures) $ 213,018,555

Future Biennia (Projected Costs) $ 190,000,000

TOTAL $ 507,100,000

Sec. 1021. 1999 c 379 s 335 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Conservation Reserve Enhancement Program (00-2-004)

Reappropriation:

State Building Construction Account--State $ 5,000,000

((~~Appropriation:~~

~~State Building Construction Account--State~~ $ ~~5,000,000~~))

Prior Biennia (Expenditures) $ 0

Future Biennia (Projected Costs) $

((~~10,000,000~~))

15,000,000

TOTAL $

20,000,000

Sec. 1022. 1999 c 379 s 337 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Dairy Waste Management Grants Program (98-2-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~$1,500,000~~)) $4,000,000 of the appropriation is provided solely for a state-wide grant program to assist dairy operators in implementing dairy waste management systems; and

(2) $1,500,000 of the appropriation is provided solely for a state-wide grant program to provide technical assistance to dairy operators for development and implementation of dairy waste management plans.

Reappropriation:

Water Quality Account--State $

529,132

Appropriation:

Water Quality Account--State $

3,000,000

State Building Construction Account--State $

2,500,000

Subtotal Appropriation $

5,500,000

Prior Biennia (Expenditures) $

2,470,868

Future Biennia (Projected Costs) $

12,000,000

TOTAL $

((~~18,000,000~~))

20,500,000

Sec. 1023. 1999 c 379 s 341 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Grandy Creek Hatchery (92-5-024)

Reappropriation:

State Building Construction Account--State $

((~~3,667,100~~))

267,100

Prior Biennia (Expenditures) $

652,080

Future Biennia (Projected Costs) $

((~~0~~))

3,400,000

TOTAL $

4,319,180

Sec. 1024. 1999 c 379 s 361 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Warm Water Game Fish Access Facilities (98-2-006)

Reappropriation:

Warm Water Game Fish Account--State $

210,000

Appropriation:

Warm Water Game Fish Account--State $

((~~600,000~~))

300,000

Prior Biennia (Expenditures) $

0

Future Biennia (Projected Costs) $

2,080,000

TOTAL $

((~~2,890,000~~))

2,590,000

Sec. 1025. 1999 c 379 s 373 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Small Timber Landowner Program (00-5-001)

The appropriation in this section is subject to the following conditions and limitations:

(((~~(1)~~))) This appropriation is provided solely to purchase ((~~or lease riparian and other sensitive aquatic areas from willing owners of small parcels of forest land.~~

~~(2) If federal grants for salmon recovery efforts are equal to or less than $50,000,000 during the 1999-2001 fiscal biennium, then $5,000,000 of the appropriation in this section may be expended. If federal grants for salmon recovery efforts during the 1999-2001 biennium exceed $50,000,000, then the entire appropriation in this section may be expended~~)) forest riparian easements, as defined in RCW 76.13.120(2)(a), to mitigate diminished economic viability, as described in RCW 76.13.100, from willing small forest landowners, as described in RCW 76.13.120(2)(a).

Appropriation:

((~~General Fund--Federal~~)) State Building Construction Account--State $

((~~10,000,000~~))2,500,000

Prior Biennia (Expenditures) $

0

Future Biennia (Projected Costs) $

0

TOTAL $

((~~10,000,000~~))

2,500,000

Sec. 1026. 1999 c 379 s 383 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Administrative Site Preservation (00-1-018)

Appropriation:

Agricultural College Trust Management Account--State $

51,400

Forest Development Account--State $

203,580

Resources Management Cost Account--State $

((~~565,500~~))

514,100

State Building Construction Account--State $

361,920

Subtotal Appropriation $

1,131,000

Prior Biennia (Expenditures) $

938,000

Future Biennia (Projected Costs) $

5,118,000

TOTAL $

7,187,000

Sec. 1027. 1999 c 379 s 384 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Transfer (00-2-001)

The state building construction account appropriation in this section is subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status or enter into thirty-year timber harvest restrictive easements for certain trust lands of state-wide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes.

(2) Property transferred under this section shall be appraised and transferred at fair market value. The value of the timber transferred shall be deposited by the department to the common school construction account in the same manner as timber revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040. The value of the land transferred shall be deposited in the natural resources real property replacement account. These funds shall be expended by the department for the exclusive purpose of acquiring real property of equal value to be managed as common school trust land.

(3) Property subject to easement agreements under this section shall be appraised at fair market value both with and without the imposition of the easement. The entire difference in appraised value shall be deposited by the department to the common school construction fund in the same manner as lease revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.

(4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of this appropriation. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section for a minimum period of thirty years. The department of natural resources, in consultation with the receiving state agencies, shall develop policy to address requests to replace transferred properties subject to the recorded property instrument that are no longer deemed appropriate for the purposes identified in subsection (1) of this section.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list in subsection (8) of this section if, based on new, substantive information, it is determined that transfer of the property is not in the state-wide interest of either the common school trust or the receiving agency.

(8) The appropriation in this section is provided to execute transfers or easements for the list of properties identified in LEAP capital document No. ((~~99-3~~)) 2000-4, as developed on ((~~April 8, 1999~~)) February 28, 2000, as follows: Projects in category A shall be transferred; to the extent that local funding is provided for the land value of the property, projects in category B shall be transferred; and projects in category C and remaining projects in category B may be transferred or leased as funding allows.

(9) The department shall execute trust land transfers and easements such that 90 percent of the appropriation in this section is deposited in the common school construction fund. To achieve the 90:10 ratio, the department may offset transfers of property with low timber-to-land ratios with easements on other properties.

(10) On June 30, 2001, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction fund and the appropriation in this section shall be reduced by an equivalent amount.

Appropriation:

Natural Resources Real Property Replacement--
State $ 6,200,000

State Building Construction Account--State $ 66,000,000

Subtotal Appropriation $ 72,200,000

Prior Biennia (Expenditures) $ 34,500,000

Future Biennia (Projected Costs) $ 220,000,000

TOTAL $ 326,700,000

Sec. 1028. 1999 c 379 s 388 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Right-of-Way Acquisition (00-2-005)

Appropriation:

Agricultural College Trust Management Account--State $ 6,000

Forest Development Account--State $ 387,000

Resources Management Cost Account--State $ ((~~650,000~~)) 644,000

Subtotal Appropriation $

1,037,000

Prior Biennia (Expenditures) $

1,392,000

Future Biennia (Projected Costs) $

6,000,000

TOTAL $

8,429,000

Sec. 1029. 1999 c 379 s 390 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor Works: Program (00-2-011)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

Agricultural College Trust Management Account--State $

35,000

Forest Development Account--State $

136,600

Resources Management Cost Account--State $

((~~379,500~~))

344,500

State Building Construction Account--State $

242,900

Subtotal Appropriation $

759,000

Prior Biennia (Expenditures) $

609,000

Future Biennia (Projected Costs) $

5,580,000

TOTAL $

6,948,000

Sec. 1030. 1999 c 379 s 931 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Aquatic Lands Enhancement Grants (00-2-014)

The appropriation in this section is provided for a list of projects in LEAP capital document No. ((~~1999-A1~~)) 2000-A2, as developed on ((~~April 23, 1999~~)) February 28, 2000.

The department shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2001-03 capital budget. The list shall result from a competitive grants program developed by the department based upon, at a minimum: A uniform criteria for the selection of projects and awarding of grants for up to fifty percent of the total project cost; local community support for the project; and a state-wide geographic distribution of projects. The list of projects shall be submitted to the office of financial management by September 15, 2000.

Reappropriation:

Aquatic Lands Enhancement Account--State $

2,340,000

Appropriation:

Aquatic Lands Enhancement Account--State $

5,550,000

Prior Biennia (Expenditures) $

9,716,817

Future Biennia (Projected Costs) $

24,000,000

TOTAL $

41,606,817

Sec. 1031. 1999 c 379 s 502 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

Seattle Crime Laboratory (00-2-008)

The appropriations in this section shall not be expended until the documents described in the capital project review requirements process and procedures prescribed by the office of financial management have been complied with under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State $

900,000

Appropriation:

County Criminal Justice Assistance

Account--State $

650,000

Death Investigations Account--State $

2,500,000

Municipal Criminal Justice Assistance

Account--State $

250,000

State Building Construction Account--State $

9,100,000

Subtotal Appropriation $

((~~10,000,000~~))

12,500,000

Prior Biennia (Expenditures) $

200,000

Future Biennia (Projected Costs) $

0

TOTAL $

((~~11,100,000~~))

13,600,000

Sec. 1032. 1999 c 379 s 603 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Common School Construction: Quality and value improvements (00-2-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) ((~~$9,800,000~~)) Up to $4,800,000 of this appropriation is provided to implement chapter . . . (House Bill No. 1831), Laws of 1999. ((~~If the bill is not enacted by June 30, 1999, this appropriation shall lapse.~~))

(2) $200,000 from this appropriation is provided to fund two FTEs in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(3) On an annual basis, the state board shall report to the fiscal committees of the legislature and the office of financial management with a summary of the results of the value engineering studies and constructability reviews, and an evaluation of the use of building commissioning construction management services and fire marshal reviews.

Appropriation:

Common School Construction Account--State $

((~~10,000,000~~))

5,000,000

Prior Biennia (Expenditures) $

0

Future Biennia (Projected Costs) $

40,000,000

TOTAL $

((~~50,000,000~~))

45,000,000

Sec. 1033. 1999 c 379 s 604 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Public School Building Construction (98-2-001)(00-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Up to $6,491,519 of the new appropriation provided in this section may be provided for emergency repairs.

(((~~(a)~~))) (b) Prior to the distribution of funds authorized by this subsection, the state board shall develop rules for school district eligibility to receive emergency grants and requirements for repayment of recovered costs. It is intended that these funds be provided to school districts only for emergency repairs due to accidents, natural disasters, fire, floods, vandalism, or similar events and only after all avenues of local funding have been exhausted.

(((~~(b)~~))) (2) The state board shall report to the fiscal committees of the legislature and the office of financial management the amount and purpose of each grant provided to school districts.

(((~~(c)~~))) (3) Any recoveries by the districts from insurance, litigation, or other sources for repairs and improvements funded from this appropriation shall be returned to the state in proportion to the state assistance as a share of total project cost.

(((~~(2) Total cash disbursed from the common school construction account may not exceed the available cash balance.~~)))

Reappropriation:

State Building Construction Account--State $

1,993,556

Common School Construction Account--State $

112,424,633

Subtotal Reappropriation $

114,418,189

Appropriation:

Common School Construction Account--State $

((~~315,081,000~~))

365,649,000

Prior Biennia (Expenditures) $

607,956,559

Future Biennia (Projected Costs) $

1,390,582,000

TOTAL $

((~~2,428,037,748~~))

2,478,605,748

Sec. 1034. 1999 c 379 s 605 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Program Management (98-1-001)

Funding is provided for up to five FTE regional coordinators. The coordinators shall have direct construction or architectural training and experience and be strategically located across the state. The coordinators shall assist local school districts with: State board of education rules relating to school construction and modernization projects, building condition analysis, development of state studies and surveys, architect/engineer and construction manager selection, value engineering, and constructability reviews during design, building commissioning, construction administration, maintenance issues, and data verification to allow equitable administration of the state board priority system.

Appropriation:

Common School Construction Account--State $

1,619,000

Prior Biennia (Expenditures) $

0

Future Biennia (Projected Costs) $

7,644,000

TOTAL $

9,263,000

Sec. 1035. 1999 c 379 s 615 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

((~~Campus Wide~~)) Clarke Hall and Lloyd Auditorium: Seismic stabilization (02-1-008)

Appropriation:

State Building Construction Account--State $

((~~500,000~~))

800,000

Prior Biennia (Expenditures) $

0

Future Biennia (Projected Costs) $

((~~500,000~~))

0

TOTAL $

((~~1,000,000~~))

800,000

Sec. 1036. 1999 c 379 s 634 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Minor Works: Safety (98-1-001)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

((~~State Building Construction Account--State~~ $

~~2,500,000~~))

University of Washington Building Account--

State $

2,671,684

Prior Biennia (Expenditures) $

((~~1,200,000~~))

1,028,316

Future Biennia (Projected Costs) $

0

TOTAL $

3,700,000

Sec. 1037. 1999 c 379 s 641 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Nuclear Reactor: Decommissioning (99-2-009)

Reappropriation:

State Building Construction Account--State $

((~~750,000~~))

1,149,696

Prior Biennia (Expenditures) $

((~~450,000~~))

50,304

Future Biennia (Projected Costs) $

0

TOTAL $

1,200,000

Sec. 1038. 1999 c 379 s 642 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Tacoma Branch Campus: Phase III predesign (00-2-021)

The appropriation in this section is to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

State Building Construction Account--State $ 500,000

Prior Biennia (Expenditures) $ 0

Future Biennia (Projected Costs) $ 55,000,000

TOTAL $ 55,500,000

NEW SECTION. **Sec. 1039.** A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Minor Works and Classroom Improvements

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

University of Washington Building Account--

State $ 14,000,000

Prior Biennia (Expenditures) $ 0

Future Biennia (Projected Costs) $ 0

TOTAL $ 14,000,000

Sec. 1040. 1999 c 379 s 686 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

WSU Spokane - Health Sciences Building (98-2-903)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(2) No money from the reappropriation may be expended in a manner that is inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(3) Design and construction of this building shall accommodate at least 240 additional full-time equivalent students on the Riverpoint campus.

Reappropriation:

State Building Construction Account--State $ 1,871,010

Appropriation:

((~~Higher Education Construction Account--State~~))

State Higher Education Construction Account--

State $ 36,300,000

Prior Biennia (Expenditures) $ 814,365

Future Biennia (Projected Costs) $

0

TOTAL $

38,985,375

Sec. 1041. 1999 c 379 s 794 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College - Instructional Technology Center: Construction (96-2-652)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State $

((~~1,600,000~~))

1,873,000

Prior Biennia (Expenditures) $

((~~15,017,483~~))

14,744,483

Future Biennia (Projected Costs) $

0

TOTAL $

16,617,483

Sec. 1042. 1999 c 379 s 905 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.

The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

The alternative finance authorization granted in this section and in section 222(2)(j), chapter 309, Laws of 1999, do not imply commitments or guarantees that the legislature will provide for future expenses of properties and facilities acquired, constructed, or improved through financial contracts. The legislature will convene an interim workgroup to develop a policy for the use of alternative financing contracts and implications for future operating budget impacts. The office of financial management shall develop a standardized procedure for alternative financing contracts that incorporates the findings of the legislative workgroup, including a full assessment of all acquisition and operating costs, and proposed revenue sources for such expenditures. In the 2001-03 budget request from the governor, the office of financial management shall not forward to the legislature requests for alternative financing contracts that fail to fulfill the information requirements developed under this section.

(1) Department of general administration:

(a) Enter into a financing contract in the amount of $9,435,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase an existing office building and associated land in Yakima for use by state agencies.

(b) Enter into a financing contract in the amount of $4,621,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase an existing office building and associated land in Kelso for use by the department of social and health services and the employment security department.

(2) Department of corrections: Enter into a financing contract on behalf of the department of corrections in the amount of $2,300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or construct a correctional industries transportation services warehouse.

(3) State parks and recreation: It is the intent of the legislature that the operating revenues of the department provide the primary source of funds necessary to meet financing contract obligations for the projects financed under this authority. In addition, state parks and recreation is authorized to pledge to make payments from appropriated funds pursuant to chapter 39.94 RCW:

(a) Enter into financing contracts on behalf of state parks and recreation in the amount of $500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct cabins at Cama beach.

(b) Enter into financing contracts on behalf of state parks and recreation in the amount of $250,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to complete improvements at the interpretive center/store at Deception Pass.

(c) Enter into financing contracts on behalf of state parks and recreation in the amount of $1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and install additional yurts and cabins state-wide.

(d) Enter into financing contracts on behalf of state parks and recreation in the amount of $500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a day use shelter at Lake Sammamish.

(e) Enter into financing contracts on behalf of state parks and recreation in the amount of $500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to improve campsite electrification state-wide.

(f) Enter into financing contracts on behalf of state parks and recreation in the amount of $750,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop additional campsites state-wide.

(4) Community and technical colleges:

(a) Enter into a financing contract on behalf of Green River Community College in the amount of $1,526,150 plus financing expenses and reserves pursuant to chapter 39.94 RCW for remodel of the Lindbloom student center building.

(b) Enter into a financing contract on behalf of Highline Community College in the amount of $2,070,613 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of the Federal Way Center, currently being leased by the college.

(c) Enter into a financial contract on behalf of Green River Community College in the amount of $100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase approximately 1.5 acres of land adjacent to the westside parking lot.

(d) Enter into a financing contract on behalf of Grays Harbor Community College in the amount of $600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase and remodeling of the Riverview School and 2.83 acres of property, currently being leased by the college.

(e) Enter into a financing contract on behalf of Everett Community College in the amount of $1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the remodeling of the fitness center.

(f) Enter into a financing contract on behalf of Tacoma Community College in the amount of $1,697,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot addition to the existing student center.

(g) Enter into a financing contract on behalf of Spokane Community College in the amount of $3,840,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 20,000 gross square foot addition and remodeling to the existing Lair student service building costing $6,000,000. The balance of project cost will be cash from student and activity fees and enterprise funds.

(h) Enter into a financing contract on behalf of Big Bend Community College in the amount of $150,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the exchange of 10 acres of land with Grant county.

(i) Enter into a financing contract on behalf of Green River Community College in the amount of $7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for purchase and development of property in the downtown Kent area.

(j) Enter into a financing contract on behalf of Columbia Basin Community College in the amount of ((~~$1,000,000~~)) $1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot student services auditorium.

(k) Enter into a financing contract on behalf of Yakima Valley Community College in the amount of $375,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 2,700 gross square foot addition and remodeling to the existing student union building costing $1,400,000. Prior to commencing, the college shall prepare and present a business plan describing the financing of the complete project to the state board for community and technical colleges, the office of financial management, and the legislative fiscal committees.

(l) Enter into a financing contract on behalf of Peninsula Community College in the amount of $2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot addition to the student union building.

(m) Enter into a financing contract on behalf of Whatcom Community College in the amount of ((~~$2,500,000~~)) $3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 20,000 gross square foot addition and remodeling to the existing extended learning/work force facility costing $4,388,000. Prior to commencing, the college shall prepare and present a business plan describing the financing of the complete project to the state board for community and technical colleges, the office of financial management, and the legislative fiscal committees.

(n) Enter into a financial contract on behalf of Green River Community College in the amount of $350,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Lea Hill park from King county.

(o) Enter into a financial contract on behalf of Bellevue Community College in the amount of $4,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for replacement of the Robinswood school. This authority is provided in addition to the appropriation in section 761 of this act.

(p) Enter into a financial contract on behalf of Wenatchee Valley College in the amount of $500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase two buildings and property contiguous to the college campus.

(q) Enter into a financing contract on behalf of Whatcom Community College in the amount of $1,918,483 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of 10.71 acres of property for the completion of the Whatcom Community College campus.

(r) Enter into a financing contract on behalf of Edmonds Community College in the amount of ((~~$3,700,000~~)) $4,150,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a music building on the college campus.

(s) Enter into a financing contract on behalf of Olympic College in the amount of $900,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for development of off-street student parking.

(t) Enter into a financing contract on behalf of Bates Technical College in the amount of $4,300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of a 9.41 acre site with an approximately 46,125 square foot broadcasting facility situated on 19th Street in Tacoma. It is the intent of the legislature that $2,000,000 of this financing contract will be repaid from private donations.

(u) Enter into a financing contract on behalf of Renton Technical College in the amount $1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of approximately 10 acres within the district boundary to support a future relocation of apprenticeship programs off the main campus.

(5) Central Washington University: Enter into a financing contract on behalf of Central Washington University in the amount of $5,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Central Washington University/Edmonds Community College center.

(6) University of Washington:

(a) Enter into a financing contract on behalf of the University of Washington in the amount of $7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to finance real property improvements to the Sand Point building.

(b) Enter into a financing contract on behalf of the University of Washington in the amount of $7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to finance primate center tenant improvements.

(c) Enter into a financing contract on behalf of the University of Washington in the amount of $12,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for renovation of Husky Den, the food service in the Husky Union building, and the renovation of the McMahon Hall food service.

(d) Enter into a financing contract on behalf of the University of Washington in the amount of $5,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for installation of Ethernet wiring and electrical upgrades in Lander Hall and McCarty Hall.

(7) Washington state convention and trade center: Enter into one or more financing contracts not exceeding an aggregate total amount of $27,500,000 plus financing expenses and reserves pursuant to chapter 39.94 RCW, for funding unanticipated costs in excess of the $111,700,000 principal amount of the financing contract authorized in section 802(10)(b), chapter 16, Laws of 1995 2nd sp. sess., for the construction of the expansion of the Washington state convention and trade center as authorized under chapter 386, Laws of 1995. The balance of the expansion project funds shall be provided from interest earnings and public or private funds. The financing contract or contracts representing all or part of the amount authorized by this section shall not be executed without prior written approval of the office of financial management based upon its determination that such financing contract or contracts are reasonably necessary for the expansion project.

NEW SECTION. **Sec. 1043.** The following acts or parts of acts are each repealed:

(1) 1999 c 379 s 610 (uncodified);

(2) 1999 c 379 s 611 (uncodified); and

(3) 1999 c 379 s 613 (uncodified).

NEW SECTION. **Sec. 1044.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 1045.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

POINT OF ORDER

Senator Heavey: "A point of order, Mr. President. Is it appropriate to speak the name of the other body and also of their deliberations?"

REPLY BY THE PRESIDENT

President Owen: "The President doesn't believe that is totally out of order to reference some discussion--but in reference specifically to the other body, please avoid doing that Senator West."

Debate ensued.

Senator Johnson demanded a roll call and the demand was sustained.

POINT OF INQUIRY

Senator West: "Senator Loveland, if we made those five changes that you suggested, then could we have a document that we could send that everybody would be agreeable to and we could go home? Are those the only things that we--"

Senator Loveland: "No, there are other things; I just thought I would point out the highlights. We have a number of technical as well as philosophical discussions that need to be--we can take care of the technical, but the philosophical we need to negotiate between the House and the Senate."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator West to Substitute Senate Bill No. 6088.

ROLL CALL

The Secretary called the roll and the striking amendment failed to receive the constitutional sixty percent majority by the following vote: Yeas, 17; Nays, 29; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Rossi, Sheahan, Stevens, West and Winsley - 17.

Voting nay: Senators Bauer, Brown, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Wojahn and Zarelli - 29.

Excused: Senators Costa, Finkbeiner and Sellar - 3.

MOTION

Senator Zarelli moved that the following amendments be considered simultaneously and be adopted:

On page 218, strike lines 18 through 26.

On page 230, strike lines 1 through 33.

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Johnson demanded a roll call and the demand was sustained.

Further debate ensued.

DEMAND FOR PREVIOUS QUESTION

Senators Snyder, Bauer and Betti Sheldon demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

Senator Zarelli spoke to the amendments.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Zarelli on page 218, lines 18 through 26, and page 230, lines 1 through 33, to Substitute Senate Bill No. 6088.

ROLL CALL

The Secretary called the roll and the amendments by Senator Zarelli failed to receive the constitutional sixty percent by the following vote:

Yeas, 21; Nays, 25; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 21.

Voting nay: Senators Bauer, Brown, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 25.

Excused: Senators Costa, Finkbeiner and Sellar - 3.

MOTION

Senator Loveland moved that the rules be suspended and Engrossed Substitute Senate Bill No. 6088 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

OBJECTION TO MOTION TO SUSPEND RULES AND ADVANCE BILL TO THIRD READING

Senator Johnson objected to the suspension of the rules to advance Engrossed Substitute Senate Bill No. 6088 to third reading and final passage.

Senator Johnson demanded a roll call and the demand was sustained.

POINT OF INQUIRY

Senator Snyder: "Will the President allow one speech on each side of the motion to suspend the rules?"

REPLY BY THE PRESIDENT

President Owen: "Yes, that has been the custom, Senator."

Debate ensued.

The President declared the question before the Senate to be the roll call on the motion by Senator Loveland to suspend the rules and advance Engrossed Substitute Senate Bill No. 6088 to third reading and final passage.

ROLL CALL

The Secretary called the roll and the motion to suspend the rules failed to receive the constitutional two-thirds majority by the following vote: Yeas, 26; Nays, 20; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 26.

Voting nay: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 20.

Excused: Senators Costa, Finkbeiner and Sellar - 3.

Engrossed Substitute Senate Bill No. 6088 was referred to the Rules 3.

PARLIAMENTARY INQUIRY

Senator Heavey: "A point of parliamentary inquiry, Mr. President. When a member is moved to be excused, and that excuse is challenged, is it merely a majority of those present to either approve the excused or oppose the excused--and if so, and if they are not excused, are they listed as absent?"

REPLY BY THE PRESIDENT

President Owen: "Senator Heavey, if a member is absent, it would take a majority of the members to excuse them. If they are on the floor, it would take a unanimous vote to excuse them from the vote."

SECOND READING

SENATE BILL NO. 6080, by Senators Haugen and Goings

Making supplemental transportation appropriations.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6080 was substituted for Senate Bill No. 6080 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the following amendment was adopted:

On page 9, line 9, after "and" insert "the motor vehicle account--state appropriation includes"

MOTION

Senator Benton moved that the following amendment be adopted:

On page 12, after line 10, insert the following:

"(3) For each department of transportation geographic administrative region, the commission shall review the capacity of those highways known to have congestion problems, and determine at what percentage of capacity the highway is operating. Those highways that are closest to capacity or most over capacity shall receive the highest priority. Within each department of transportation geographic administrative region, congestion relief projects shall be completed in the order of their prioritized ranking. The highest priority projects in each region must be completed before starting on lower priority projects."

Debate ensued.

Senator Johnson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Benton on page 12, after line 10, to Substitute Senate Bill No. 6080.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 18; Nays, 28; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, West and Zarelli - 18.

Voting nay: Senators Bauer, Brown, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 28.

Excused: Senators Costa, Finkbeiner and Sellar - 3.

MOTION

Senator Benton moved that the following amendment be adopted:

On page 25, line 31, after "areas." insert "The secretary shall also determine whether there is TEA-21 funding available for a pilot project privatizing Washington state rest areas."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 25, line 31, to Substitute Senate Bill No. 6080.

The motion by Senator Benton failed and the amendment was not adopted.

MOTIONS

On motion of Senator Haugen, the following amendment was adopted:

On page 38, line 2, strike "$49,293,000" and insert "$52,401,000" and adjust the totals accordingly

On motion of Senator Haugen, the following amendment was adopted:

On page 47, line 17, strike "84,681,000" and insert "81,681,000"

MOTION

On motion of Senator Haugen, the following amendment was adopted:

On page 50, line 25, after "RCW." strike everything from "The" through "benefit." on line 29 and insert: "The agency head shall determine the total amount of leave that may be donated under this section. The Washington personnel resources board may adopt rules, in consultation with the office of financial management, as it deems necessary for the implementation of this temporary benefit."

MOTION

Senator Benton moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 1999 sp.s. c 1 s 1 (uncodified) is amended to read as follows:

(1) The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2001.

(2) Legislation with fiscal impacts enacted in the 1997 or 1998 legislative session not assumed in this act are not funded in the 1997-99 transportation budget.

(3) Legislation with fiscal impacts enacted in the 1999 legislative session not assumed in this act are not funded in the 1999-01 transportation budget.

(4) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2000" or "FY 2000" means the fiscal year ending June 30, 2000.

(b) "Fiscal year 2001" or "FY 2001" means the fiscal year ending June 30, 2001.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

(f) "Provided for" means the agency may apportion the specified amount among identified uses as the director or secretary deems most prudent.

(g) "Performance-based budgeting" means a budget that bases resource needs on quantified outcomes and results expected from use of the total appropriation. "Performance-based budgeting" does not mean incremental budgeting that focuses on justifying changes from the historic budget or to line-item input-driven budgets.

(((~~(g)~~))) (h) "Goals" means the statements of purpose that identify a desired result or outcome. The statements shall be realistic, achievable, directive, assignable, evaluative, and logically linked to the agency's mission and statutory mandate.

(((~~(h)~~))) (i) "Strategic plan" means the strategies agencies create for investment choices in the future. All agency strategic plans shall present alternative investment strategies for providing services.

(j) "Enacted in the form passed by the legislature" means the referenced bill, as identified by a four-digit number, was:

(i) Passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto; or

(ii) Attached in full onto another bill as an amendment and the entire bill, including the amendment, was passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto.

PART I

GENERAL GOVERNMENT AGENCIES--OPERATING

Sec. 101. 1999 sp.s. c 1 s 103 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account--

State Appropriation $

((~~111,000~~))

222,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(((~~(1)~~))) The utilities and transportation commission shall develop a competitive rail grade crossing safety grant program which will fully fund selected safety projects to the extent allowable under chapter 81.53 RCW.

(((~~(3) The appropriation in this section is for the fiscal year ending June 30, 2000.~~)))

GENERAL GOVERNMENT AGENCIES--CAPITAL

Sec. 102. 1999 sp.s. c 1 s 105 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS

Motor Vehicle Account--State Appropriation $

((~~2,690,000~~))

1,115,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) ((~~$900,000~~)) $345,000 is a reappropriation provided to complete the ((~~Cama Beach project and the~~)) Damon point project funded in section 110, chapter 457, Laws of 1997. ((~~The projects shall be completed by June 30, 2001. Upon completion of these projects any surplus funding may be used for the projects listed in subsection (2) of this section.~~))

(2) ((~~$1,790,000~~)) $770,000 is a one-time appropriation provided solely for the ((~~following projects, apportioned as follows:~~

~~(a) Ike Kinswa State Park, $100,000 to commission a hydrology and geology study for the park road drainage system and a traffic study of the intersection of the park entrance roads with SR 122;~~

~~(b) Mt. Spokane State Park, $1,300,000;~~

~~(c) Beacon Rock State Park, $300,000; and~~

~~(d) Cama Beach State Park, $90,000.~~

~~These projects shall be completed by June 30, 2001~~)) design phase of the Mt. Spokane State Park project. Project status reports shall be submitted to the senate transportation committee and the house of representatives transportation committee in January 2000 and January 2001.

PART II
TRANSPORTATION AGENCIES

Sec. 201. 1999 sp.s. c 1 s 203 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State
Appropriation $

((~~72,510,000~~))

60,510,000

Motor Vehicle Account--State Appropriation $

((~~9,546,000~~))

1,546,000

Motor Vehicle Account--Private/Local
Appropriation $

376,000

County Arterial Preservation Account--
State Appropriation $

28,612,000

TOTAL APPROPRIATION $

((~~111,044,000~~))

91,044,000

((~~The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: $8,000,000 of the motor vehicle account--state appropriation is provided solely for projects on the freight and goods systems on county roads.~~))

Sec. 202. 1999 sp.s. c 1 s 204 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State
Appropriation $

104,508,000

Transportation Improvement Account--
State Appropriation $

((~~99,414,000~~))

149,414,000

Public Transportation Systems Account--
State Appropriation $

((~~33,496,000~~))

4,532,000

Multimodal Transportation Account--State
Appropriation $

11,977,000

TOTAL APPROPRIATION $

((~~237,418,000~~))

270,431,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: ((~~To the extent practicable, the board shall give preference, for amounts which would otherwise be granted to cities, to those projects which complement projects funded under the county corridor congestion relief program contained in section 231(8) of this act.~~))

(1) The transportation improvement account--state appropriation includes $60,000,000 in proceeds from the sale of bonds, $30,000,000 authorized by RCW 47.26.500, and $30,000,000 authorized by House Bill No. 2788. If House Bill No. 2788 is not enacted in the form passed by the legislature $30,000,000 of the amount provided in this subsection shall lapse.

(2) The multimodal transportation account--state appropriation includes $2,279,000 for renovation of the King street station. If House Bill No. 3102 is enacted in the form passed by the legislature, this amount shall lapse.

(3) During the next project prioritization cycle for surface transportation program enhancement funds, the transportation improvement board will give preference to projects that will promote economic development or revitalization, promote increased tourism, and enhance the knowledge of Washington's unique historic transportation systems.

Sec. 203. 1999 sp.s. c 1 s 209 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

((~~Transportation Account--State Appropriation~~))
Motor Vehicle Account--State Appropriation $

((~~807,000~~))

767,000

Sec. 204. 1999 sp.s. c 1 s 210 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

((~~Transportation~~)) Motor Vehicle Account--
State Appropriation $

((~~600,000~~))

550,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The freight mobility strategic investment board is authorized to revise the criteria for selecting and ranking freight mobility projects, to be applied during the next call for projects. The original portfolio of projects submitted by the board to the legislature in December of 1999 shall not be impacted by any revisions to the criteria.

(2) The legislature recognizes that the freight mobility strategic investment board has submitted projects meeting the geographic allocation requirements of RCW 47.06A.050, even though some of the projects ultimately will be funded with regionally-allocated federal funds.

Sec. 205. 1999 sp.s. c 1 s 211 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--
State Appropriation $
((~~154,538,000~~))
154,388,000

State Patrol Highway Account--
Federal Appropriation $
6,153,000

State Patrol Highway Account--
Private/Local Appropriation $
169,000

TOTAL APPROPRIATION $
((~~160,860,000~~))
160,710,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) ((~~The following amounts are provided solely for administration of the field operations group subprogram: $120,372,000 of the state patrol highway account--state appropriation; $2,854,000 of the state patrol highway account--federal appropriation; and $83,000 of the state patrol highway account--private/local appropriation.~~

~~(2) The following amounts are provided solely for the administration of the commercial vehicle division subprogram: $26,367,000 of the state patrol highway account--state appropriation; $3,299,000 of the state patrol highway account--federal appropriation; and $86,000 of the state patrol highway account--private/local appropriation.~~

~~(3) $7,799,000 of the state patrol highway account--state appropriation is provided solely for the administration of the traffic investigation division subprogram.~~

~~(4) $1,137,000 of the state patrol highway account--state appropriation is provided solely for the license fraud task force to begin on July 1, 1999. Positions funded are one sergeant/detective, three Washington state patrol detectives, and one clerical support person, for administrative support for the task force as a whole. $115,400 of this amount is for reimbursement to the department of revenue and $228,315 of this amount is for reimbursement to the attorney general's office. If Senate Bill No. 5706 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse. Any funds provided in this subsection not used to implement Senate Bill No. 5706 as enacted by the legislature shall revert at the end of the 1999-01 biennium.~~

~~(5)~~)) $1,435,000 of the state patrol highway account--state appropriation is provided solely to the field operations group subprogram as a one-time appropriation to begin funding phase III of the Washington state patrol's upgrade to the state-wide emergency communication system. The Washington state patrol shall provide a full analysis of the costs, benefits, and requirements for completing all phases of the upgrade to the state-wide emergency communication system to the senate transportation committee and the house of representatives transportation committee by December 1, 1999.

(((~~(6)~~)) (2) The Washington state patrol is authorized to use the federal community-oriented policing program (COPS) for 18 COPS troopers to begin in July 2000. The troopers must be used on the state's highways and up to six may be utilized in the Vancouver, Washington area.

Sec. 206. 1999 sp.s. c 1 s 212 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU

State Patrol Highway Account--
State Appropriation $
((~~67,015,000~~))
66,143,000

State Patrol Highway Account--
Federal Appropriation $
104,000

State Patrol Highway Account--
Private/Local Appropriation $
743,000

TOTAL APPROPRIATION $

((~~67,862,000~~))

66,990,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: $877,000 of the state patrol highway account--state appropriation is provided solely to maintain pursuit vehicles and provide for replacement of the vehicles at 110,000 miles. The agency may purchase a total of 354 pursuit vehicles during the biennium ending June 30, 2001. The appropriation in this section reflects carry forward and new funding due to the consolidation of gasoline, maintenance, parts, and pursuit vehicles into the fleet section of the support services bureau.

Sec. 207. 1999 sp.s. c 1 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES

Marine Fuel Tax Refund Account--State
Appropriation $

3,000

Motorcycle Safety Education Account--
State Appropriation $

((~~118,000~~))

102,000

Wildlife Account--State Appropriation $

((~~50,000~~))

80,000

Highway Safety Account--State Appropriation $

((~~6,578,000~~))

7,218,000

Motor Vehicle Account--State Appropriation $

((~~4,571,000~~))

4,093,000

DOL Services Account--State Appropriation $

123,000

TOTAL APPROPRIATION $

((~~11,317,000~~))

11,619,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: $17,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6264 enacted in the form passed by the legislature.

Sec. 208. 1999 sp.s. c 1 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS

Marine Fuel Tax Refund Account--State
Appropriation $

2,000

Motorcycle Safety Education Account--
State Appropriation $

((~~102,000~~))

44,000

Wildlife Account--State Appropriation $

((~~46,000~~))

32,000

Highway Safety Account--State Appropriation $

((~~5,725,000~~))

6,149,000

Motor Vehicle Account--State Appropriation $

((~~3,651,000~~))

3,018,000

DOL Services Account--State Appropriation $

292,000

TOTAL APPROPRIATION $

((~~9,524,000~~))

9,537,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: $745,000 of the highway safety fund--state appropriation is a reappropriation of funds originally appropriated for the document scanner project in the 1997-99 biennium.

Sec. 209. 1999 sp.s. c 1 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Marine Fuel Tax Refund Account--

State Appropriation $

26,000

Wildlife Account--State Appropriation $

556,000

Motor Vehicle Account--State Appropriation $

((~~56,137,000~~))

53,869,000

DOL Services Account--State Appropriation $

2,907,000

TOTAL APPROPRIATION $

((~~59,626,000~~))

57,358,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(((~~4~~))) (1) $300,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 6009 enacted in the form passed by the legislature. If Senate Bill No. 6009 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(((~~5~~))) (2) $15,000 of the motor vehicle account--state appropriation is provided solely to implement House Bill No. 2201 enacted in the form passed by the legislature.

Sec. 210. 1999 sp.s. c 1 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Motorcycle Safety Education Account--

State Appropriation $

1,960,000

Highway Safety Account--State Appropriation $

((~~78,075,000~~))

77,986,000

TOTAL APPROPRIATION $

((~~80,035,000~~))

79,946,000

The appropriations in this section are subject to the following conditions and limitations:

(1) By January 1, 2001, the department of licensing shall provide a progress report to the governor and the house of representatives and senate transportation committees on the driver history initiative project.

(2) $2,880,000 of the highway safety account--state appropriation is provided solely for the department to enter into a contract for the implementation of an improved state driver's license and identicard. The contract with the vendor providing the improved license and identicard shall state that the license and the identicard shall not contain: (a) The driver's social security number in either visible or machine readable form; or (b) the driver's fingerprint or thumbprint. Consistent with RCW 42.17.260(9) the department shall not sell or otherwise make available any information that it gathers from citizens of the state of Washington in administering the driver's licensing program except as already authorized in Title 46 RCW.

(((~~(2)~~))) (3) In September of 1999 the department of licensing shall report to the senate transportation committee and the house of representatives transportation committee on:

(a) The controls implemented by the department to ensure the integrity and credibility of the written driver's license test administered by the department; and

(b) The policies and procedures implemented by the department to ensure that the driver's manuals produced and distributed by the department contain correct data based on current federal, state, and local statutes, ordinances, and rules.

(4) $17,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 1774 enacted in the form passed by the legislature. If House Bill No. 1774 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(5) $130,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 2259 enacted in the form passed by the legislature. If House Bill No. 2259 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(6) ((~~$34,000~~)) $10,000 of the highway safety fund--state appropriation is provided solely to implement Senate Bill No. 5374 enacted in the form passed by the legislature. If Senate Bill No. 5374 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(((~~(8) $329,000~~))) (7) $289,000 of the highway safety account--state appropriation is provided solely to implement Senate Bill No. 5399 enacted as passed by the legislature.

(8) $125,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 6264 enacted in the form passed by the legislature.

Sec. 211. 1999 sp.s. c 1 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation $

((~~44,508,000~~))

45,508,000

Motor Vehicle Account--Federal Appropriation $

400,000

TOTAL APPROPRIATION $

((~~44,908,000~~))

45,908,000

Sec. 212. 1999 sp.s. c 1 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation $

((~~4,010,000~~))

5,047,000

Aircraft Search and Rescue Safety and
Education Account--State Appropriation $

159,000

((Transportation Account--State Appropriation ~~$~~

~~247,000~~))

TOTAL APPROPRIATION $

((~~4,416,000~~))

5,206,000

Sec. 213. 1999 sp.s. c 1 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Motor Vehicle Account--State Appropriation $

((~~630,010,000~~))

458,599,000

Motor Vehicle Account--Federal Appropriation $

((~~234,939,000~~))

241,866,000

Motor Vehicle Account--Private/Local
Appropriation $

((~~43,344,000~~))

50,364,000

((~~High Capacity Transportation Account--State
Appropriation $~~

~~110,000~~))

Special Category C Account--State Appropriation $

55,220,000

((Transportation Account--State Appropriation $

~~197,284,000~~

~~Transportation Account--Federal Appropriation $~~

~~56,808,000~~))

Puyallup Tribal Settlement Account--
State Appropriation $

8,662,000

((~~Transportation Infrastructure Account--State
Appropriation $~~

~~1,750,000~~

~~Transportation Infrastructure Account--
Private/Local Appropriation $~~

~~1,750,000~~))

Multimodal Transportation Account--State
Appropriation $

4,880,000

Multimodal Transportation Account--Federal
Appropriation $

1,275,000

Multimodal Transportation Account--Private/Local
Appropriation $

1,106,000

TOTAL APPROPRIATION $

((~~1,229,877,000~~))

821,972,000

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of $55,220,000 includes $40,500,000 in proceeds from the sale of bonds authorized by Senate Bill No. 5060 or House Bill No. 1203 enacted in the form passed by the legislature. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle account--state appropriation includes $1,285,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department shall report December 1st and June 1st of each year to the senate transportation committee and the house of representatives transportation committee and the office of financial management on the timing and the scope of work being performed for the regional transit authority known as sound transit. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(4) ((~~The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.~~

~~(5)~~)) The north Sumner interchange project shall be funded entirely from the motor vehicle account appropriation. The project shall no longer receive a portion of its funding from the economic development account.

(((~~(6) $34,920,000 of the motor vehicle account--state appropriation~~)) (5) $4,880,000 of the multimodal transportation account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(((~~(7)~~))) (6) The motor vehicle account--state appropriation includes ((~~$469,779,000~~)) $132,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(((~~(8) $500,000 of the motor vehicle account--state appropriation is provided solely for analysis and design of congestion solutions at the intersections of the South Lake Union/Mercer corridor with Interstate 5 and SR 99. The amount provided in this subsection shall be expended on the state's portion of the project. The department's authority to expend the amount referenced in this subsection is contingent on the city of Seattle appropriating $500,000 or more toward design and analysis for the local street portion of the project.~~

~~(9) $10,000,000~~)) (7)(a) $50,000,000 of the motor vehicle account--state appropriation ((~~and $40,000,000 of the transportation account--state appropriation are~~)) is provided as a cash contribution for the development of the public private initiatives project at Tacoma Narrows. State funds shall be used initially for the acquisition of right of way and the forensic studies of the existing bridge including purchase of equipment necessary to conduct the studies. The balance of state funds not required for acquisition of right of way and forensic studies shall be placed with the designated bond trustee at the same time the privately secured debt proceeds are deposited.

(b) The $50,000,000 provided in (a) of this subsection includes $5,527,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or payment of other costs incident to the location, development, design, right of way, and construction of the Tacoma narrows bridge improvements under the public-private transportation initiative program authorized under chapter 47.46 RCW.

(((~~(11)~~))) (8) $5,800,000 of the motor vehicle account--state appropriation is provided solely for the completion of the weigh stations at Stanwood and Cle Elum along with weigh in motion at those sites ((~~an~~)) and weigh in motion at Fort Lewis Northbound. The Washington state patrol and department of transportation shall work cooperatively to complete these projects.

(((~~(12)~~))) (9) $485,000 of the motor vehicle account--state appropriation is a reappropriation provided solely to enable the translake committee to finalize and present its recommendations. Upon presentation of the recommendations, or upon the expenditure of the appropriation provided by this subsection, the department of transportation shall disband the committee.

(((~~(13)~~))) (10) $800,000 of the motor vehicle account--state appropriation ((~~is~~)) and $3,000,000 of the motor vehicle account--federal appropriation are provided solely to the Washington state department of transportation, office of urban mobility, to advance the recommendations of the translake Washington study committee. These funds shall be used to develop a scope of work for an environmental impact statement and related engineering work, including an environmental strategy, a decision process, a statement of purpose and need, and a formal notice of intent. None of the appropriation for the scope of work for the environmental impact statement shall be available to support any activities of the translake Washington study committee.

(((~~(14) $500,000~~))) (11) $1,166,000 of the motor vehicle fund--state appropriation is provided solely for predesign of the northeast 44th street interchange on I-405. ((~~The department of transportation and the city of Renton shall develop a proposal that includes a funding plan for the interchange that specifies the partner's share of the cost. The department and the city shall report to the legislative transportation committees by December 1, 1999.~~)) This amount shall be placed into a reserve status until such time as a one-third contribution is made by the city of Renton and a one-third contribution is made by the project developer. If the city and developer contributions are not obtained by October 31, 2000, this amount shall lapse.

Sec. 214. 1999 sp.s. c 1 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K

((~~Transportation Account--State Appropriation $~~

~~1,212,000~~))

Motor Vehicle Account--State Appropriation $

((~~10,162,000~~))

5,847,000

TOTAL APPROPRIATION $

((~~11,374,000~~))

5,847,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The motor vehicle fund--state appropriation includes ((~~$10,162,000~~)) $4,635,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of the Tacoma narrows bridge improvements under the public-private transportation initiative program authorized under chapter 47.46 RCW; and for support costs of the public-private transportation initiatives program.

Sec. 215. 1999 sp.s. c 1 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation $

((~~251,426,000~~))

233,327,000

Motor Vehicle Account--Federal Appropriation $

((~~887,000~~))

486,000

Motor Vehicle Account--Private/Local

Appropriation $

3,417,000

TOTAL APPROPRIATION $

((~~255,730,000~~))

237,230,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall not close any highway rest areas but shall continue to operate and maintain all existing rest areas. The department shall convene a panel of stakeholders to evaluate innovative financing options and partnership opportunities at safety rest areas on state highways. At a minimum, the evaluation shall include: (a) A survey of relevant laws that impact the state's ability to create public-private partnerships or utilize innovative financing techniques for the maintenance and operation of safety rest areas; and (b) an identification of maintenance and operation activities necessary to ensure continuous operation of safety rest areas. By October 31, 2000, the stakeholder panel shall make recommendations to the house of representatives and senate transportation committees and the office of financial management on the feasibility of instituting a pilot project for public-private partnerships or innovative financing of safety rest areas.

Sec. 216. 1999 sp.s. c 1 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P

Motor Vehicle Account--State Appropriation $

((~~318,691,000~~))

141,569,000

Motor Vehicle Account--Federal Appropriation $

((~~284,587,000~~))

386,087,000

Motor Vehicle Account--Private/Local
Appropriation $

((~~3,117,000~~))

4,117,000

((~~Transportation Account~~)) Multimodal
Transportation Account--State Appropriation $

121,000

TOTAL APPROPRIATION $

((~~606,516,000~~))

531,894,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(((~~1~~))) The motor vehicle fund--state appropriation includes $6,650,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(((~~(2) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.~~)))

Sec. 217. 1999 sp.s. c 1 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q

State Patrol Highway Account--State
Appropriation $

221,000

Motor Vehicle Account--State Appropriation $

((~~37,085,000~~))

34,785,000

Motor Vehicle Account--Federal Appropriation $

1,662,000

Motor Vehicle Account--Private/Local
Appropriation $

122,000

TOTAL APPROPRIATION $

((~~39,090,000~~))

36,790,000

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity:

(1) The motor vehicle account--state appropriation includes $4,324,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than commercial vehicle information system and network (CVISN). These moneys shall be placed into reserve status until such time as federal funds are secured and a state match is required. If matching federal funds are not obtained by September 30, 2000, the amount provided in this subsection shall lapse.

(2) The motor vehicle account--state appropriation includes $600,000 for a two-year pilot program for contracted roving service patrols. The department shall provide a progress report on this pilot program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee on December 1, 2000. The pilot program will be evaluated with future direction and funding to be determined by the documented results and benefits of the pilot program.

Sec. 218. 1999 sp.s. c 1 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Puget Sound Capital Construction Account--
State Appropriation $
((~~4,464,000~~))
2,989,000
Motor Vehicle Account--State Appropriation $
((~~98,390,000~~))
84,062,000
Motor Vehicle Account--Federal Appropriation $
125,000
Puget Sound Ferry Operations Account--
State Appropriation $
((~~6,308,000~~))
6,353,000
Transportation Account--State Appropriation $
((~~1,517,000~~))
115,000
Multimodal Transportation Account--State
Appropriation $
1,402,000
TOTAL APPROPRIATION $
((~~110,804,000~~))
95,046,000

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity: ((~~$586,000~~)) $75,000 of the motor vehicle account--state appropriation is provided solely to enable the secretary of transportation to implement a leadership training program at the department of transportation. The program shall include a mentoring component. The department shall develop performance measures to evaluate the effectiveness of the program, including but not limited to a performance measure to determine the effect of the program on employee retention. The department shall provide a progress report on the training program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee by December 1, 2000.

Sec. 219. 1999 sp.s. c 1 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation $
((~~12,109,000~~))
10,109,000
Motor Vehicle Account--Federal Appropriation $
17,000,000
Transportation Account--State Appropriation $
((~~1,371,000~~))
328,000
Multimodal Transportation Account--State
Appropriation $
1,043,000
TOTAL APPROPRIATION $
((~~30,480,000~~))
28,480,000

Sec. 220. 1999 sp.s. c 1 s 226 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT

((~~Transportation Account--State Appropriation $~~

~~2,595,000~~))

Motor Vehicle Account--State Appropriation $

2,913,000

Puget Sound Ferry Operations--State

Appropriation $

1,155,000

(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR

Motor Vehicle Account--State Appropriation $

907,000

(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES

Motor Vehicle Account--State Appropriation $

3,743,000

(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL

Motor Vehicle Account--State Appropriation $

((~~2,240,000~~))

1,990,000

(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

((~~Transportation Account~~))

Motor Vehicle Account--State Appropriation $

((~~12,039,000~~))

11,539,000

(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Motor Vehicle Fund--Puget Sound Ferry Operations Account--

State Appropriation $

((~~3,462,000~~))

3,262,000

(7) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Motor Vehicle Account--State Appropriation $

158,000

(8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION STATE PARKING SERVICES

Motor Vehicle Account--State Appropriation $

90,000

(9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE

Motor Vehicle Account--State Appropriation $

1,100,000

(10) FOR ARCHIVES AND RECORDS MANAGEMENT

Motor Vehicle Account--State Appropriation $

392,000

Sec. 221. 1999 sp.s. c 1 s 227 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V

High Capacity Transportation Account--

State Appropriation $

((~~3,701,000~~))

1,501,000

Air Pollution Control Account--State

Appropriation $

((~~6,253,000~~))

1,313,000

Transportation Account--State Appropriation $

((~~7,187,000~~))

796,000

Transportation Account--Federal Appropriation $

((~~7,345,000~~))

358,000

((~~Transportation Account--Private/Local Appropriation $~~

~~105,000~~

~~Public Transportation Systems Account--State Appropriation $~~

~~800,000~~))

Multimodal Transportation Account--State Appropriation $

5,955,000

Multimodal Transportation Account--Federal Appropriation $

6,987,000

Multimodal Transportation Account--Private/Local Appropriation $

105,000

TOTAL APPROPRIATION $

((~~24,391,000~~))

17,015,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Appropriations in this section shall initially be allotted as appropriated by this section. Subsequent allotment modifications shall not permit moneys that are provided solely for a specified purpose to be used for other than that purpose. After January 1, 2000, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer appropriations between the transportation account--state and the multimodal transportation account--state appropriations. However, the program shall not expend more than the total amount appropriated from these accounts.

(2) Up to ((~~$750,000~~)) $250,000 of the multimodal transportation account--state appropriation is provided solely for grants and activities relating to coordinating special needs transportation among state and local providers. When selecting grant recipients, the agency council on coordinated transportation shall give priority to projects and programs that can be accomplished in the 1999-2001 biennium. ((~~The department may expend up to $250,000 without a matching appropriation. The department's authority to expend more than that amount is conditioned upon the legislature authorizing a matching appropriation equal to the total expenditure of the amount provided in this subsection.~~

~~(2) $50,000 of the public transportation systems account--state appropriation is provided solely to continue and enhance an existing pilot project between a public transit provider and a school district expanding public transit service to high school students in order to reduce the use of single occupancy vehicles.~~))

(3) The department shall assess its commute trip reduction program. The assessment shall include an evaluation of tax credits or other incentives to employers who reduce commute trips to their work sites by encouraging employees to telecommute. Up to $50,000 of the air pollution control account--state appropriation is provided for a pilot project implementing telecommuting as part of the commute trip reduction program. The pilot project may include use of tax credits or other financial incentives.

(4) In evaluating applications for rural mobility grants to public transportation agencies, the department shall give added weight to projects that improve connectivity among transit providers and across jurisdictional boundaries.

(5) $4,900,000 of the transportation account--federal appropriation is provided solely for commute trip reduction programs administered by the department of transportation. These funds come from the TEA-21 congestion mitigation air quality program. ((~~The office of financial management shall place $1,000,000 of the air pollution control account--state appropriation in reserve status.~~))

Sec. 222. 1999 sp.s. c 1 s 228 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account--
State Appropriation $
((~~140,135,000~~))
101,253,000

Puget Sound Capital Construction Account--
Federal Appropriation $
((~~29,575,000~~))
42,466,000

Passenger Ferry Account--State Appropriation $
((~~789,000~~))
215,000

Motor Vehicle Account--State Appropriation $
((~~116,221,000~~))
17,282,000

TOTAL APPROPRIATION $
((~~286,720,000~~))
161,216,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section, unless otherwise specified, are provided to carry out only the projects in the Washington state ferries capital program plan - version ((~~3~~)) 1. The department shall reconcile the 1997-99 capital expenditures within ninety days of the end of the biennium and submit a final report to the senate transportation committee, the house of representatives transportation committee, and the office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes $27,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(((~~(4) The motor vehicle account--state appropriation includes $110,729,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.~~

~~(5) The department shall structure the request for proposal for the purchase of passenger-only ferries authorized under RCW 47.60.652 to include the purchase of a fifth back-up ferry to support maintenance schedules, emergency service needs, and provide continuity of service on all passenger-only ferry routes. The purchase of a fifth passenger-only ferry is subject to subsequent legislative appropriation.~~))

Sec. 223. 1999 sp.s. c 1 s 229 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Marine Operating Account--State
Appropriation $
((~~303,014,000~~))
148,330,000

Puget Sound Ferry Operations Account--State
Appropriation $
137,451,000
Multimodal Transportation Account--State
Appropriation $
5,092,000
TOTAL APPROPRIATION $
290,873,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Appropriations in this section shall initially be allotted as appropriated by this section. Subsequent allotment modifications shall not permit moneys that are provided solely for a specified purpose to be used for other than that purpose. After May 1, 2000, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer appropriations between the marine operating account--state and the Puget Sound ferry operations account--state appropriations. However, the program shall not expend more than the total amount appropriated from these accounts.

(2) The appropriation is based on the budgeted expenditure of $29,104,000 for vessel operating fuel in the 1999-2001 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(((~~2~~))) (3) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1999-2001 biennium may not exceed ((~~$205,640,000~~)) $195,600,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of $341.75 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1999-2001 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1999, and thereafter, as established in the 1999-2001 general fund operating budget.

(((~~(3) Up to $2,770,000 of the marine operating account--state appropriation may be used for leasing and operating an appropriate passenger only ferry vessel for the purpose of supporting existing, or testing new, passenger only service while testing alternative vessel technologies.~~)))

(4) The department, when implementing ferry service reductions, shall, to the extent possible, maintain peak hour vehicle and passenger service capacity, summer tourist route capacity, and a fall/winter/spring presence on all auto ferry routes.

(5) The joint task force on ferries is created.

(a) The joint task force on ferries is composed of:

(i) Eight members of the legislature selected as follows:

(A) Four members of the senate, two from each of the major caucuses, to be appointed by the president of the senate, who shall select one of the four senate members as cochair;

(B) Four members of the house of representatives, two from each of the major caucuses, to be appointed by the cospeaker of the respective caucus. The cospeakers shall jointly select one of the four house members as cochair; and

(C) The members appointed from each major caucus of the senate and the house of representatives must include one member from a legislative district that encompasses a terminus of a Washington state ferry route and one from a legislative district that does not include a terminus of a Washington state ferry route;

(ii) At least one person designated by the cochairs representing each of the following:

(A) Ferry advisory committees;

(B) Persons who do not use ferries;

(C) Labor organizations representing ferry workers;

(D) Washington State Ferries;

(E) Transit operators;

(F) The office of financial management; and

(G) Other groups as deemed appropriate by the cochairs of the task force.

(b) The transportation committees shall provide staff support as mutually agreed by the cochairs of the joint task force.

(c) The legislative transportation committee shall pay the expenses of the legislative committee members.

(d) The joint task force on ferries shall report to the full legislature at the beginning of the 2001 legislative session. The report must include, but not be limited to, analysis and recommendations on the following:

(i) Establishment of a long-term goal for recovery of operating costs from fare revenue;

(ii) Options for further cuts in ferry service or full or partial restoration of ferry service cuts;

(iii) Feasibility of full or partial privatization of the ferry system, public-private partnerships, or state and local partnerships; and

(iv) Establishing the short-term and long-term capital needs of the Washington state ferry system.

(6) As authorized by RCW 43.135.055(1), the legislature grants prior approval to the commission to increase Washington state ferry tariffs in excess of the fiscal growth factor established under chapter 43.135 RCW in fiscal year 2001.

Sec. 224. 1999 sp.s. c 1 s 230 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y

Essential Rail Assistance Account--
State Appropriation $
85,000

High Capacity Transportation Account--
State Appropriation $
((~~15,094,000~~))
10,794,000

Transportation Account--State Appropriation $
((~~95,915,000~~))
7,030,000

Transportation Account--Federal Appropriation $
((~~10,000,000~~))
12,000

((~~Public Transportation Systems Account--
State Appropriation $
5,000,000~~))

Multimodal Transportation Account--State
Appropriation $
49,065,000

Multimodal Transportation Account--Federal
Appropriation $
9,988,000

TOTAL APPROPRIATION $
((~~126,094,000~~))
76,974,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Appropriations in this section shall initially be allotted as appropriated by this section. Subsequent allotment modifications shall not permit moneys that are provided solely for a specified purpose to be used for other than that purpose. After January 1, 2000, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer appropriations between the transportation account--state and the multimodal transportation account--state appropriations. However, the program shall not expend more than the total amount appropriated from these accounts.

(2) No appropriation in this section may be used to fund rail passenger service south of Portland, Oregon.

(((~~2) $2,000,000 of the transportation account--state appropriation and $4,000,000~~)) (3) $3,000,000 of the multimodal transportation account--state appropriation and $1,000,000 of the high capacity transportation account--state appropriation are provided solely for the freight rail assistance program to provide grants and loans for light density rail lines.

(((~~(3) $3,000,000 of the high capacity transportation account--state appropriation is provided solely for acquisition of up to six rail passenger cars to add capacity to existing advanced technology train sets operating in Washington state.~~))

(4) ((~~$6,298,000~~)) $2,798,000 of the high capacity transportation account--state appropriation is provided to fund the operation of a second train set providing additional roundtrip service from Seattle to Vancouver, British Columbia, through June 30, 2000. The department's authority to expend the appropriation referenced in this subsection for service north of Blaine is conditioned upon Canada, the province of British Columbia, and/or private sources undertaking the capital expenditures necessary to make the rail capital improvements required to facilitate improved round trip rail service between Seattle and Vancouver, B.C.

(5) ((~~$10,000,000 of the transportation account--state appropriation and $5,000,000 of the public transportation systems account--state appropriation are~~)) $15,000,000 of the multimodal transportation account--state appropriation is provided solely for the King street maintenance facility to be built in partnership with Amtrak. The amount referenced in this subsection is conditioned on the execution of agreements between the department of transportation, Amtrak, sound transit, and other participating parties which will assure that the maintenance and operation of the maintenance facility will not require state funding, except for billings for maintenance of state owned passenger trains.

(6) To the greatest extent practicable, expenditure of funds shall maximize funds from partnerships and coordinate with other agencies investing in track improvements.

(7) $5,000,000 of the multimodal transportation account--federal appropriation is provided from TEA-21 surface transportation program enhancement funds is provided solely for restoration of and improvements to the King street station.

(8) $500,000 of the multimodal transportation account--state appropriation is provided solely for use towards implementation of a program to purchase refrigerated express railcars, to be known as the George Sellar express railcars, that may be leased for the purpose of hauling express shipments, including but not limited to Washington produce, to market.

(a) Subject to (b) of this subsection, the department is authorized to incur a federal railroad rehabilitation and improvement financing loan of up to $10,000,000 for program implementation, to be repaid with revenues generated from the program.

(b) As a precondition to purchasing refrigerated express railcars, the department shall conduct a feasibility study. If satisfied with the feasibility study results, the transportation commission may direct the department to proceed with a program for the purchase of refrigerated express railcars.

(c) Any revenues derived from the program must be placed in a separate account and used strictly for: The repayment of debt, including the risk insurance premium; ongoing maintenance of assets; and reserves for the express railcar program.

(d) The department shall make semiannual progress reports to the senate transportation committee, the house of representatives transportation committee, and the office of financial management until December 31, 2001, and annual progress reports thereafter.

(9) $100,000 of the multimodal transportation account--state appropriation is provided solely for the department of transportation in conjunction with the utilities and transportation commission and the Spokane regional transportation council to study and make recommendations on issues related to railroad rights of way in the Spokane valley. A status report shall be provided to the transportation committees of the house of representatives and the senate by December 1, 2000.

Sec. 225. 1999 sp.s. c 1 s 231 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

Motor Vehicle Account--State Appropriation $

((~~129,886,000~~))

13,283,000

Motor Vehicle Account--Federal Appropriation $

8,040,000

Transportation Account--State Appropriation $

((~~10,767,000~~))

187,000

((~~Transportation Infrastructure Account--State Appropriation $~~

~~3,250,000~~

~~Transportation Infrastructure Account--Private/Local Appropriation $~~

((~~1,750,000~~))

High Capacity Transportation Account--State
Appropriation $
150,000

Highway Infrastructure Account--Federal
Appropriation $
1,500,000

Highway Infrastructure Account--State
Appropriation $
234,000

Multimodal Transportation Account--State
Appropriation $
53,007,000

TOTAL APPROPRIATION $
((~~155,577,000~~))
76,401,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) $300,000 of the transportation account--state appropriation is provided solely to establish alternatives for flood management and flood hazard reduction projects in the Chehalis basin.

(a) The department of transportation shall convene a technical committee to develop watershed-based solutions to flooding within the Chehalis basin. The technical committee shall be comprised of representatives of the department of transportation, department of ecology, department of fish and wildlife, the department of community, trade, and economic development, the military department's emergency management division, and affected counties and tribes. The department of transportation shall also seek the participation of the United States army corps of engineers, federal emergency management administration, the United States geological survey, the United States fish and wildlife service, the United States environmental protection agency, and other entities with critical knowledge related to the structural or nonstructural flood hazard reduction projects in the Chehalis basin. Funds shall be distributed by the department of transportation for alternative analysis, mapping, and model testing projects as recommended by the technical committee. The solutions considered by the technical committee shall be consistent with fish and habitat recovery efforts and avoid additional flood hazard to downstream communities. The department of transportation shall present a report to the senate transportation committee and the house of representatives transportation committee by December 1, 1999, regarding findings and progress made by funded projects.

(b) If the federal government makes funds available to accomplish the project described in (a) of this subsection, the department of transportation shall place the appropriation identified in this section in reserve.

(2) ((~~$85,121,000 of the motor vehicle~~)) $42,492,000 of the multimodal transportation account--state appropriation ((~~is~~)) and $3,108,000 of the motor vehicle account--state appropriation are provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(3) ((~~$400,000~~)) $187,000 of the transportation account--state appropriation ((~~is~~)) and $213,000 of the multimodal transportation account--state appropriation are provided solely for a study by the senate transportation committee and the house of representatives transportation committee in cooperation with the port of Benton developing a strategic corridor feasibility and master site plan for the port of Benton. If the port of Benton does not provide at least $200,000 to fund the plan development, the transportation fund--state appropriation referenced in this subsection shall lapse and this subsection shall be null and void.

(4) ((~~The motor vehicle account--state appropriation includes $105,121,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.~~

~~(5)~~)) $10,000,000 of the multimodal transportation account--state appropriation is provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The department shall not expend the appropriation in this section unless agreement on ocean disposal sites has been reached which protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(((~~(6)~~))) (5) The motor vehicle account--state appropriation includes $1,167,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(((~~(7) $5,000,000 of the motor vehicle account--state appropriation is provided solely for a small city pavement preservation program, to be administered by the department's TransAid division. The department, in consultation with stakeholders, shall establish program guidelines. The guidelines should include but not be limited to a provision limiting program eligibility to cities with a population of 2,500 or less.~~

~~(8) $20,000,000 of the motor vehicle account--state appropriation is provided solely for a county corridor congestion relief program, to be administered by the department's TransAid division. The purpose of the program is to provide funding for congested urban corridors, as defined and selected by the department of transportation in consultation with counties, regional transportation planning organizations, and the transportation improvement board. At a minimum, project selection criteria should include: Consistency with regional transportation plans; measurable improvements in mobility; cost effectiveness; systemic corridor mobility improvements rather than isolated "spot" improvements; and optimal timing for construction.~~

~~(9) $5,000,000 of the motor vehicle account--state appropriation is provided solely for improving traffic and pedestrian safety near schools. The TransAid division within the department of transportation shall administer this program. Funds should be used for traffic and pedestrian improvements near schools, including roadway channelization and signalization.~~

~~(10)~~))) (6) The ((~~TransAid~~)) highways and local programs division within the department of transportation shall develop a prequalification procedure for potential bidders on projects administered or approved by the transportation improvement board. The board shall work with other interested parties including but not limited to associations representing general contractors and the office of minority and women's business enterprises. The prequalification procedure's goal is to ascertain that bidders are qualified by experience, financing, equipment, and organization to do the work called for in the contract documents. The prequalification procedure may require a bidder to (1) satisfy threshold requirements established by the board prior to being furnished a proposal form on any contract; or (2) complete a preaward survey of the bidder's qualification prior to award.

(((~~(11) Up to $100,000 of the motor vehicle account--state appropriation is provided solely for audits of city and county transportation funding to determine whether any city or county has supplanted its local transportation funding with state funding provided under sections 408 and 409 of this act. The department shall report the results of this audit to the senate transportation committee, the house of representatives transportation committee, and the office of financial management by December 31, 2000.~~

~~(12) $5,000,000~~)) (7) $2,000,000 of the motor vehicle account--state appropriation is provided solely for city fish passage barrier removal and habitat restoration. Funds should be used for eliminating fish passage barriers, including stormwater facilities, and providing for habitat restoration for salmonid species that are listed as threatened or endangered. The amount provided in this section may only be expended upon authorization from the department of transportation's environmental affairs office.

PART III
TRANSPORTATION AGENCIES CAPITAL FACILITIES

Sec. 301. 1999 sp.s. c 1 s 303 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation $

((~~26,147,000~~))

15,231,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Before any funds are expended for the transportation facility to be located in Tumwater, Washington, the director of general administration shall conduct an evaluation of the planned facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement as required under RCW 43.82.010(10). Furthermore, the director shall present the findings of the evaluation to the fiscal committees of the house of representatives and the senate by December 31, 1999. Up to $100,000 of the motor vehicle account--state appropriation may be expended by the department of general administration to conduct an analysis of future transportation-related facility office space needs in Thurston county, by agency, for the next ten years. The analysis shall consult with state agencies, private developers, and building owners to determine the inventory of space available and planned over the next ten years in government and nongovernment buildings, and the impact on current office space. The analysis must be completed by January 31, 2000.

(2) The department of transportation is authorized to enter into a financing contract using certificate of participation in the amount of $14,500,000 plus
financing expenses and required reserves pursuant to chapter 39.94 RCW to acquire and remodel a regional complex in the department's southwe**st region.**

PART IV
TRANSFERS AND DISTRIBUTIONS

Sec. 401. 1999 sp.s. c 1 s 401 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE
Highway Bond Retirement Account Appropriation $
((~~184,810,000~~))
161,310,000
Ferry Bond Retirement Account Appropriation $
((~~53,353,000~~))
53,592,000
Transportation Improvement Board Bond Retirement Account--State Appropriation $
((~~35,158,000~~))
35,909,000
Puget Sound Capital Construction Account--State Appropriation $
270,000
Motor Vehicle Account--State Appropriation $
((~~6,543,000~~))
2,424,000
Special Category C Account--State Appropriation $
405,000
TOTAL APPROPRIATION $
((~~280,539,000~~))
253,910,000

Sec. 402. 1999 sp.s. c 1 s 402 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES
Motor Vehicle Fund--Puget Sound Capital Construction Account Appropriation $
((~~36,000~~))
137,000
Motor Vehicle Account--State Appropriation $
((~~811,000~~))
729,000
Special Category C Account Appropriation $
((~~53,000~~))
205,000

TOTAL APPROPRIATION $

((~~900,000~~))

1,071,000

Sec. 403. 1999 sp.s. c 1 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

(1) Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution $

492,721,000

(2) Transportation Fund Appropriation for motor vehicle excise tax distribution $

491,606,000

(3) Multimodal Transportation Account--State Appropriation for Transit Distributions:

Transit Equalization Account--State $

3,429,000

Transit Distribution Account--State $

49,109,000

(4) Transportation Fund--State Appropriation for Passenger Ferry Account--State $

353,000

(5) Transportation Fund--State Appropriation for High Capacity Transportation Account--State $

7,594,000

(6) Transportation Fund--State Appropriation for equalization distribution to Public Transportation Account--State $

6,704,000

(7) Motor Vehicle Fund--State Appropriation for motor vehicle fuel tax distribution to cities and counties $

483,325,000

(8) Motor Vehicle Fund--State Appropriation for license, permit, and fee distributions $

263,824,000

(9) Multimodal Transportation Account--State Appropriation for public transportation distributions $

3,234,000

Sec. 404. 1999 sp.s. c 1 s 407 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

(1) RV Account--State Appropriation: For transfer to the Motor Vehicle Fund--State $

1,590,000

(2) Transportation Account--State Appropriation: For transfer to the Transportation Infrastructure Account--State $

5,000,000

(3) State Patrol Highway Account--State Appropriation: For transfer to the Motor Vehicle

Account--State $

27,000,000

(4) Highway Safety Fund--State Appropriation:
For transfer to the Multimodal Transportation
Account--State $

7,620,000

(5) Puget Sound Operating Account--State
Appropriation: For transfer to the Marine
Operating Account--State $

1,400,000

(6) Public Transportation Systems Account--
State Appropriation: For transfer to the
Multimodal Transportation Account--State $

25,156,000

(7) Transportation Fund--State
Appropriation: For transfer to the Multimodal
Transportation Account--State $

32,582,000

(8) Transportation Fund--State
Appropriation: For transfer to the attorney
general's office, department of personnel $

4,000

(9) Transportation Fund--State
Appropriation: For transfer to the Public
Transportation Fund--State $

161,956

(10) Multimodal Fund--State Appropriation:
For transfer to the High Capacity Transportation
Account--State $

146,000

(11) Transportation Fund--State
Appropriation: For transfer to the Public
Transportation Systems Account--State $

6,442,000

((~~The department of transportation shall only transfer funds provided under this subsection on an as-needed basis.~~))

NEW SECTION. **Sec. 405.** A new section is added to 1999 sp.s. c 1 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS

Puget Sound Ferry Operations Account--State
Appropriation: For transfer to the Puget Sound
Capital Construction Account--State $

65,020,000

Multimodal Transportation Account--State
Appropriation: For transfer to the King Street
Station Facility Account $

2,279,000

(1) The department of transportation shall only transfer funds to the Puget Sound capital construction account--state as provided under this subsection on an as-needed basis.

(2) If House Bill No. 3102 is not enacted in the form passed by the legislature the multimodal transportation account--state appropriation for transfer to the King street station facility account shall lapse.

NEW SECTION. **Sec. 406.** A new section is added to 1999 sp.s. c 1 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS. The balance remaining at the close of the 1999 calendar year in the transportation account shall be transferred to the multimodal transportation account--state.

NEW SECTION. **Sec. 407.** A new section is added to 1999 sp.s. c 1 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS. The balance remaining at the close of the 2000 fiscal year in the marine operating account--state shall be transferred to the Puget Sound ferry operations account--state.

PART VI
PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS

NEW SECTION. **Sec. 601.** A new section is added to 1999 sp.s. c 1 (uncodified) to read as follows:

DONATIONS OF EMPLOYEE LEAVE. During the 1999-2001 fiscal biennium, a state employee may, consistent with the provisions of RCW 41.04.665(3), donate leave to the existing leave balances of an employee who dies in the line of duty between February 1, 2000, and June 30, 2001. The value of the donated leave will be included in the deceased employee's final compensation, but is not compensation earnable for the purposes of chapter 41.40 RCW. The agency head shall determine the total amount of leave that may be donated under this section. The Washington personnel resources board may adopt rules, in consultation with the office of financial management, as it deems necessary for the implementation of this temporary benefit.

NEW SECTION. **Sec. 602.** The following bills, as identified by bill number, in the form passed by the legislature are necessary to implement portions of this act: House Bill Nos. 2788, 2917, 2866, 3074, 3102, 3135, and 3136.

NEW SECTION. **Sec. 603.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 604.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Debate ensued.

POINT OF INQUIRY

Senator Heavey asked Senator Benton to yield to a question and Senator Benton did not yield.

Further debate ensued.

Senator Johnson demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator Benton to Substitute Senate Bill No. 6080.

ROLL CALL

The Secretary called the roll and the striking amendment by Senator Benton was not adopted by the following vote: Yeas, 19; Nays, 27; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, West, Winsley and Zarelli - 19.

Voting nay: Senators Bauer, Brown, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau and Wojahn - 27.

Excused: Senators Costa, Finkbeiner and Sellar - 3.

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6080 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6080.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6080 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 17; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 29.

Voting nay: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, West and Zarelli - 17.

Excused: Senators Costa, Finkbeiner and Sellar - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6080, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator West moved to reconsider the vote by which the motion by Senator Loveland, earlier today, to suspend the rules and advance Engrossed Substitute Senate Bill No. 6088 to third reading and final passage failed to pass the Senate.

The President declared the question before the Senate to be the motion by Senator West to reconsider the vote by which the motion by Senator Loveland to suspend the rules and advance Engrossed Substitute Senate Bill No. 6088 to third reading and final passage failed to pass the Senate.

POINT OF ORDER

Senator McCaslin: "A point of order, Mr. President. I don't think a Senator should be clapping on the floor."

REPLY BY THE PRESIDENT

President Owen: "Sometimes, it is difficult to maintain your exuberance, Senator. Senator Heavey please maintain your exuberance." The motion by Senator West carried and the Senate will reconsider the vote by which the motion failed to suspend the rules and advance Engrossed Substitute Senate Bill No. 6088 to third reading and final passage.

The motion by Senator Loveland to suspend the rules and advance Engrossed Substitute Senate Bill to third reading and final passage passed on reconsideration.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6088.

DEMAND FOR THE PREVIOUS QUESTION

Senators Snyder, Bauer and Betti Sheldon demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6088 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 19; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 27.

Voting nay: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 19.

Excused: Senators Costa, Finkbeiner and Sellar - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. I just received word from Senator Sellar's aide with a small ray of hope. Senator Sellar did awaken this morning and was able to squeeze his wife's hand. Apparently, there is some communication. As you know, he has been on life support for the past several days. I just thought you might like to know that. Thank you."

MOTION

At 12:27 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:30 a.m., Friday, March 31, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRD DAY, JANUARY 14, 1998

JOURNAL OF THE SENATE

NINETEENTH DAY, FIRST SPECIAL SESSION, MARCH 28, 2000

NOTICE: **Formatting and page numbering in this document may be different from that in the original published version.**

TWENTY-SECOND DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Friday, March 31, 2000

The Senate was called to order at 10:30 a.m. by President Owen. No roll call was taken.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

March 16, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Larry Taylor, appointed March 16, 2000, for a term ending August 2, 2006, as a member of the Lottery Commission.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Commerce, Trade, Housing and Financial Institutions.

MESSAGE FROM THE GOVERNOR

March 29, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 29, 2000, Governor Locke approved the following Senate Bills entitled:

Senate Bill No. 6123

Relating to sponsorship of public events by parking and business improvement areas.

Senate Bill No. 6154

Relating to giving the county clerk authorization to accept credit cards.

Engrossed Substitute Senate Bill No. 6220

Relating to a prohibition on unfair competition by motor vehicle dealers and manufacturers.

Senate Bill No. 6431

Relating to dissemination of criminal history record information to the Washington horse racing commission.

Engrossed Second Substitute Senate Bill No. 6731

Relating to Lake Whatcom.

Engrossed Senate Bill No. 6858

Relating to zoos and aquariums in cities with populations over one hundred fifty thousand that are not within a metropolitan park district.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

MESSAGE FROM THE GOVERNOR

March 30, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 30, 2000, Governor Locke approved the following Senate Bills entitled:

Substitute Senate Bill No. 5408

Relating to a state medal of valor.

Second Substitute Senate Bill No. 6255

Relating to anhydrous ammonia.

Substitute Senate Bill No. 6336

Relating to terms of community supervision.

Substitute Senate Bill No. 6357

Relating to funding of municipal research council.

Substitute Senate Bill No. 6373

Relating to promotional contests of chance.

Substitute Senate Bill No. 6467

Relating to vehicle, vessel, and aircraft license fraud.

Substitute Senate Bill No. 6531

Relating to the Washington school employees' retirement system plan 2 and plan 3.

Senate Bill No. 6534

Relating to the employee attendance incentive program.
Engrossed Senate Bill No. 6555
Relating to the evaluations of foster children for long-term needs.
Substitute Senate Bill No. 6557
Relating to credit union raffles.
Senate Bill No. 6602
Relating to disability board membership.
Substitute Senate Bill No. 6621
Relating to adult offender supervision.
Senate Bill No. 6622
Relating to the designation of May as Asian Pacific American Heritage Month.
Senate Bill No. 6775
Relating to filing of reports with the public disclosure commission.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Brad Owen
President of the State Senate
Legislature of the State of Washington
Olympia, Washington 98504

Dear President Owen:

We respectfully transmit for your consideration the following bill which has been partially vetoed by the Governor, together with the official veto message setting forth his objection to the section or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

Substitute Senate Bill No. 6781

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 30th day of March, 2000.

(Seal) GARY McINTOSH

Director of Elections

For RALPH MUNRO
Secretary of State

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6781

March 27, 2000

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Substitute Senate Bill No. 6781 entitled:

"AN ACT Relating to dairy nutrients;"

This bill refines the Dairy Nutrient Management Act that was created in the 1989 legislative session. Among other things, it creates a dairy nutrient management task force consisting of legislative, executive, federal and interest

group members. Section 4 of the bill would have required the Office of Financial Management to make recommendations to the task force on funding the dairy nutrient management program. Such recommendations are more properly the function of the industry.

For these reasons, I have vetoed section 4 of Substitute Senate Bill No. 6781.

With the exception of section 4, Substitute Senate Bill No. 6781 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MOTION

On motion of Senator Betti Sheldon, the partial veto message on Substitute Senate Bill No. 6781 was held on the desk.

INTRODUCTION AND FIRST READING

SB 6870 by Senator Morton

AN ACT Relating to harvest management of stocks of anadromous salmonids; amending RCW 75.08.012 and 77.04.055; adding new sections to chapter 77.12 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources, Parks and Recreation.

MOTION

At 10:36 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:30 a.m., Monday, April 3, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-SECOND DAY, FIRST SPECIAL SESSION, MARCH 31, 2000

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

TWENTY-FIFTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Monday, April 3, 2000

The Senate was called to order at 10:30 a.m. by President Pro Tempore Wojahn. No roll call was taken.

MOTION

On motion of Senator Spanel, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORT OF STANDING COMMITTEE

March 31, 2000

ESHB 3128 Prime Sponsor, House Committee on Finance: Authorizing the governor to enter into cooperative agreements concerning the sales of cigarettes. Reported by Committee on Commerce, Trade, Housing and Financial Institutions.

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Gardner, Rasmussen, T. Sheldon and Winsley.

MOTION

On motion of Senator Spanel, the standing committee report on Engrossed Substitute House Bill No. 3128 was held on the desk.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 19, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

James B. Dagnon, appointed January 19, 2000, for a term ending September 30, 2000, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Higher Education.

March 8, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Vince Addington, appointed March 8, 2000, for a term ending December 26, 2000, as a member of the Board of Pilotage Commissioners.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Transportation.

MESSAGE FROM THE GOVERNOR

March 31, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 31, 2000, Governor Locke approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 5001

Relating to hunting cougar.

Substitute Senate Bill No. 5924

Relating to real estate appraisers.

Substitute Senate Bill No. 6186

Relating to secured transactions, revising Article 9 of the uniform commercial code with conforming amendments and additions to other statutes.

Engrossed Substitute Senate Bill No. 6277

Relating to authorizing cost-reimbursement agreements for leases and environmental permits.

Substitute Senate Bill No. 6450

Relating to wildlife publications.

Engrossed Substitute Senate Bill No. 6455

Relating to the regulation of geologists.

Engrossed Substitute Senate Bill No. 6530

Relating to plans 2 and 3 of the state retirement systems.

Substitute Senate Bill No. 6644

Relating to technical corrections to fire protection laws.

Substitute Senate Bill No. 6663

Relating to preserving federally assisted housing and minimizing the involuntary displacement of tenants residing in such housing.

Engrossed Substitute Senate Bill No. 6732

Relating to tourism-related facilities.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

March 31, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 31, 2000, Governor Locke approved the following Senate Bill entitled:

Senate Bill No. 6865

Relating to replacing motor vehicle, travel trailer, and camper excise taxes with a thirty dollar fee.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

MESSAGE FROM THE GOVERNOR
VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6062

March 31, 2000

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 6062 entitled:

"AN ACT Relating to sales and use tax deferral for natural gas-fired energy generating facilities sited in rural areas;"

Substitute Senate Bill No. 6062 would have provided a sales and use tax exemption on the construction of, and purchase of machinery and equipment for, natural gas-fired combined cycle electrical generating facilities of 600 megawatts or more. In particular, this bill was targeted toward the construction of a proposed power plant in Sumas.

The Energy Facility Site Evaluation Council (EFSEC) must approve any power plant that might have taken advantage of the tax incentives created by this bill, before it can be built. The EFSEC process requires that the governor make the final decision whether an energy facility may be built on the proposed site. It is important for me to emphasize that in vetoing this bill, I make no statements about the environmental impact or suitability of the proposed Sumas plant or any other power plant, currently proposed or to be proposed in the future. It would be inappropriate for me to prejudge any project.

If any decisions on power plant construction reach my desk through the EFSEC process, I will very carefully and fairly evaluate them on their merits, according to the standards required by the EFSEC statute, with the complete record before me. This bill is premature. If the Sumas power plant receives an EFSEC permit, there will be opportunities then to revisit the appropriateness of tax exemptions for its construction.

I strongly support the development of economic opportunities for rural areas and additional energy generating capacity for our state. However, the strategy employed by this bill was not the most effective or efficient use of tax dollars. If built, the proposed Sumas plant will create only 25 permanent jobs at a cost of approximately $24 million in tax exemptions.

Tax exemptions should be used judiciously with the objective of attaining the greatest return on the state's investment. This entails targeting projects that provide a significant number of jobs and stimulate economic activity in other sectors of our economy. Our existing sales tax exemption program for rural areas requires the creation of one new full-time job for every $750,000 of capital investment. By applying this model to the proposed Sumas plant, for example, 467 new full-time jobs would have to be created, based upon the $350 million estimated cost of the project.

Tax exemptions should continue to be used as a tool to encourage private sector investment in clean energy alternatives that may not yet be sufficiently profitable to attract private sector investment, and for other types of projects, including some natural gas power plants that will create large numbers of jobs and have substantial economic benefit.

For these reasons, I have vetoed Substitute Senate Bill No. 6062 in its entirety.

Respectfully submitted,

GARY LOCKE, Governor

MOTION

On motion of Senator Spanel, the veto message on Substitute Senate Bill No. 6062 was held on the desk.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Brad Owen
President of the State Senate
Legislature of the State of Washington
Olympia, Washington 98504

Dear President Owen:

We respectfully transmit for your consideration the following bill which has been partially vetoed by the Governor, together with the official veto message setting forth his objection to the section or items of the bill as required by Article III, section 12, of the Washington State Constitution:

Second Substitute Senate Bill No. 5802 ;

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington,

this 31st day of March, 2000.

(Seal)

GARY McINTOSH
Director of Elections

For RALPH MUNRO
Secretary of State

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SECOND SUBSTITUTE SENATE BILL NO. 5802

March 30, 2000

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 203, Second Substitute Senate Bill No. 5802 entitled:

"AN ACT Relating to telecommunications contractors and installations;"

This bill requires that contractors and installers who work with fiber optic cables and other telecommunications cabling be licensed and bonded, and that their work be inspected.

Section 203 of the bill states that "[i]t is the further intent of the legislature that the delegation of authority to the director and the board under chapter…, Laws of 2000 (this act) be strictly limited to the minimum delegation necessary to administer the clear and unambiguous directives under chapter…, Laws of 2000 (this act)…" . This language is vague and ambiguous, and the bill provides no definition of "minimum delegation necessary."

Tax exemptions should be used judiciously with the objective of attaining the greatest return on the state's investment. This entails targeting project that provide a significant number of jobs and stimulate economic activity in other sectors of our economy. Our existing sales tax exemption program for rural areas requires the creation of one new full-time job for every $750,000 of capital investment. By applying this model to the proposed Sumas plant, for example, 467 new full-time jobs would have to be created, based upon the$350 million estimated cost of the project.

I strongly believe that regulations should not be burdensome, and should be as minimal and as streamlined as possible. However, I have grave concerns about this language. The Department of Labor and Industries, which is charged with implementing this law, will need maximum flexibility to apply the law effectively in a rapidly changing industry. How section 203 would limit the department's authority is very unclear, and it could have led to unnecessary legal challenges.

For these reasons, I have vetoed section 203 of Second Substitute Senate Bill No. 5802.

With the exception of section 203, Second Substitute Senate Bill No. 5802 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MOTION

On motion of Senator Spanel, the partial veto message on Second Substitute Senate Bill No. 5802 was held on the desk.

MOTION

On motion of Senator Fraser, the following resolution was adopted:

SENATE RESOLUTION 2000-8788

By Senator Fraser

WHEREAS, The Olympia High School Drill Team, led by School Counselor and Drill Team Coach Danise Ackelson, earned the second-highest overall score and placed third in the recent Washington Interscholastic Activities Association Dance/Drill competition held in Yakima; and

WHEREAS, This great athletic and stylistic accomplishment represented the very first time in the history of Olympia High School and the Olympia School District that a drill team came home with a superior rating earned at the state competition; and

WHEREAS, More than 100 dance and drill teams made up of more than 2,000 young athletes and school-spirit leaders participated in the competition; and

WHEREAS, Olympia was one of only ten teams that received the vaunted superior rating this year, and — in their highly successful, record-making season — they have been the recipients of loyal and steadfast support from their fellow young people in the Olympia High School Student Body; and

WHEREAS, As always, the OHS Bear Dance Team contributed remarkable and outstandingly well-received performances at Olympia football and basketball games this year; and

WHEREAS, Individual Olympia Dance Team members brought home special recognition, including Teri Martinko for High Kick, Karen Bolinger and Lindsay Deskins for Precision, and Sarah Bury as a Drill Down finalist; and

WHEREAS, The Olympia High School Drill Team and other drill teams train as top-notch student-athletes to perform routines for their school and for other community events; and

WHEREAS, Dance, jazz, lyrical, military drill, high kick and precision dance are just a few of the myriad variety of styles used by the OHS Drill Team and their peers in other schools around Washington and the nation; and

WHEREAS, Team members practice — and practice very hard and very sincerely — for hours and hours and hours throughout the year; and

WHEREAS, Students fortunate enough and skillful enough to be involved with the Olympia High School Bear Drill Team do training for strength, flexibility, technique for dance, and specific skill-development;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate applaud and commend the respected and accomplished Olympia High School Drill Team; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Drill Team Coach Danise Ackelson and to the administration at Olympia High School.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the members of the Olympia High School Girls' Drill Team, who were seated in the gallery.

MOTION

At 10:39 a.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Tuesday, April 4, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

TWENTY-SIXTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 4, 2000

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Brown, Finkbeiner, Honeyford, Kline, McDonald, Sellar and Sheahan. On motion of Senator Swecker, Senators Benton, Finkbeiner, Honeyford, McDonald, Sellar and Sheahan were excused. On motion of Senator Eide, Senators Brown and Kline were excused.

The Sergeant at Arms Color Guard, consisting of guests Nicole Havens and Krystin Havens, presented the Colors. Senator Karen Fraser offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Snyder, the following resolution was adopted:

SENATE RESOLUTION 2000-8789

By Senators Snyder, Johnson, Wojahn, Costa, Spanel, Haugen, Franklin, Winsley, Rasmussen, and Fraser

WHEREAS, The members of the Washington State Senate, following the current legislative session, will lose to retirement a longtime friend, Mr. Bob Turner of KOMO-TV; and

WHEREAS, Prior to coming to Olympia in 1969, Mr. Turner began his career in another state capital, Boise, Idaho, interning as a television news photographer; and

WHEREAS, He joined the KOMO-TV news team in 1971; and

WHEREAS, Mr. Turner's sense of professionalism, his personal courtesy, and his dedication to excellence in his craft have distinguished him as one of the true Capitol Press Corps legends; and

WHEREAS, KOMO-TV, through Mr. Turner, has remained constant in its commitment to informing the public of the decisions made in Olympia; and

WHEREAS, Mr. Turner was recognized as one of America's premiere television news photographers when KOMO-TV won the 1992 National Press Photographer Association "Station of the Year" Award; and

WHEREAS, His balanced, fair, and non-partisan coverage of the Legislature has always been beyond question, winning the praises of both Democrats and Republicans alike; and

WHEREAS, Mr. Turner and his wife, Frances, plan to move back to Idaho following his retirement;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and honor Mr. Bob Turner for the important and consistent role he has played in the legislative process over the course of his many years of dedicated service in Olympia; that we regard him as a true friend of this body; and that we wish him all the best in his retirement; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Mr. Bob Turner.

Senators Snyder, Thibaudeau, Heavey and Winsley spoke to Senate Resolution 2000-8789.

INTRODUCTION OF SPECIAL GUEST

The President thanked Bob Turner for his dedicated service and wished him a wonderful retirement. Bob was standing at the Senate press table with his camera.

MOTION

On motion of Senator Costa, the following resolution was adopted:

SENATE RESOLUTION 2000-8790

By Senators Costa, Spanel, Franklin, Rasmussen, Fraser, and Snyder

WHEREAS, More than 31 million Americans were victimized by crime last year; and

WHEREAS, Nearly 24,000 violent crimes were committed in Washington in 1998, including 220 murders, 2,785 rapes, 6,450 robberies and 14,443 aggravated assaults; and

WHEREAS, The highest percentage of murder victims in Washington continues to be young adults, ages eighteen to twenty-four; and

WHEREAS, Crime victims play an indispensable role in bringing offenders to justice; and

WHEREAS, Victims of crime and their families deserve respect, restoration, rehabilitation, restitution and justice; and

WHEREAS, The first Crime Victims Bill of Rights was adopted in 1980; and

WHEREAS, America now has almost 30,000 federal and state laws relating to the rights and interests of crime victims, and more than 10,000 local programs to serve their needs; and

WHEREAS, Thirty-two states now provide for victims' rights in their state constitutions; and

WHEREAS, Despite this significant progress in providing rights and services to crime victims during the past twenty years, large segments of our population including crime victims who are elderly, disabled, or living in rural areas are still under served; and

WHEREAS, Crime does not concentrate in one specific area; it encompasses rape, murder, robbery, burglary, theft, violence, stalking, domestic and workplace violence, child abuse, vehicular assault, and, more recently, identity theft and cyberstalking; and

WHEREAS, As a nation devoted to liberty and justice for all, America must increase its efforts to protect, restore and expand crime victims' rights and services; and

WHEREAS, This year's theme, "Victims' Rights 2000: Dare to Dream," can inspire communities to work to ensure that all crime victims in our state and across the nation receive the rights and services they need in order to rebuild their lives;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, in its continued commitment to respect and enforce victims' rights and address their needs, recognize that April 9 to 15, 2000 is National Crime Victims' Rights Week; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to the Washington Coalition of Crime Victim Advocates.

MOMENT OF SILENCE

The President requested the members of the Senate stand in a moment of silence for former Senator Irv Newhouse, who suffered a stroke during knee surgery yesterday.

PERSONAL PRIVILEGE

Senator Fairley: "A point of personal privilege, Mr. President. Well, I have a presentation today. Just about the only issue that I can think about right off hand that Senator Tim Sheldon and I have agreed on has involved the King Dome. Today, I have a piece of the rock--a piece of the King Dome to present to Senator Tim Sheldon for his efforts and mine--"

REMARKS BY PRESIDENT OWEN

President Owen: "Senator Fairley, do not throw that rock at him."

Senator Fairley: "--for his efforts in trying to keep this from happening. We didn't succeed, but he made a good attempt."

MOTION

On motion of Senator Haugen, the following resolution was adopted:

SENATE RESOLUTION 2000-8784

By Senator Haugen

WHEREAS, The industrial technology and woodworking class at Stanwood High School has earned a statewide reputation for excellence; and

WHEREAS, One of the reasons the woodworking program enjoys a reputation is because of the quality of instruction the students receive from Mike Chandler, a graduate of Stanwood High School; and

WHEREAS, Students in the high school's Agricultural Mechanics class also participated in this year's popular woodworking display; and

WHEREAS, Stanwood High School is one of the few schools that still places an emphasis on time-honored, traditional craftsmanship; and

WHEREAS, The students' projects range from impressive living room furniture to kitchen cabinetry to outdoor furniture; and

WHEREAS, The Stanwood High School woodworking program also supports the local economy by buying as much material as possible locally; and

WHEREAS, Students in the Stanwood High School woodworking program learn not only a craft and vocational skill, but they also learn to take pride in their workmanship, problem-solving skills, the ability to stay on task, and interpersonal skills; and

WHEREAS, The Stanwood High School woodworking program is the only high school invited annually by the Office of the Superintendent of Public Instruction to exhibit its projects during Vocational-Technical Education Week;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and recognize the exceptional skills and craftsmanship demonstrated by students in the Stanwood High School woodworking program; and

BE IT FURTHER RESOLVED, That the Senate applaud and commend the outstanding job of teaching and mentoring that Mike Chandler has done at Stanwood High School for the past nineteen years.

MOTION

On motion of Senator Goings, the following resolution was adopted:

SENATE RESOLUTION 2000-8787

By Senators Goings, Bauer, Snyder, McAuliffe, Spanel, Winsley, Haugen, Franklin, Rasmussen, Thibaudeau, Kohl-Welles, Fraser, Costa, and Shin

WHEREAS, Dr. Frank "Buster" Brouillet is completing his six year term as a member of the Washington Higher Education Coordinating Board; and

WHEREAS, From 1957 to 1973, Dr. Brouillet ably represented the Twenty-fifth Legislative District as a member of the House of Representatives; and

WHEREAS, He distinguished himself as one of the state's most thoughtful leaders regarding education policy, serving as a member and as Chair of the House Education Committee; and

WHEREAS, Dr. Brouillet continued his important role as an education policymaker when he served for sixteen years as the State's Superintendent of Public Instruction, four years as President of Pierce College, and through his service as a member of the University of Washington Advisory Committee, and as Director of the University of Washington Tacoma's Pacific Rim Center; and

WHEREAS, The citizens of our state have greatly benefitted from his extensive experience and his personal commitment to both K-12 and higher education; and

WHEREAS, His service to the citizens of Washington will continue well beyond his term with the Higher Education Coordinating Board;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize the many outstanding contributions that Dr. Frank "Buster" Brouillet has made for the betterment of our state; and that we honor his exemplary legacy of public service; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to Dr. Frank "Buster" Brouillet.

Senators Goings, Bauer, Rasmussen, Wojahn, Kohl-Welles, Thibaudeau, Snyder, Franklin, Fraser, McAuliffe and Winsley spoke to Senate Resolution 2000-8787.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Dr. Frank "Buster" Brouillet and his wife, Marge, as well as former Senator Marc Gaspard, who were seated in the gallery.

HAPPY BIRTHDAY

The President wished Senators Franklin and Fairley best wishes for the birthdays they were celebrating today and he also wished Senator Goings a happy birthday for the occasion he celebrated yesterday.

MOTION

At 10:43 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:31 a.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the third order of business.

There being no objection, the Senate resumed consideration of the Governor's Veto Message on Substitute Senate Bill No. 6062, which was held on the desk April 3, 2000.

MOTION

Senator Snyder moved that the Senate pass Senate Bill No. 6062, not withstanding the Governor's Veto.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Snyder that Substitute Senate Bill No. 6062 pass the Senate notwithstanding the Governor's veto. The President declared a vote 'yea' will override the Governor's veto and a vote 'nay' will sustain the veto. The President declared that a two-thirds majority of those present is required to override the veto.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6062 notwithstanding the Governor's veto and the veto was overridden by the following vote: Yeas, 36; Nays, 5; Absent, 0; Excused, 8.

Voting yea: Senators Bauer, Costa, Deccio, Eide, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 36.

Voting nay: Senators Fairley, Fraser, Jacobsen, Kohl-Welles and Thibaudeau - 5.

Excused: Senators Benton, Brown, Finkbeiner, Honeyford, Kline, McDonald, Sellar and Sheahan - 8.

SUBSTITUTE SENATE BILL NO. 6062, having received the constitutional two-thirds majority, notwithstanding the Governor's veto, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:43 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:30 a.m., Wednesday, April 5, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

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TWENTY-SEVENTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 5, 2000

The Senate was called to order at 10:30 a.m. by Senator Spanel. No roll call was taken.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

INTRODUCTION AND FIRST READING

SB 6871 by Senators Fraser, McCaslin, Patterson, Winsley, Prentice, Long, Franklin, Heavey, Morton, Stevens, McAuliffe, Costa, Kohl-Welles, Snyder, Haugen, Gardner, Eide, Kline, Shin, Goings, B. Sheldon, Deccio, Spanel, Jacobsen, Fairley, Bauer and T. Sheldon

AN ACT Relating to initiatives; adding a new section to chapter 29.79 RCW; and declaring an emergency.

Referred to Committee on State and Local Government.

MOTION

At 10:31 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:30 a.m., Thursday, April 6, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

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TWENTY-EIGHTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 6, 2000

The Senate was called to order at 10:30 a.m. by Senator Spanel. No roll call was taken.

MOTION

On motion of Senator Jacobsen, the reading of the Journal of the previous day was dispensed with and it was approved.

INTRODUCTION AND FIRST READING

SB 6872 by Senators Fraser, Jacobsen and Swecker

AN ACT Relating to expediting the processing of pending applications relating to existing water rights by clarifying when pending applications for new water rights are not existing rights, allowing pending applications relating to existing water rights to be processed independently of pending applications for new water rights, allowing applications to be processed ahead of previously filed applications that have insufficient information, providing that processing of applications for new water rights is not to be stopped, requiring a report on the processing of water rights applications, and creating an existing water rights account; amending RCW 90.03.380; adding new sections to chapter 90.03 RCW; adding a new section to chapter 90.44 RCW; adding a new section to chapter 43.21A RCW; creating a new section; providing an expiration date; and declaring an emergency.

SB 6873 by Senators Gardner and Horn

AN ACT Relating to reporting of election returns; and amending RCW 29.04.055 and 29.62.090.

MOTION

On motion of Senator Jacobsen, Senate Bill No. 6872 and Senate Bill No. 6873 were held on the desk.

MOTION

At 10:31 a.m., on motion of Senator Jacobsen, the Senate adjourned until 10:30 a.m., Friday, April 7, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-EIGHTH DAY, FIRST SPECIAL SESSION, APRIL 6, 2000

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TWENTY-NINTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Friday, April 7, 2000

The Senate was called to order at 10:30 a.m. by President Pro Tempore Wojahn. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of staff members Shirley Wayland and Nina Weld, presented the Colors. Secretary of the Senate Tony Cook offered the prayer.

PERSONAL PRIVILEGE

Senator Snyder: "A point of personal privilege, Madam President. Before our flag bearers leave the rostrum this morning, I just want to say that we have some major changes going on with Kandy retiring from accounting. Nina has gone down to take her place in accounting. Nina has been in the workroom since 1977, I believe, except for a short period of time when she spent the summer in Alaska with her family when her husband was logging up there. Shirley has been here since 1973, if my notes are correct here. She worked the sessions of 1973 and 1974 and in January she went to work for Senator Del Bausch. She left there and came back here in 1981.

"They both have been in the workroom and it is just amazing the amount of work they do and the long hours they put in. I go back to the 1981 session, which we all remember. I have the hours that the Legislature put in on the floor. The last week of session in 1981, the Monday session lasted from 10:00 a.m. to 12:05 a.m. the next morning. Tuesday was twelve and a half hours and Wednesday was a short day with nine and a half hours. Thursday was almost sixteen hours; Friday was sixteen hours; Saturday was seventeen hours; Sunday was nineteen hours--it was Monday morning by that time. All together, there were over one hundred and four hours for that week. That didn't mean they got to go home; they stayed and got the work ready and to be sure all the bills were engrossed and got them over to the other house. "They have been just tremendous employees. Shirley is going to be retiring in October, so this is her final session. As I mentioned, Nina has gone down to take Kandy's position and I think she only has two or three more years and she is going to retire. We just think that these calendars and all these things show up automatically on our desks. It isn't that automatic, it is because of their hard work that they have put in--and a lot of hard hours for the Senate.

"I know I can speak for all the members of the Senate, present and past, that we certainly appreciate and thank you for your long, long hard hours and your fine, fine work for the Senate. Thank you from the bottom of our hearts."

MOTION

On motion of Senator Spanel, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE HOUSE

April 7, 2000

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4441.

HOUSE CONCURRENT RESOLUTION NO. 4442, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 6874 by Senators Spanel, Hale, B. Sheldon, West, Snyder and Wojahn

AN ACT Relating to statutory committees of the legislature; amending RCW 44.28.060, 44.28.065, 44.40.015, 44.44.030, 44.48.010, 44.48.120, 44.68.040, and 44.68.050; adding a new section to chapter 44.04 RCW; adding a new section to chapter 44.28 RCW; adding a new section to chapter 44.40 RCW; adding a new section to chapter 44.44 RCW; adding a new section to chapter 44.48 RCW; and adding a new section to chapter 44.68 RCW.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4441 by Representatives Kessler and Lisk

Adjourning Sine Die.

HCR 4442 by Representatives Kessler and Lisk

Returning bills, resolutions, and memorials to the house of origin.

MOTIONS

On motion of Senator Spanel, the rules were suspended and Senate Bill No. 6874 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Spanel, the rules were suspended and House Concurrent Resolution No. 4441 and House Concurrent Resolution No. 4442 were advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Spanel, Senate Bill No. 6872, which was held on the Introduction and First Reading calendar April 6, 2000, was referred to the Committee on Environmental Quality and Water Resources.

MOTION

On motion of Senator Spanel, the rules were suspended and Senate Bill No. 6873, which was held on the Introduction and First Reading calendar April 6, 2000, was advanced to second reading and placed on the second reading calendar.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4441, by Representatives Kessler and Lisk

Adjourning Sine Die.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4441 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted.

HOUSE CONCURRENT RESOLUTION NO. 4441 was adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4442, by Representatives Kessler and Lisk

Returning bills, resolutions, and memorials to the house of origin.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4442 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted.

HOUSE CONCURRENT RESOLUTION NO. 4442 was adopted by voice vote.

MOTION

On motion of Senator Haugen, the following resolution was adopted:

SENATE RESOLUTION 2000-8791

By Senator Haugen

WHEREAS, It is the tradition of the Washington State Senate to honor and recognize citizens who excel in their chosen field of endeavor; and

WHEREAS, Stanwood High School Athletic Director Jim Piccolo was recently named National Athletic Director of the Year for secondary schools by the National Association for Sport and Physical Education; and

WHEREAS, Mr. Piccolo has served Stanwood High School as Athletic Director for seventeen years and as Vice Principal for the last fifteen years; and

WHEREAS, The former Grays Harbor Community College quarterback and Washington State University graduate helped transform the Stanwood athletic program into a winning one for everyone: the students, the coaches, and the community; and

WHEREAS, His leadership and cooperation with Stanwood's coaches helped create a five-year program that has since produced league and/or district titles in football, volleyball, cross country, soccer, tennis, boys' golf, and boys' and girls' basketball; and

WHEREAS, Mr. Piccolo's philosophy of "what is best for kids" has led to a winning program filled with well-rounded student athletes who are encouraged to follow a "Triple A" philosophy: academics, activities, and athletics; and

WHEREAS, "Pic," as he is fondly known, has also witnessed Coach of the Year honors in his programs for football, track, soccer, volleyball, girls basketball, tennis, and, this year, in wrestling; and

WHEREAS, His encouragement for students to excel in athleticism has led to more than half the student body participating in one or more sports this year, 308 are in two or more sports, and the numbers continue to grow; and

WHEREAS, In the senior class, Stanwood also has twenty-five three-sport athletes with grade-point averages of 3.7 or better; and

WHEREAS, He intends to continue to lend his leadership skills and experience by helping new athletic directors and younger teams succeed at both Stanwood middle schools;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby honor and applaud the leadership of Mr. Jim Piccolo and the success of the entire Stanwood athletic program; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Mr. Jim Piccolo and Stanwood High School.

MOTION

On motion of Senator Snyder, the following resolution was adopted:

SENATE RESOLUTION 2000-8771

By Senator Snyder

WHEREAS, The First Special Session of the Fifty-sixth Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 2000 First Special Session of the Fifty-sixth Legislature and the convening of the next regular session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of Senate appropriations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize out-of-state travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Facilities and Operations Committee be, and they hereby are, authorized to approve written requests by standing committees to meet during the interim period; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have printed a copy of the Senate Journals of the 2000 Regular and Special Sessions of the Fifty-sixth Legislature; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interims, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers or memorials in the event of a bereavement in the legislative family; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

MOTION

On motion of Senator Spanel, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 7, 2000

MR. PRESIDENT:

The Co-Speakers have signed:
HOUSE CONCURRENT RESOLUTION NO. 4441,
HOUSE CONCURRENT RESOLUTION NO. 4442, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4441.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4442.

MESSAGE FROM THE HOUSE

April 7, 2000

MR. PRESIDENT:

Under the provisions of House Concurrent Resolution No. 4442, the following Senate Bills were returned to the Secretary of the Senate:

SUBSTITUTE SENATE BILL NO. 6062, notwithstanding the Governor's Veto,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6080,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6088,
ENGROSSED SENATE BILL NO. 6368,
ENGROSSED SENATE BILL NO. 6402,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6513,
SUBSTITUTE SENATE BILL NO. 6845,
SENATE JOINT RESOLUTION NO. 8212.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Spanel, Engrossed Substitute House Bill No. 3128, which was held on the desk April 3, 2000, was returned to the House of Representatives.

MOTION

Under the provisions of House Concurrent Resolution No. 4442, on motion of Senator Spanel, the following House Bills were returned to the House of Representatives:

SECOND SUBSTITUTE HOUSE BILL NO. 2738,
HOUSE BILL NO. 2788,
HOUSE BILL NO. 3166,
HOUSE BILL NO. 3167,
HOUSE BILL NO. 3168,
HOUSE BILL NO. 3169,
ENGROSSED HOUSE BILL NO. 3170,
ENGROSSED HOUSE BILL NO. 3171.

MOTION

On motion of Senator Spanel, the Senate Journal for the twenty-ninth day of the 2000 First Special Session of the Fifty-sixth Legislature was approved.

MOTION

At 10:52 a.m., on motion of Senator Spanel, the 2000 First Special Session of the Fifty-sixth Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

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FIRST DAY, SECOND SPECIAL SESSION

AFTERNOON SESSION

Senate Chamber, Olympia, Monday, April 24, 2000

The Senate of the 2000 Second Special Session of the Fifty-sixth Legislature of the state of Washington was called to order at 1:00 p.m. by Lieutenant Governor Brad Owen, President of the Senate. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Finkbeiner, Long, McDonald, Sellar, Sheahan and West. On motion of Senator Eide, Senator Brown was excused. On motion of Senator Honeyford, Senators Finkbeiner, Long, Sellar and Sheahan were excused.

The Sergeant at Arms Color Guard consisting of staff member Jack Brummel and his cub scout son, Garrett, presented the Colors. Senator Joseph Zarelli offered the prayer.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Brad Owen
President of the State Senate
The Legislature of the State of Washington
Olympia, Washington 98504

Dear President Owen:

I have attached a full, true and correct copy of the Proclamation by the Governor calling a second special session of the Washington State Legislature to be convened at 1:00 p.m. on Monday, April 24, 2000.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 21st day of April, 2000.

RALPH MUNRO, Secretary of State

(SEAL)

by Tracey Guerin, Deputy Secretary of State

PROCLAMATION BY THE GOVERNOR

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2000 regular session on March 9, 2000, the 60th day of the session; and

WHEREAS, the Legislature adjourned its first 2000 special session on April 7, 2000, the 29th day of the special session; and

WHEREAS, supplemental operating, transportation and capital budgets for the state, and measures necessary to implement them, were not passed in either the regular or first special session; and

NOW, THEREFORE, I Gary Locke, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia at one o'clock p.m. on Monday, April 24, 2000, for a period of not more than one week for the purpose of enacting legislation as described above.

IN WITNESS WHEREOF, I have hereunto set my

hand and caused the Seal of the state of Washington
to be affixed at Olympia this 21st day of April, A.D.,
two thousand.

(SEAL)

GARY LOCKE

Governor of Washington

BY THE GOVERNOR:

RALPH MUNRO
Secretary of State

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 14, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Pat Stanford, appointed April 1, 2000, for a term ending June 30, 2003, as a member of the Higher Education Coordinating Board.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Higher Education.

March 8, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Captain Ioannis (John) A. Karakoulakis, reappointed March 8, 2000, for a term ending December 26, 2003, as a member of the Board of Pilotage Commissioners.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Transportation.

March 23, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Susan Teil Boyer, appointed March 23, 2000, for a term ending January 19, 2004, as a member of the Board of Pharmacy.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Health and Long-Term Care.

March 28, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

The Reverend Stephen V. Sundborg, S. J., reappointed March 28, 2000, for a term ending March 26, 2004, as a member of the Higher Education Facilities Authority.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Higher Education.

MOTION

At 1:17 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 2:23 p. m. by President Owen

MOTION

At 2:24 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Tuesday, April 25, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIRST DAY, SECOND SPECIAL SESSION, APRIL 24, 2000

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SECOND DAY, SECOND SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 25, 2000

The Senate was called to order at 10:00 a.m. by Senator Franklin. The Secretary called the roll and announced to Senator Franklin that all Senators were present except Senators Bauer, Brown, Costa, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Kline, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Roach, Rossi, Sellar, Stevens, Swecker and Wojahn. On motion of Senator West, Senator Sellar was excused.

On motion of Senator Betti Sheldon, and pursuant to Rule 46, the Committee on Environmental Quality and Water Resources was granted
permission to meet during session. Senators Fraser, Jacobsen, McAuliffe, Honeyford, Morton and Swecker were excused to attend the committee meeting.

The Sergeant at Arms Color Guard, consisting of the Sergeants at Arms Gene Gotovac and Denny Lewis, presented the Colors. Senator Pat Hale offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 10:05 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 2:04 p.m. by Senator Rasmussen

MOTION

At 2:04 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m., Wednesday, April 26, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SECOND DAY, SECOND SPECIAL SESSION, APRIL 25, 2000

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THIRD DAY, SECOND SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 26, 2000

The Senate was called to order at 10:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bauer, Benton, Brown, Costa, Fairley, Finkbeiner, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kline, Long, McAuliffe, McDonald, Oke, Patterson, Prentice, Roach, Rossi, Sellar, Stevens, Winsley and Zarelli. On motion of Senator West, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Assistant Sergeant at Arms Juanita Hamre and Don Hurst, presented the Colors. Senator Bob Morton offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORT OF STANDING COMMITTEE

April 26, 2000

SB 6872 Prime Sponsor, Senator Fraser: Expediting the processing of pending applications relating to existing water rights. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6872 be substitute therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen, McAuliffe and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford and Morton.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6872 was held at the desk.

INTRODUCTION AND FIRST READING

SB 6875 by Senators Prentice, Winsley, Fairley, Rasmussen, Kohl-Welles, Gardner, Snyder, Heavey, Hargrove, McAuliffe, Eide, Shin, Thibaudeau, Goings, Franklin, Costa, Spanel and Jacobsen

AN ACT Relating to required gratuities; and adding a new section to chapter 19.86 RCW.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

MOTION

At 10:06 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Thursday, April 27, 2000.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRD DAY, SECOND SPECIAL SESSION, APRIL 26, 2000

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FOURTH DAY, SECOND SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 27, 2000

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Morton, Rossi and Sellar. On motion of Senator Honeyford, Senators Rossi and Sellar were excused. The Sergeant at Arms Color Guard, consisting of Pages Sarah Fisher and Heather Christianson, presented the Colors. Senator Bob Oke offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

INTRODUCTION AND FIRST READING

SB 6876 by Senators Loveland and Snyder

Transferring earnings from the emergency reserve fund to the multimodal transportation account.

SB 6877 by Senators Morton and Honeyford

Modifying water rights application processing.

Referred to Committee on Environmental Quality and Water Resources.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Bill No. 6876 was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Thibaudeau, the following resolution was adopted:

SENATE RESOLUTION 2000-8792

By Senators Thibaudeau and Deccio

WHEREAS, The Washington State Senate finds that, across the nation, state legislatures are considering whether the state has an interest in a health care service contractor's and a health maintenance organization's conversion of corporate status from nonprofit to for-profit; and

WHEREAS, Various states have determined state action is appropriate; and

WHEREAS, Advance preparation and study of this issue and its application given the unique laws of this state are needed to properly consider the appropriateness of any measures or requests brought before this legislative body; and

WHEREAS, The Washington State Senate through its Committee on Health and Long-Term Care intends to evaluate this state's interest in a health care service contractor's and a health maintenance organization's conversion to a for-profit status from a nonprofit status;

NOW, THEREFORE, BE IT RESOLVED, That during the 2000 interim the Senate Committee on Health and Long-Term Care shall consider public interests, hear from various interest groups, and evaluate the need for legislation regarding the conversion of nonprofit health care service contractors and health maintenance organizations to for-profit status.

Senators Thibaudeau and Deccio spoke to Senate Resolution 2000-8792.

MOTION

At 9:10 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 10:44 a.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business

SECOND READING

SENATE BILL NO. 6876, by Senators Loveland and Snyder

Transferring earnings from the emergency reserve fund to the multimodal transportation account.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6876 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6876.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6876 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 16; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 30.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Johnson, McCaslin, McDonald, Roach, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 16.

Absent: Senator Morton - 1.

Excused: Senators Rossi and Sellar - 2.

SENATE BILL NO. 6876, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Morton was excused.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6856, by Senate Committee on Transportation (originally sponsored by Senators Goings, Gardner, Haugen, Prentice and Jacobsen)

Revising transportation funding.

MOTIONS

On motion of Senator Haugen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6856 was returned to second reading and read the second time.

Senator Haugen moved that the following striking amendment by Senators Haugen, Gardner and Horn be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.08.020 and 1998 c 321 s 36 (Referendum Bill No. 49) are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) There is levied and there shall be collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection shall be deposited ((~~and distributed in the same manner as motor vehicle excise tax revenue collected under RCW 82.44.020(1)~~)) in the multimodal transportation account created in section 2 of this act.

(3) The taxes imposed under this chapter shall apply to successive retail sales of the same property.

(4) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

NEW SECTION. **Sec. 2.** A new section is added to chapter 47.66 RCW to read as follows:

The multimodal transportation account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for transportation purposes.

Sec. 3. RCW 43.84.092 and 1999 c 380 s 8, 1999 c 309 s 928, 1999 c 268 s 4, and 1999 c 94 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system plan 2 account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system plan 2 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal ((~~account~~)) fund, the volunteer fire fighters' ((~~relief~~)) and ((~~pension~~)) reserve officers' administrative ((~~account~~)) fund, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing

balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the marine operating fund, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 4. RCW 43.84.092 and 2000 c 79 s 38 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system plan 2 account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system plan 2 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the

volunteer fire fighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 5. RCW 43.84.092 and 2000 c 79 s 39 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, <u>the multimodal transportation account,</u> the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system plan 2 account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state

employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 6. RCW 43.84.092 and 2000 2nd sp.s. c . . . s 5 (section 5 of this act) and 2000 c 247 s 702 are each reenacted to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction

account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 7. RCW 43.89.010 and 1993 sp.s. c 23 s 63 are each amended to read as follows:

The chief of the Washington state patrol is hereby authorized to establish a ((~~teletypewriter~~)) communications network which will inter-connect the law enforcement agencies of the state and its political subdivisions into a unified written communications system. The chief of the Washington state patrol is authorized to lease or purchase such facilities and equipment as may be necessary to establish and maintain ((~~such teletypewriter~~)) the communications network.

(1) The communications network shall be used exclusively for the official business of the state, and the official business of any city, county, city and county, or other public agency.

(2) This section does not prohibit the occasional use of the state's communications network by any other state or public agency thereof when the messages transmitted relate to the enforcement of the criminal laws of the state.

(3) The chief of the Washington state patrol shall fix the monthly operational charge to be paid by any department or agency of state government, or any city, county, city and county, or other public agency participating in the communications network: PROVIDED, That in computing charges to be made against a city, county, or city and county the state shall bear at least fifty percent of the costs of such service as its share in providing a modern unified communications network to the law enforcement agencies of the state. Of the fees collected pursuant to this section, one-half shall be deposited in the motor vehicle fund and one-half shall be deposited in the ((~~transportation fund~~)) state patrol highway account.

(4) The chief of the Washington state patrol is authorized to arrange for the connection of the communications network with the law enforcement communications system of any adjacent state, or the Province of British Columbia, Canada.

Sec. 8. RCW 46.68.035 and 1993 c 102 s 7 are each amended to read as follows:

All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and 46.16.085 shall be forwarded to the state treasurer to be distributed into accounts according to the following method:

(1) The sum of two dollars for each vehicle shall be deposited into the ((~~highway safety fund~~)) multimodal transportation account, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

(2) The remainder shall be distributed as follows:

(a) ((~~23.677 percent shall be deposited into the state patrol highway account of the motor vehicle fund;~~

~~(b)~~)) 1.521 percent shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund; and

(((~~(c)~~))) (b) The remaining proceeds shall be deposited into the motor vehicle fund.

Sec. 9. RCW 82.36.380 and 1995 c 287 s 2 are each amended to read as follows:

(1) It is unlawful for a person or corporation to evade a tax or fee imposed under this chapter.

(2) Evasion of taxes or fees under this chapter is a class C felony under chapter 9A.20 RCW. In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of one hundred percent of the tax evaded, to the multimodal transportation ((~~fund~~)) account of the state.

Sec. 10. RCW 82.38.270 and 1995 c 287 s 4 are each amended to read as follows:

(1) It is unlawful for a person or corporation to evade a tax or fee imposed under this chapter.

(2) Evasion of taxes or fees under this chapter is a class C felony under chapter 9A.20 RCW. In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of one hundred percent of the tax evaded, to the multimodal transportation ((~~fund~~)) account of the state.

Sec. 11. RCW 43.88.020 and 1996 c 288 s 23 are each amended to read as follows:

(1) "Budget" means a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures.

(2) "Budget document" means a formal statement, either written or provided on any electronic media or both, offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of financial management" means the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of financial management shall be head of the office of financial management which shall be in the office of the governor.

(4) "Agency" means and includes every state office, officer, each institution, whether educational, correctional, or other, and every department, division, board, and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, means all moneys, including cash, checks, bills, notes, drafts, stocks, and bonds, whether held in trust, for operating purposes, or for capital purposes, and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation, including funds maintained outside the state treasury.

(6) "Regulations" means the policies, standards, and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or the governor's designated agent, and which shall have the force and effect of law.

(7) "Ensuing biennium" means the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held during an odd-numbered year pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated, or set aside for a limited object or purpose; but "dedicated fund" does not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

(12) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(13) "Lapse" means the termination of authority to expend an appropriation.

(14) "Legislative fiscal committees" means the joint legislative audit and review committee, the legislative evaluation and accountability program committee, the ways and means and transportation committees of the senate and house of representatives, and, where appropriate, the legislative transportation committee.

(15) "Fiscal period" means the period for which an appropriation is made as specified within the act making the appropriation.

(16) "Primary budget driver" means the primary determinant of a budget level, other than a price variable, which causes or is associated with the major expenditure of an agency or budget unit within an agency, such as a caseload, enrollment, workload, or population statistic.

(17) "State tax revenue limit" means the limitation created by chapter 43.135 RCW.

(18) "General state revenues" means the revenues defined by Article VIII, section 1(c) of the state Constitution.

(19) "Annual growth rate in real personal income" means the estimated percentage growth in personal income for the state during the current fiscal year, expressed in constant value dollars, as published by the office of financial management or its successor agency.

(20) "Estimated revenues" means estimates of revenue in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast including estimates of revenues to support financial plans under RCW 44.40.070, that are prepared by the office of financial management in consultation with the ((~~interagency task force~~)) transportation revenue forecast council.

(21) "Estimated receipts" means the estimated receipt of cash in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast.

(22) "State budgeting, accounting, and reporting system" means a system that gathers, maintains, and communicates fiscal information. The system links fiscal information beginning with development of agency budget requests through adoption of legislative appropriations to tracking actual receipts and expenditures against approved plans.

(23) "Allotment of appropriation" means the agency's statement of proposed expenditures, the director of financial management's review of that statement, and the placement of the approved statement into the state budgeting, accounting, and reporting system.

(24) "Statement of proposed expenditures" means a plan prepared by each agency that breaks each appropriation out into monthly detail representing the best estimate of how the appropriation will be expended.

(25) "Undesignated fund balance (or deficit)" means unreserved and undesignated current assets or other resources available for expenditure over and above any current liabilities which are expected to be incurred by the close of the fiscal period.

(26) "Internal audit" means an independent appraisal activity within an agency for the review of operations as a service to management, including a systematic examination of accounting and fiscal controls to assure that human and material resources are guarded against waste, loss, or misuse; and that reliable data are gathered, maintained, and fairly disclosed in a written report of the audit findings.

(27) "Performance verification" means an analysis that (a) verifies the accuracy of data used by state agencies in quantifying intended results and measuring performance toward those results, and (b) verifies whether or not the reported results were achieved.

(28) "Performance audit" has the same meaning as it is defined in RCW 44.28.005.

Sec. 12. RCW 43.88.030 and 1998 c 346 s 910 are each amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The director shall provide agencies and committees that are required under RCW 44.40.070 to develop comprehensive six-year program and financial plans with a complete set of instructions for submitting these program and financial plans at the same time that instructions for submitting other budget requests are provided. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues and caseloads as approved by the economic and revenue forecast council and caseload forecast council or upon the estimated revenues and caseloads of the office of financial management for those funds, accounts,

sources, and programs for which the forecast councils do not prepare an official forecast, including those revenues anticipated to support the six-year programs and financial plans under RCW 44.40.070. In estimating revenues to support financial plans under RCW 44.40.070, the office of financial management shall rely on information and advice from the ((~~interagency~~)) transportation revenue ((~~task force~~)) forecast council. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues and caseloads for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue and caseload estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues and caseloads must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

Supplemental and biennial documents shall reflect a six-year expenditure plan consistent with estimated revenues from existing sources and at existing rates for those agencies required to submit six-year program and financial plans under RCW 44.40.070. Any additional revenue resulting from proposed changes to existing statutes shall be separately identified within the document as well as related expenditures for the six-year period.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, those anticipated for the ensuing biennium, and those anticipated for the ensuing six-year period to support the six-year programs and financial plans required under RCW 44.40.070;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity, and agency;

(f) A delineation of each agency's activities, including those activities funded from nonbudgeted, nonappropriated sources, including funds maintained outside the state treasury;

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.71 RCW, shown by agency and in total; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments, and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium, as well as those required to support the six-year programs and financial plans required under RCW 44.40.070;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.

(3) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;

(b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Insomuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;

(d) A strategic plan for reducing backlogs of maintenance and repair projects. The plan shall include a prioritized list of specific facility deficiencies and capital projects to address the deficiencies for each agency, cost estimates for each project, a schedule for completing projects over a reasonable period of time, and identification of normal maintenance activities to reduce future backlogs;

(e) A statement of the reason or purpose for a project;

(f) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(g) A statement about the proposed site, size, and estimated life of the project, if applicable;

(h) Estimated total project cost;

(i) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;

(j) Estimated total project cost for each phase of the project as defined by the office of financial management;

(k) Estimated ensuing biennium costs;

(l) Estimated costs beyond the ensuing biennium;

(m) Estimated construction start and completion dates;

(n) Source and type of funds proposed;

(o) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(p) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;

(q) Such other information bearing upon capital projects as the governor deems to be useful;

(r) Standard terms, including a standard and uniform definition of normal maintenance, for all capital projects;

(s) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (3), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative transportation committee, legislative evaluation and accountability program committee, and office of financial management.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

Sec. 13. RCW 43.88.120 and 1991 c 358 s 3 are each amended to read as follows:

Each agency engaged in the collection of revenues shall prepare estimated revenues and estimated receipts for the current and ensuing biennium and shall submit the estimates to the director of financial management and the director of revenue at times and in the form specified by the directors, along with any other information which the directors may request. For those agencies required to develop six-year programs and financial plans under RCW 44.40.070, six-year revenue estimates shall be submitted to the director of financial management and the ((~~legislative~~)) transportation committees of the senate and the house of representatives unless the responsibility for reporting these revenue estimates is assumed elsewhere.

A copy of such revenue estimates shall be simultaneously submitted to the economic and revenue forecast work group when required by the office of the economic and revenue forecast council.

Sec. 14. RCW 43.88.122 and 1991 c 358 s 7 are each amended to read as follows:

Where there are variances of revenue forecasts between the office of financial management and the ((~~interagency~~)) transportation revenue ((~~task force~~)) forecast council, for those transportation agencies that are required to develop plans under RCW 44.40.070, the office of financial management shall submit (1) a reconciliation of the differences between the revenue forecasts and (2) the assumptions used by the office of financial management to the ((~~legislative~~)) transportation committees of the senate and the house of representatives.

Sec. 15. RCW 44.40.070 and 1998 c 245 s 87 are each amended to read as follows:

Prior to October 1st of each even-numbered year the transportation revenue forecast council, consisting of all state agencies whose major programs consist of transportation activities, including the department of transportation, the transportation improvement board, the Washington state patrol, the department of licensing, the traffic safety commission, the county road administration board, and the board of pilotage commissioners, shall adopt or revise, after consultation with the ((~~legislative~~)) transportation committees of the senate and house of representatives, a comprehensive six-year program and financial plan for all transportation activities under each agency's jurisdiction.

The comprehensive six-year program and financial plan shall state the general objectives and needs of each agency's major transportation programs, including workload and performance estimates.

Sec. 16. RCW 82.14.045 and 1998 c 321 s 7 (Referendum Bill No. 49) are each amended to read as follows:

(1) The legislative body of any city pursuant to RCW 35.92.060, of any county which has created an unincorporated transportation benefit area pursuant to RCW 36.57.100 and 36.57.110, of any public transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090, of any county transportation authority established pursuant to chapter 36.57 RCW, and of any metropolitan municipal corporation within a county with a population of one million or more pursuant to chapter 35.58 RCW, may, by resolution or ordinance for the sole purpose of providing funds for the operation, maintenance, or capital needs of public transportation systems and in lieu of the excise taxes authorized by RCW 35.95.040, submit an authorizing proposition to the voters or include such authorization in a proposition to perform the function of public transportation and if approved by a majority of persons voting thereon, fix and impose a sales and use tax in accordance with the terms of this chapter: PROVIDED, That no such legislative body shall impose such a sales and use tax without submitting such an authorizing proposition to the voters and obtaining the approval of a majority of persons voting thereon: PROVIDED FURTHER, That where such a proposition is submitted by a county on behalf of an unincorporated transportation benefit area, it shall be voted upon by the voters residing within the boundaries of such unincorporated transportation benefit area and, if approved, the sales and use tax shall be imposed only within such area. Notwithstanding any provisions of this section to the contrary, any county in which a county public transportation plan has been adopted pursuant to RCW 36.57.070 and the voters of such county have authorized the imposition of a sales and use tax pursuant to the provisions of section 10, chapter 167, Laws of 1974 ex. sess., prior to July 1, 1975, shall be authorized to fix and impose a sales and use tax as provided in this section at not to exceed the rate so authorized without additional approval of the voters of such county as otherwise required by this section.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such city, public transportation benefit area, county, or metropolitan municipal corporation as the case may be. The rate of such tax shall be one-tenth, two-tenths, three-tenths, four-tenths, five-tenths, ((~~or~~)) six-tenths, seven-tenths, eight-tenths, or nine-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The rate of such tax shall not exceed the rate authorized by the voters unless such increase shall be similarly approved.

(2)(a) In the event a metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter no city, county which has created an unincorporated transportation benefit area, public transportation benefit area authority, or county transportation authority wholly within such metropolitan municipal corporation shall be empowered to levy and/or collect taxes pursuant to RCW 35.58.273, 35.95.040, and/or 82.14.045, but nothing herein shall prevent such city or county from imposing sales and use taxes pursuant to any other authorization.

(b) In the event a county transportation authority shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, public transportation benefit area, or metropolitan municipal corporation, located within the territory of the authority, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

(c) In the event a public transportation benefit area shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, or metropolitan municipal corporation, located wholly or partly within the territory of the public transportation benefit area, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

(3) Any local sales and use tax revenue collected pursuant to this section by any city or by any county for transportation purposes pursuant to RCW 36.57.100 and 36.57.110 shall not be counted as locally generated tax revenues for the purposes of apportionment and distribution, in the manner prescribed by chapter 82.44 RCW, of the proceeds of the motor vehicle excise tax authorized pursuant to RCW 35.58.273, except that the local sales and use tax revenue collected under this section by a city with a population greater than sixty thousand that as of January 1, 1998, owns and operates a municipal public transportation system shall be counted as locally generated tax revenues for the purposes of apportionment and distribution, in the manner prescribed by chapter 82.44 RCW, of the proceeds of the motor vehicle excise tax authorized under RCW 35.58.273 as follows:

(a) For fiscal year 2000, revenues collected under this section shall be counted as locally generated tax revenues for up to 25 percent of the tax collected under RCW 35.58.273;

(b) For fiscal year 2001, revenues collected under this section shall be counted as locally generated tax revenues for up to 50 percent of the tax collected under RCW 35.58.273;

(c) For fiscal year 2002, revenues collected under this section shall be counted as locally generated tax revenues for up to 75 percent of the tax collected under RCW 35.58.273; and

(d) For fiscal year 2003 and thereafter, revenues collected under this section shall be counted as locally generated tax revenues for up to 100 percent of the tax collected under RCW 35.58.273.

NEW SECTION. **Sec. 17.** The legislature finds that additional funds or other benefits can be made available to Washington regional transit authorities by facilitating their entry into sale and leaseback, leaseout and leaseback, and similar transactions that provide to private parties, in consideration for the funds or other benefits obtained by the regional transit authorities, tax benefits that are not otherwise available to regional transit authorities. The legislature further finds that such transactions have been encouraged by agencies of the federal government as ways to provide additional funds for public facilities. To facilitate such transactions for regional transit authorities, the legislature has determined that while regional transit authorities may currently have the necessary statutory authority and may currently enjoy exemptions from Washington state taxes for such transactions, an explicit statement of statutory authority and exemption from Washington state taxes is necessary and helpful for the parties to such transactions. In recognition of the complexity of such transactions, the legislature desires that the authority and exemptions provided by sections 18 through 30 of this act be subject to certain limitations and be granted for a period as specified in section 30 of this act.

NEW SECTION. **Sec. 18.** A new section is added to chapter 81.112 RCW to read as follows:

(1) In order to enable regional transit authorities to acquire or finance equipment or facilities, or reduce the cost of equipment or facilities, regional transit authorities may enter into sale and leaseback, leaseout and leaseback, and other similar transactions with respect to equipment, facilities, and other real and personal property. In connection with any such transaction, a regional transit authority may execute, as it considers appropriate, contracts, agreements, notes, security agreements, conveyances, bills of sale, deeds, leases as lessee or lessor, and currency hedges, defeasance arrangements, interest rate, currency or other swap transactions, one or more payment undertaking agreements, and agreements relating to foreign and domestic currency. These agreements or instruments must have terms, maturities, durations, provisions as to governing laws, grants of security interests, and other provisions that are approved by the board of the regional transit authority.

(2) "Payment undertaking agreement" means one or more agreements, undertakings or arrangements under which all or a portion of the funds generated by a sale and leaseback, leaseout and leaseback, or other similar transaction are directed or paid over to a financial institution, insurance company or other entity that agrees to meet or fulfill, in consideration for the funds, some or all of the obligations of the regional transit authority, or any public corporation or other entity created under section 20 of this act, to make future rent, debt service, or purchase price installment payments in connection with the transaction.

NEW SECTION. **Sec. 19.** A new section is added to chapter 81.112 RCW to read as follows:

Transactions undertaken under section 18 of this act are subject to the following conditions:

(1) The financial institution, insurance company, or other entity that enters into a payment undertaking agreement with the regional transit authority or public development corporation or entity created under section 20 of this act as a counterparty must have a rating from at least two nationally recognized credit rating agencies, as of the date of execution of the payment undertaking agreement, that is within the two highest long-term investment grade rating categories, without regard to subcategories, or the obligations of the counterparty must be guaranteed by a financial institution, insurance company, or other entity with that credit rating. The payment undertaking agreement must require that the obligations of the counterparty or the guarantor, as the case may be, must be collateralized by collateral of a type and in an amount specified by the governing body of the regional transit authority if the credit ratings of the counterparty or its guarantor fall below the level required by this subsection.

(2) The amount to be paid by the counterparties under payment undertaking agreements for a transaction under the terms of the agreements, when combined with the amount of securities, deposits, and investments set aside by the regional transit authority for payment in respect of the transactions, together with interest or other earnings on the securities, deposits, or investments, must be sufficient to pay when due all amounts required to be paid by the regional transit authority, or public

corporation or entity created under section 20 of this act, as rent, debt service, or installments of purchase price, as the case may be, over the full term of the transaction plus any optional purchase price due under the transaction. A certification by an independent financial expert, banker, or certified public accountant, who is not an employee of the regional transit authority or public corporation or entity created under section 20 of this act, certifying compliance with this requirement is conclusive evidence that the arrangements, by their terms, comply with the requirement under this subsection on the sufficiency of the amount.

(3) The payment undertaking agreements, and all other basic and material agreements entered into in connection with the transactions, must specify that the parties to the agreements consent to the jurisdiction of state courts of Washington for disputes arising out of the agreements and agree not to contest venue before such courts. Regardless of the choice of law specified in the foregoing agreements, the agreements must acknowledge that the regional transit authority or public development corporation or entity created under section 20 of this act that is a party to the agreements is an entity created under the laws of the state of Washington whose power and authority and limitations and restrictions on the power and authority are governed by the laws of the state of Washington.

Payment undertaking agreements that meet the foregoing requirement must be treated for all relevant purposes as agreements under which future services are performed for a present payment and shall not be treated as payment agreements within the meaning of chapter 39.96 RCW.

NEW SECTION. **Sec. 20.** A new section is added to chapter 81.112 RCW to read as follows:

To accomplish any of the activities under section 18 of this act, a regional transit authority may create a public corporation, commission, or authority under RCW 35.21.730 through 35.21.755, and authorize the corporation, commission, or authority to provide any of the facilities and services that a regional transit authority may provide including any activities under section 18 of this act. A regional transit authority has all the powers, authorities, and rights granted to any city, town, or county or their agents under RCW 35.21.730 through 35.21.755 for the purposes of entering into and implementing transactions under section 18 of this act.

NEW SECTION. **Sec. 21.** A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 does not apply to lease amounts paid by a seller/lessee to a lessor under a sale/leaseback agreement under section 18 of this act in respect to tangible personal property, used by the seller/lessee, or to the purchase amount paid by the lessee pursuant to an option to purchase at the end of the lease term, but only if the seller/lessee previously paid any tax otherwise due under this chapter or chapter 82.12 RCW at the time of acquisition of the tangible personal property.

NEW SECTION. **Sec. 22.** A new section is added to chapter 82.12 RCW to read as follows:

This chapter does not apply to the use of tangible personal property by a seller/lessee to a lessor under a sale/leaseback agreement under section 18 of this act in respect to tangible personal property used by the seller/lessee, or to the purchase amount paid by the lessee under an option to purchase at the end of the lease term, but only if the seller/lessee previously paid any tax otherwise due under this chapter or chapter 82.08 RCW at the time of acquisition of the tangible personal property.

Sec. 23. RCW 82.04.050 and 1998 c 332 s 2, 1998 c 315 s 1, 1998 c 308 s 1, and 1998 c 275 s 1 are each reenacted and amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who presents a resale certificate under RCW 82.04.470 and who:

(a) Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, but a purchase for the purpose of resale by a regional transit authority under section 18 of this act is not a sale for resale; or

(b) Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person; or

(c) Purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale; or

(d) Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or

(e) Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or

consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), (d), or (e) of this subsection following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280 (2) and (7) and 82.04.290.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

(a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin-operated laundry facilities when such facilities are situated in an apartment house, rooming house, or mobile home park for the exclusive use of the tenants thereof, and also excluding sales of laundry service to nonprofit health care facilities, and excluding services rendered in respect to live animals, birds and insects;

(b) The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

(c) The charge for labor and services rendered in respect to constructing, repairing, or improving any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;

(d) The sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;

(e) The sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW;

(f) The sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same;

(g) The sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), (e), and (f) of this subsection when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this subsection shall be construed to modify subsection (1) of this section and nothing contained in subsection (1) of this section shall be construed to modify this subsection.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

(a) Amusement and recreation services including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows, day trips for sightseeing purposes, and others, when provided to consumers;

(b) Abstract, title insurance, and escrow services;

(c) Credit bureau services;

(d) Automobile parking and storage garage services;

(e) Landscape maintenance and horticultural services but excluding (i) horticultural services provided to farmers and (ii) pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility;

(f) Service charges associated with tickets to professional sporting events; and

(g) The following personal services: Physical fitness services, tanning salon services, tattoo parlor services, steam bath services, turkish bath services, escort services, and dating services.

(4) The term shall also include the renting or leasing of tangible personal property to consumers and the rental of equipment with an operator.

(5) The term shall also include the providing of telephone service, as defined in RCW 82.04.065, to consumers.

(6) The term shall also include the sale of canned software other than a sale to a person who presents a resale certificate under RCW 82.04.470, regardless of the method of delivery to the end user, but shall not include custom software or the customization of canned software.

(7) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind.

(8) The term shall also not include sales of chemical sprays or washes to persons for the purpose of postharvest treatment of fruit for the prevention of scald, fungus, mold, or decay, nor shall it include sales of feed, seed, seedlings, fertilizer, agents for enhanced pollination including insects such as bees, and spray materials to: (a) Persons who participate in the federal conservation reserve program, the environmental quality incentives program, the wetlands reserve program, and the wildlife habitat incentives program, or their successors administered by the United States department of agriculture; (b) farmers for the purpose of producing for sale any agricultural product; and (c) farmers acting under cooperative habitat development or access contracts with an organization exempt from federal income tax under 26 U.S.C. Sec. 501(c)(3) or the Washington state department of fish and wildlife to produce or improve wildlife habitat on land that the farmer owns or leases.

(9) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority. Nor shall the term include the sale of services or charges made for cleaning up for the United States, or its instrumentalities, radioactive waste and other byproducts of weapons production and nuclear research and development.

(10) Until July 1, 2003, the term shall not include the sale of or charge made for labor and services rendered for environmental remedial action as defined in RCW 82.04.2635(2).

NEW SECTION. **Sec. 24.** A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to amounts received as lease payments paid by a seller/lessee to a lessor under a sale/leaseback agreement under section 18 of this act in respect to tangible personal property used by the seller/lessee, or to the purchase amount paid by the lessee under an option to purchase at the end of the lease term.

NEW SECTION. **Sec. 25.** A new section is added to chapter 82.29A RCW to read as follows:

All leasehold interests in property of a regional transit authority or public corporation created under section 20 of this act under an agreement under section 18 of this act are exempt from tax under this chapter.

Sec. 26. RCW 82.45.010 and 1999 c 209 s 2 are each amended to read as follows:

(1) As used in this chapter, the term "sale" shall have its ordinary meaning and shall include any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person at the purchaser's direction, and title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2) The term "sale" also includes the transfer or acquisition within any twelve-month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration. For purposes of this subsection, all acquisitions of persons acting in concert shall be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department of revenue shall adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department shall consider the following:

(a) Persons shall be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

(b) When persons are not commonly owned or controlled, they shall be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions shall be considered separate acquisitions.

(3) The term "sale" shall not include:

(a) A transfer by gift, devise, or inheritance.

(b) A transfer of any leasehold interest other than of the type mentioned above.

(c) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.

(d) The partition of property by tenants in common by agreement or as the result of a court decree.

(e) The assignment of property or interest in property from one spouse to the other in accordance with the terms of a decree of divorce or in fulfillment of a property settlement agreement.

(f) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved.

(g) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.

(h) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof.

(i) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage or deed of trust.

(j) A conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.

(k) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.

(l) The sale of any grave or lot in an established cemetery.

(m) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

(n) A sale to a regional transit authority or public corporation under section 20 of this act under a sale/leaseback agreement under section 18 of this act.

(o) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or children: PROVIDED, That if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse, or children voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (1) the transferor and/or the transferor's spouse or children, (2) a trust having the transferor and/or the transferor's spouse or children as the only beneficiaries at the time of the transfer to the trust, or (3) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or children, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise taxes shall become due and payable on the original transfer as otherwise provided by law.

((~~(o)~~)) (p)(i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of section 332, 337, 351, 368(a)(1), 721, or 731 of the Internal Revenue Code of 1986, as amended.

(ii) However, the transfer described in ((~~(o)~~)) (p)(i) of this subsection cannot be preceded or followed within a twelve-month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in ((~~(o)~~)) (p)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling interest in the entity receive cash or property in exchange for any interest the person or persons acting in concert hold in the entity. This subsection (3)((~~(o)~~)) (p)(ii) does not apply to that part of the transfer involving property received that is the real property interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real property or belong to the entity at a time when real property was purchased receive cash or personal property in exchange for that person or persons' interest in the entity. The real estate excise tax under this subsection (3)((~~(o)~~)) (p)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.

NEW SECTION. **Sec. 27.** A new section is added to chapter 84.36 RCW to read as follows:

All real and personal property subject to a sale/leaseback agreement under section 18 of this act is exempt from taxation.

NEW SECTION. **Sec. 28.** A new section is added to chapter 35.21 RCW to read as follows:

A city or town may not impose taxes on amounts received as lease payments paid by a seller/lessee to a lessor under a sale/leaseback agreement under section 18 of this act in respect to tangible personal property used by the seller/lessee, or to the purchase amount paid by the lessee under an option to purchase at the end of the lease term.

Sec. 29. RCW 35.21.755 and 1999 c 266 s 1 are each amended to read as follows:

(1) A public corporation, commission, or authority created pursuant to RCW 35.21.730 ((~~or~~)), 35.21.660, or section 20 of this act shall receive the same immunity or exemption from taxation as that of the city, town, or county creating the same: PROVIDED, That, except for (a) any property within a special review district established by ordinance prior to January 1, 1976, or listed on or which is within a district listed on any federal or state register of historical sites or (b) any property owned, operated, or

controlled by a public corporation that is used primarily for low-income housing, or that is used as a convention center, performing arts center, public assembly hall, public meeting place, public esplanade, street, public way, public open space, park, public utility corridor, or view corridor for the general public or (c) any blighted property owned, operated, or controlled by a public corporation that was acquired for the purpose of remediation and redevelopment of the property in accordance with an agreement or plan approved by the city, town, or county in which the property is located, or (d) any property owned, operated, or controlled by a public corporation created under section 20 of this act, any such public corporation, commission, or authority shall pay to the county treasurer an annual excise tax equal to the amounts which would be paid upon real property and personal property devoted to the purposes of such public corporation, commission, or authority were it in private ownership, and such real property and personal property is acquired and/or operated under RCW 35.21.730 through 35.21.755, and the proceeds of such excise tax shall be allocated by the county treasurer to the various taxing authorities in which such property is situated, in the same manner as though the property were in private ownership: PROVIDED FURTHER, That the provisions of chapter 82.29A RCW shall not apply to property within a special review district established by ordinance prior to January 1, 1976, or listed on or which is within a district listed on any federal or state register of historical sites and which is controlled by a public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660, which was in existence prior to January 1, 1987: AND PROVIDED FURTHER, That property within a special review district established by ordinance prior to January 1, 1976, or property which is listed on any federal or state register of historical sites and controlled by a public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660, which was in existence prior to January 1, 1976, shall receive the same immunity or exemption from taxation as if such property had been within a district listed on any such federal or state register of historical sites as of January 1, 1976, and controlled by a public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660 which was in existence prior to January 1, 1976.

(2) As used in this section:

(a) "Low-income" means a total annual income, adjusted for family size, not exceeding fifty percent of the area median income.

(b) "Area median income" means:

(i) For an area within a standard metropolitan statistical area, the area median income reported by the United States department of housing and urban development for that standard metropolitan statistical area; or

(ii) For an area not within a standard metropolitan statistical area, the county median income reported by the department of community, trade, and economic development.

(c) "Blighted property" means property that is contaminated with hazardous substances as defined under RCW 70.105D.020(7).

NEW SECTION. **Sec. 30.** A new section is added to chapter 81.112 RCW to read as follows:

(1) Except as provided in subsection (3) of this section, no regional transit authority may initiate a transaction authorized under section 18 of this act after June 30, 2007.

(2) The termination of authority to enter into transactions after June 30, 2007, does not affect the validity of any transactions entered into under section 18 of this act.

(3) A regional transit authority may enter into a transaction in accordance with section 18 of this act after June 30, 2007, to replace or refinance a transaction that relates to specific obligations entered into on or before that date and that has terminated, or is, under the terms of the replacement or refinance, to terminate, before the final stated term of that transaction. The exemptions from taxes provided by sections 21, 22, 24, 25, 27, and 28 of this act and RCW 82.04.050, 82.45.010, and 35.21.755 apply to the replacement or refinance transactions.

(4) A regional transit authority, or public corporation or entity created under section 20 of this act, that undertakes a transaction authorized by section 18 of this act, shall provide to the state finance committee, or its financial advisor, at the state finance committee's discretion, a copy of all material agreements executed in connection with the transaction within three months of the closing of the transaction and shall make a report to the state finance committee, the president of the senate, and the speaker of the house of representatives on transactions authorized by section 18 of this act. The report must include the amount of the transactions, the expected savings or losses resulting from the transactions, the transaction costs, including fees and detailed pricing information, the risks associated with the transaction, and any other information the regional transit authority determines relevant. The report must be submitted within six months of the closing of each transaction.

NEW SECTION. **Sec. 31.** The authority granted by sections 18 through 30 of this act is in addition and supplemental to any authority previously granted and does not limit nor is limited by any other powers or authority previously granted to regional transit authorities or any public corporation, or restrictions on such powers or authority. Nothing in sections 18 through 30 of this act limits other statutory authority previously granted to regional transit authorities or public corporations or other tax exemptions granted to regional transit authorities or public corporations. Nothing in sections 18 through 30 of this act limits the authority of the state, any political subdivision thereof, or any other public or municipal corporation to undertake the activities described in sections

18 through 30 of this act as expressly or impliedly authorized by other provisions of law. Nothing in sections 18 through 30 of this act is an authorization to provide indemnification to the extent the indemnification is prohibited or restricted by other provisions of law or the Constitution of the state of Washington.

Sec. 32. RCW 81.112.060 and 1992 c 101 s 6 are each amended to read as follows:

An authority shall have the following powers:

(1) To establish offices, departments, boards, and commissions that are necessary to carry out the purposes of the authority, and to prescribe the functions, powers, and duties thereof.

(2) To appoint or provide for the appointment of, and to remove or to provide for the removal of, all officers and employees of the authority.

(3) To fix the salaries, wages, and other compensation of all officers and employees of the authority.

(4) To employ such engineering, legal, financial, or other specialized personnel as may be necessary to accomplish the purposes of the authority.

(5) To determine risks, hazards, and liabilities in order to obtain insurance consistent with these determinations. This insurance may include any types of insurance covering, and for the benefit of, one or more parties with whom the authority contracts for any purpose, and insurance for the benefit of its board members, authority officers, and employees to insure against liability for acts or omissions while performing or in good faith purporting to perform their official duties. All insurance obtained for construction of authority projects with a total project cost exceeding one hundred million dollars may be acquired by bid or by negotiation through December 31, 2006. In order to allow the authority flexibility to secure appropriate insurance by negotiation, the authority is exempt from RCW 48.30.270.

Sec. 33. RCW 48.30.270 and 1983 2nd ex.s. c 1 s 6 are each amended to read as follows:

(1) No officer or employee of this state, or of any public agency, public authority or public corporation except a public corporation or public authority created pursuant to agreement or compact with another state, and no person acting or purporting to act on behalf of such officer or employee, or public agency or public authority or public corporation, shall, with respect to any public building or construction contract which is about to be, or which has been competitively bid, require the bidder to make application to, or to furnish financial data to, or to obtain or procure, any of the surety bonds or contracts of insurance specified in connection with such contract, or specified by any law, general, special or local, from a particular insurer or agent or broker.

(2) No such officer or employee or any person, acting or purporting to act on behalf of such officer or employee shall negotiate, make application for, obtain or procure any of such surety bonds or contracts of insurance, except contracts of insurance for builder's risk or owner's protective liability, which can be obtained or procured by the bidder, contractor or subcontractor.

(3) This section shall not be construed to prevent the exercise by such officer or employee on behalf of the state or such public agency, public authority, or public corporation of its right to approve the form, sufficiency or manner or execution of the surety bonds or contracts of insurance furnished by the insurer selected by the bidder to underwrite such bonds, or contracts of insurance.

(4) Any provisions in any invitation for bids, or in any of the contract documents, in conflict with this section are declared to be contrary to the public policy of this state.

(5) A violation of this section shall be subject to the penalties provided by RCW 48.01.080.

(6) This section shall not apply to:

(a) The public nonprofit corporation authorized under RCW 67.40.020; or

(b) A regional transit authority authorized under RCW 81.112.030.

NEW SECTION. **Sec. 34.** Section 1 of this act applies to taxes collected on and after December 31, 1999.

NEW SECTION. **Sec. 35.** Sections 1 through 3 and 20 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. **Sec. 36.** (1) Sections 4 and 7 through 10 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2000.

(2) Section 5 of this act takes effect September 1, 2000.

(3) Section 6 of this act takes effect March 1, 2002.

NEW SECTION. **Sec. 37.** Sections 3 and 4 of this act expire September 1, 2000."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen, Gardner and Horn to Engrossed Second Substitute Senate Bill No. 6856.

The motion by Senator Haugen carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On line 1 of the title, after "funding;" strike the remainder of the title and insert "amending RCW 82.08.020, 43.84.092, 43.84.092, 43.89.010, 46.68.035, 82.36.380, 82.38.270, 43.88.020, 43.88.030, 43.88.120, 43.88.122, 44.40.070, 82.14.045, 82.45.010, 35.21.755, 81.112.060, and 48.30.270; reenacting and amending RCW 43.84.092 and 82.04.050; reenacting RCW 43.84.092; adding a new section to chapter 47.66 RCW; adding new sections to chapter 81.112 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.29A RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 35.21 RCW; creating new sections; providing effective dates; providing an expiration date; and declaring an emergency."

On motion of Senator Haugen, the rules were suspended, Second Engrossed Second Substitute Senate Bill No. 6856, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Second Substitute Senate Bill No. 6856, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Second Substitute Senate Bill No. 6856, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 15; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 31.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Johnson, McCaslin, McDonald, Roach, Sheahan, Sheldon, T., Stevens, West and Zarelli - 15.

Excused: Senators Morton, Rossi and Sellar - 3.

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6856, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Snyder, Senate Bill No. 6876 and Second Engrossed Second Substitute Senate Bill No. 6856 were immediately transmitted to the House of Representatives.

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 6499, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Goings, Gardner and Patterson) (by request of Governor Locke)

Funding transportation.

MOTIONS

On motion of Senator Haugen, the rules were suspended, Second Substitute Senate Bill No. 6499 was returned to second reading and read the second time.

Senator Haugen moved that the following striking amendment by Senators Haugen, Gardner, Benton and Horn be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 1999 sp.s. c 1 s 1 (uncodified) is amended to read as follows:

(1) The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2001.

(2) Legislation with fiscal impacts enacted in the 1997 or 1998 legislative session not assumed in this act are not funded in the 1997-99 transportation budget.

(3) Legislation with fiscal impacts enacted in the 1999 legislative session not assumed in this act are not funded in the 1999-01 transportation budget.

(4) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2000" or "FY 2000" means the fiscal year ending June 30, 2000.

(b) "Fiscal year 2001" or "FY 2001" means the fiscal year ending June 30, 2001.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

(f) "Provided for" means the agency may apportion the specified amount among identified uses as the director or secretary deems most prudent.

(g) "Performance-based budgeting" means a budget that bases resource needs on quantified outcomes and results expected from use of the total appropriation. "Performance-based budgeting" does not mean incremental budgeting that focuses on justifying changes from the historic budget or to line-item input-driven budgets.

(((~~(g)~~))) (h) "Goals" means the statements of purpose that identify a desired result or outcome. The statements shall be realistic, achievable, directive, assignable, evaluative, and logically linked to the agency's mission and statutory mandate.

(((~~(h)~~))) (i) "Strategic plan" means the strategies agencies create for investment choices in the future. All agency strategic plans shall present alternative investment strategies for providing services.

(j) "Enacted in the form passed by the legislature" means the referenced bill, as identified by a four-digit number, was:

(i) Passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto; or

(ii) Attached in full onto another bill as an amendment and the entire bill, including the amendment, was passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto.

PART I
GENERAL GOVERNMENT AGENCIES--OPERATING

Sec. 101. 1999 sp.s. c 1 s 101 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account--State Appropriation $

((~~327,000~~))

311,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

The entire appropriation is provided solely for costs associated with the motor fuel quality program.

Sec. 102. 1999 sp.s. c 1 s 102 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM

Motor Vehicle Account--State Appropriation $

((~~900,000~~))

887,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) $103,000 of the appropriation is provided solely for the local government finance reporting system project. This amount shall lapse unless $207,000 is appropriated for this project from the state general fund; and

(2) $202,000 of the appropriation is provided solely for the transportation infrastructure needs data base project. This amount shall lapse unless $405,000 is appropriated for this project in the omnibus operations appropriations act.

(3) $325,000 of the appropriation is provided solely for contracting with the office of the state auditor for the collection of local government fiscal data associated with the local government finance reporting system. In implementing the reporting system, the legislative evaluation and accountability program shall work with the local government finance study technical advisory committee. The committee shall include, but not be limited to, one member from the senate and one member from the house of representatives. An alternate legislator shall also be picked for each designated legislator to serve in the event that the designated legislator is unable to fulfill his or her duties on the committee. This amount shall lapse unless the legislature appropriates $325,000 for the same purpose by June 30, 1999, in the omnibus appropriations act.

(4) To the extent possible, the appropriation in subsections (1) through (3) of this section shall utilize funds allocated under RCW 46.68.110(2).

Sec. 103. 1999 sp.s. c 1 s 103 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account--

State Appropriation $

((~~111,000~~))

222,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The utilities and transportation commission shall develop a competitive rail grade crossing safety grant program which will fully fund selected safety projects to the extent allowable under chapter 81.53 RCW.

(((~~(3) The appropriation in this section is for the fiscal year ending June 30, 2000.~~))

(2) To the extent possible under current program guidelines, the utilities and transportation commission's small projects program and grade crossing protection program shall give preference to those projects that enhance safety at railroad lines that operate high speed trains and are located within city limits.

Sec. 104. 1999 sp.s. c 1 s 104 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Motor Vehicle Account--State Appropriation $

((~~931,000~~))

859,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: A report of actual expenditures and descriptions of the expenditures from the motor vehicle fund will be submitted to the legislature with the governor's 2001-2003 biennial budget request.

GENERAL GOVERNMENT AGENCIES--CAPITAL

Sec. 105. 1999 sp.s. c 1 s 105 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS

Motor Vehicle Account--State Appropriation $

2,690,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) $900,000 is a reappropriation provided to complete the Cama Beach project and the Damon point project funded in section 110, chapter 457, Laws of 1997. The projects shall be completed by June 30, 2001. Upon completion of these projects any surplus funding may be used for the projects listed in subsection (2) of this section.

(2) $1,790,000 is a one-time appropriation provided solely for the following projects, apportioned as follows:

(a) Ike Kinswa State Park, $100,000 to commission a hydrology and geology study for the park road drainage system and a traffic study of the intersection of the park entrance roads with SR 122;

(b) Mt. Spokane State Park, $1,300,000;

(c) Beacon Rock State Park, $300,000; and

(d) Cama Beach State Park, $90,000.

These projects shall be completed by June 30, 2001. Project status reports shall be submitted to the senate transportation committee and the house of representatives transportation committee in January 2000 and January 2001.

(3) A legislative subcommittee shall be established to address the issue of funding for state parks' capital roadway projects and determine the funding source. The membership of this subcommittee shall be comprised as follows: Two members from the house transportation committee; two members from the house capital budget committee; two members from the senate transportation committee; and two members from the senate ways and means capital budget subcommittee. Findings and recommendations must be submitted to the senate and house of representatives transportation committees, the house of representatives capital budget committee and the senate ways and means committee by December 1, 2000.

PART II

TRANSPORTATION AGENCIES

Sec. 201. 1999 sp.s. c 1 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation $

1,452,000

Highway Safety Account--Federal Appropriation $

9,038,000

School Zone Safety Account--State Appropriation $

1,004,000

TOTAL APPROPRIATION $

11,494,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) $25,000 of the highway safety account--state is provided as a one-time appropriation to implement the Cooper Jones act, chapter 165, Laws of 1998.

(2) The Washington traffic safety commission may oversee no more than four pilot projects regarding the use of traffic safety cameras at school zones and/or railroad crossings and no more than one pilot project regarding the use of traffic safety cameras at school zones, stoplights, and/or railroad crossings. The traffic safety commission shall use the following guidelines to administer the program:

(a) Traffic safety cameras may take pictures of the vehicle and vehicle license plate only;

(b) The law enforcement agency of the city or county government shall plainly mark the locations where the automated traffic enforcement system is used by placing signs on street locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic enforcement system;

(c) Cities and counties using traffic safety cameras must provide periodic notice by mail to its citizens indicating the zones in which the traffic safety cameras will be used;

(d) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(e) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fifteen days after notification of the violation, furnishes the officials or agents of the municipality that issued the citation with:

(i) An affidavit made under oath, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner; or

(ii) Testimony in open court under oath that the person was not the operator of the vehicle at the time of the alleged violation;

(f) Infractions detected through the use of traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(g) By January 1, 2001, the traffic safety commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding traffic safety cameras demonstrated by the pilot projects.

Sec. 202. 1999 sp.s. c 1 s 202 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account--State Appropriation $

((~~290.,000~~))

253,000

Sec. 203. 1999 sp.s. c 1 s 203 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State

Appropriation $

((~~72,510,000~~))

60,568,000

Motor Vehicle Account--State Appropriation $

((~~9,546,000~~))

1,661,000

Motor Vehicle Account--Private/Local
Appropriation $

376,000

ounty Arterial Preservation Account--
State Appropriation $

((~~28,612,000~~))

28,542,000

TOTAL APPROPRIATION $

((~~111,044,000~~))

91,147,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: ((~~$8,000,000~~)) $240,000 of the motor vehicle account--state appropriation is provided solely for ((~~projects~~)) the completion of a study updating the legislature on the freight and goods road systems on county roads.

Sec. 204. 1999 sp.s. c 1 s 204 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State
Appropriation $

((~~104,508,000~~))

104,433,000

Transportation Improvement Account--
State Appropriation $

((~~99,414,000~~))

148,814,000

Public Transportation Systems Account--
State Appropriation $

((~~33,496,000~~))

4,532,000

Multimodal Transportation Account--State
Appropriation $

11,977,000

TOTAL APPROPRIATION $

((~~237,418,000~~))

269,756,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: ((~~To the extent practicable, the board shall give preference, for amounts which would otherwise be granted to cities, to those projects which complement projects funded under the county corridor congestion relief program contained in section 231(8) of this act.~~)) The transportation improvement account--state appropriation includes $60,000,000 in proceeds from the sale of bonds, $30,000,000 authorized by RCW 47.26.500, and $30,000,000 authorized by House Bill No. 2788. If House Bill No. 2788 is not enacted in the form passed by the legislature $30,000,000 of the amount provided in this subsection shall lapse.

Sec. 205. 1999 sp.s. c 1 s 205 (uncodified) is amended to read as follows:

FOR THE SENATE

Motor Vehicle Account--State Appropriation $

((~~2,586,000~~))

2,436,000

((~~The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:~~

~~(1) The appropriation in this section is provided solely to fund the activities of the senate transportation committee.~~

~~(2) The senate transportation committee shall work during the 1999 interim with members of the senate ways and means committee to assess funding options for aviation.~~

~~(3) The senate transportation committee shall evaluate the transportation functions currently performed by the utilities and transportation commission including but not limited to those regarding the issuance of certificates of public convenience and necessity for auto transportation companies.~~

~~(4) A legislative task force consisting of one member from each caucus of the senate and one member from each caucus of the house of representatives shall conduct a road jurisdiction study. The legislative task force shall appoint a technical advisory panel consisting of representatives of cities, counties, and the department of transportation. The study shall include but not be limited to an examination of the following issues:~~

~~(a) Whether changed conditions merit redesignation of certain local roadways as state routes and the return of certain state routes to local jurisdictions;~~

~~(b) Alternatives to current revenue distribution methodologies for funding roadway and highway needs;~~

~~(c) Determine roadway responsibilities, authorities, and practices by jurisdictional level; and~~

~~(d) Evaluate governance issues associated with road jurisdiction.~~

~~(5) The committee shall oversee program accountability reviews of department of transportation, department of licensing, and Washington state patrol programs selected by the senate transportation committee.~~))

Sec. 206. 1999 sp.s. c 1 s 206 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation $

((~~4,283,000~~))

3,633,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) $2,467,000 of the motor vehicle account--state appropriation is provided for the operation of the house of representatives transportation committee. The appropriation includes $500,000 for personal service contracts and other activities as deemed necessary by the house of representatives transportation committee.

(2) ((~~The transportation committees of the legislature shall evaluate the transportation functions currently performed by the utilities and transportation commission including but not limited to those regarding the issuance of certificates of public convenience and necessity for auto transportation companies.~~

~~(3) A legislative task force consisting of one member from each caucus of the senate and one member from each caucus of the house of representatives shall conduct a road jurisdiction study. The legislative task force shall appoint a technical advisory panel consisting of representatives of cities, counties, and the department of transportation. The study shall include but not be limited to an examination of the following issues:~~

~~(a) Whether changed conditions merit redesignation of certain local roadways as state routes and the return of certain state routes to local jurisdictions;~~

~~(b) Alternatives to current revenue distribution methodologies for funding roadway and highway needs;~~

~~(c) Determine roadway responsibilities, authorities, and practices by jurisdictional level; and~~

~~(d) Evaluate governance issues associated with road jurisdiction.~~

~~(4) The transportation committees of the legislature shall oversee program accountability reviews of department of transportation, department of licensing, and Washington state patrol programs selected by the senate transportation committee~~)) To the extent possible, this appropriation shall utilize funds allocated under RCW 46.68.110(2).

Sec. 207. 1999 sp.s. c 1 s 207 (uncodified) is amended to read as follows:

FOR THE BLUE RIBBON COMMISSION ON TRANSPORTATION

Motor Vehicle Account--State Appropriation $

1,800,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: (((~~(1)~~))) The $1,800,000 motor vehicle account--state appropriation is provided solely for the purpose of enabling the blue ribbon commission on transportation to fulfill its mission. The funds are to be administered by the senate transportation committee and the house of representatives transportation committee on behalf of the blue ribbon commission on transportation. To the extent possible, this appropriation shall utilize funds allocated under RCW 46.68.110(2).

Sec. 208. 1999 sp.s. c 1 s 208 (uncodified) is amended to read as follows:

FOR THE MARINE EMPLOYEES COMMISSION

Puget Sound Ferry Operations Account--

State Appropriation $

((~~356,000~~))

322,000

Sec. 209. 1999 sp.s. c 1 s 209 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

((~~Transportation Account--State Appropriation~~))

Motor Vehicle Account--State Appropriation $

((~~807,000~~))

767,000

Sec. 210. 1999 sp.s. c 1 s 210 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

((~~Transportation~~)) Motor Vehicle Account--

State Appropriation $

((~~600,000~~))

540,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The freight mobility strategic investment board is authorized to revise the criteria for selecting and ranking freight mobility projects, to be applied during the next call for projects. The original portfolio of projects submitted by the board to the legislature in December of 1999 shall not be impacted by any revisions to the criteria.

(2) The legislature recognizes that the freight mobility strategic investment board has submitted projects meeting the geographic allocation requirements of RCW 47.06A.050, even though some of the projects ultimately will be funded with regionally-allocated federal funds.

Sec. 211. 1999 sp.s. c 1 s 211 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--

State Appropriation $

((~~154,538,000~~))

154,314,000

State Patrol Highway Account--

Federal Appropriation $

6,153,000

State Patrol Highway Account--

Private/Local Appropriation $

169,000

TOTAL APPROPRIATION $

((~~160,860,000~~))

160,636,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) ((~~The following amounts are provided solely for administration of the field operations group subprogram: $120,372,000 of the state patrol highway account--state appropriation; $2,854,000 of the state patrol highway account--federal appropriation; and $83,000 of the state patrol highway account--private/local appropriation.~~

~~(2) The following amounts are provided solely for the administration of the commercial vehicle division subprogram: $26,367,000 of the state patrol highway account--state appropriation; $3,299,000 of the state patrol highway account--federal appropriation; and $86,000 of the state patrol highway account--private/local appropriation.~~

~~(3) $7,799,000 of the state patrol highway account--state appropriation is provided solely for the administration of the traffic investigation division subprogram.~~

~~(4) $1,137,000 of the state patrol highway account--state appropriation is provided solely for the license fraud task force to begin on July 1, 1999. Positions funded are one sergeant/detective, three Washington state patrol detectives, and one clerical support person, for administrative support for the task force as a whole. $115,400 of this amount is for reimbursement to the department of revenue and $228,315 of this amount is for reimbursement to the attorney general's office. If Senate Bill No. 5706 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse. Any funds provided in this subsection not used to implement Senate Bill No. 5706 as enacted by the legislature shall revert at the end of the 1999-01 biennium.~~

~~(5)~~)) $1,435,000 of the state patrol highway account--state appropriation is provided solely to the field operations group subprogram as a one-time appropriation to begin funding phase III of the Washington state patrol's upgrade to the state-wide emergency communication system. The Washington state patrol shall provide a full analysis of the costs, benefits, and requirements for completing all phases of the upgrade to the state-wide emergency communication system to the senate transportation committee and the house of representatives transportation committee by December 1, 1999.

(((~~(6)~~))) (2) The Washington state patrol is authorized to use the federal community-oriented policing program (COPS) for 18 COPS troopers to begin in July 2000. The troopers must be used on the state's highways and up to six may be utilized in the Vancouver, Washington area.

Sec. 212. 1999 sp.s. c 1 s 212 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU

State Patrol Highway Account--
State Appropriation $
((~~67,015,000~~))
65,621,000

State Patrol Highway Account--
Federal Appropriation $
104,000

State Patrol Highway Account--
Private/Local Appropriation $
743,000

TOTAL APPROPRIATION $
((~~67,862,000~~))
66,468,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: $877,000 of the state patrol highway account--state appropriation is provided solely to maintain pursuit vehicles and provide for replacement of the vehicles at 110,000 miles. The agency may purchase a total of 354 pursuit vehicles during the biennium ending June 30, 2001. The appropriation in this section reflects carry forward and new funding due to the consolidation of gasoline, maintenance, parts, and pursuit vehicles into the fleet section of the support services bureau.

Sec. 213. 1999 sp.s. c 1 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES

Marine Fuel Tax Refund Account--State
Appropriation $
3,000

Motorcycle Safety Education Account--
State Appropriation $
((~~118,000~~))

102,000

Wildlife Account--State Appropriation $

((~~50,000~~))

80,000

Highway Safety Account--State Appropriation $

((~~6,578,000~~))

7,074,000

Motor Vehicle Account--State Appropriation $

((~~4,571,000~~))

3,998,000

DOL Services Account--State Appropriation $

TOTAL APPROPRIATION $

((~~11,317,000~~))

11,380,000

Sec. 214. 1999 sp.s. c 1 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS

Marine Fuel Tax Refund Account--State Appropriation $

2,000

Motorcycle Safety Education Account--State Appropriation $

((~~102,000~~))

44,000

Wildlife Account--State Appropriation $

32,000

Highway Safety Account--State Appropriation $

((~~5,725,000~~))

5,953,000

Motor Vehicle Account--State Appropriation $

((~~3,651,000~~))

2,909,000

DOL Services Account--State Appropriation $

$292,000

TOTAL APPROPRIATION $

((~~9,524,000~~))

9,232,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: $745,000 of the highway safety fund--state appropriation is a reappropriation of funds originally appropriated for the document scanner project in the 1997-99 biennium.

Sec. 215. 1999 sp.s. c 1 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Marine Fuel Tax Refund Account--State Appropriation $

26,000

Wildlife Account--State Appropriation $

556,000

Motor Vehicle Account--State Appropriation $

((~~56,137,000~~))

53,532,000

DOL Services Account--State Appropriation $

((~~2,907,000~~))

3,057,000

TOTAL APPROPRIATION $

((~~59,626,000~~))

57,171,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(((~~4~~))) (1) $300,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 6009 enacted in the form passed by the legislature. If Senate Bill No. 6009 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(((~~5~~))) (2) $15,000 of the motor vehicle account--state appropriation is provided solely to implement House Bill No. 2201 enacted in the form passed by the legislature.

(3) $150,000 of the DOL services account--state appropriation is provided solely for the purchase and implementation of a revenue system to accompany the department's electronic commerce initiative.

Sec. 216. 1999 sp.s. c 1 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Motorcycle Safety Education Account--

State Appropriation $

((~~1,960,000~~))

2,210,000

Highway Safety Account--State Appropriation $

((~~78,075,000~~))

77,971,000

TOTAL APPROPRIATION $

((~~80,035,000~~))

80,181,000

The appropriations in this section are subject to the following conditions and limitations:

(1) By January 1, 2001, the department shall report to the transportation committees of the house of representatives and the senate on the progress of the driver history initiative project and make recommendations for implementing this project on a state-wide level.

(2) $2,880,000 of the highway safety account--state appropriation is provided solely for the department to enter into a contract for the implementation of an improved state driver's license and identicard. The contract with the vendor providing the improved license and identicard shall state that the license and the identicard shall not contain: (a) The driver's social security number in either visible or machine readable form; or (b) the driver's fingerprint or thumbprint. Consistent with RCW 42.17.260(9) the department shall not sell or otherwise make available any information that it gathers from citizens of the state of Washington in administering the driver's licensing program except as already authorized in Title 46 RCW.

(((~~2~~))) (3) In September of 1999 the department of licensing shall report to the senate transportation committee and the house of representatives transportation committee on:

(a) The controls implemented by the department to ensure the integrity and credibility of the written driver's license test administered by the department; and

(b) The policies and procedures implemented by the department to ensure that the driver's manuals produced and distributed by the department contain correct data based on current federal, state, and local statutes, ordinances, and rules.

(4) $17,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 1774 enacted in the form passed by the legislature. If House Bill No. 1774 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(5) $130,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 2259 enacted in the form passed by the legislature. If House Bill No. 2259 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(((~~(6) $34,000 of the highway safety fund--state appropriation is provided solely to implement Senate Bill No. 5374 enacted in the form passed by the legislature. If Senate Bill No. 5374 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.~~

~~(8) $329,000 of the highway safety account--state appropriation is provided solely to implement Senate Bill No. 5399 enacted as passed by the legislature.~~))

Sec. 217. 1999 sp.s. c 1 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation $

((~~44,508,000~~))

<u>45,236,000</u>

Motor Vehicle Account--Federal Appropriation $

$400,000

TOTAL APPROPRIATION $

((~~44,908,000~~))

<u>45,636,000</u>

Sec. 218. 1999 sp.s. c 1 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation $

((~~4,010,000~~))

<u>5,047,000</u>

Aircraft Search and Rescue Safety and
Education Account--State Appropriation $

159,000

((~~Transportation Account--State Appropriation~~

~~247,000~~))

TOTAL APPROPRIATION $

((~~4,416,000~~))

<u>5,206,000</u>

<u>The appropriations in this section are subject to the following conditions and limitations: Grants awarded by the department of transportation shall emphasize safety-related activities.</u>

Sec. 219. 1999 sp.s. c 1 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Motor Vehicle Account--State Appropriation $

((~~630,010,000~~))

<u>459,765,000</u>

Motor Vehicle Account--Federal Appropriation $

((~~234,939,000~~))

<u>240,241,000</u>

Motor Vehicle Account--Private/Local
Appropriation $

((~~43,344,000~~))

50,363,000

((~~High Capacity Transportation Account--State Appropriation~~

~~110,000~~))

Special Category C Account--State Appropriation $

55,220,000

((~~Transportation Account--State Appropriation~~

~~197,284,000~~

~~Transportation Account--Federal Appropriation~~

~~56,808,000~~))

Puyallup Tribal Settlement Account--State Appropriation $

8,662,000

((~~Transportation Infrastructure Account--State Appropriation~~

~~1,750,000~~

~~Transportation Infrastructure Account--Private/Local Appropriation~~

~~1,750,000~~))

Multimodal Transportation Account--State Appropriation $

4,880,000

Multimodal Transportation Account--Federal Appropriation $

1,275,000

Multimodal Transportation Account--Private/Local Appropriation $

1,106,000

TOTAL APPROPRIATION $

((~~1,229,877,000~~))

821,512,000

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of $55,220,000 includes $40,500,000 in proceeds from the sale of bonds authorized by Senate Bill No. 5060 or House Bill No. 1203 enacted in the form passed by the legislature. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle account--state appropriation includes $1,285,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department shall report December 1st and June 1st of each year to the senate transportation committee and the house of representatives transportation committee and the office of financial management on the timing and the scope of work being performed for the regional transit authority known as sound transit. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(4) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account or multimodal transportation account to ensure efficient funds management and program delivery.

(5) ((~~The north Sumner interchange project shall be funded entirely from the motor vehicle account appropriation.~~)) $2,270,000 of the motor vehicle account--state appropriation is provided solely for the north Sumner interchange project. The project shall no longer receive a portion of its funding from the economic development account.

(6) ((~~$34,920,000 of the motor vehicle account--state appropriation~~)) $4,880,000 of the multimodal transportation account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility

strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(7) The motor vehicle account--state appropriation includes ((~~$469,779,000~~)) $147,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(8) ((~~$500,000 of the motor vehicle account--state appropriation is provided solely for analysis and design of congestion solutions at the intersections of the South Lake Union/Mercer corridor with Interstate 5 and SR 99. The amount provided in this subsection shall be expended on the state's portion of the project. The department's authority to expend the amount referenced in this subsection is contingent on the city of Seattle appropriating $500,000 or more toward design and analysis for the local street portion of the project.~~

~~(9) $10,000,000~~)) (a) $50,000,000 of the motor vehicle account--state appropriation ((~~and $40,000,000 of the transportation account--state appropriation are~~)) is provided as a cash contribution for the development of the public private initiatives project at Tacoma Narrows. State funds shall be used initially for the acquisition of right of way and the forensic studies of the existing bridge including purchase of equipment necessary to conduct the studies. The balance of state funds not required for acquisition of right of way and forensic studies shall be placed with the designated bond trustee at the same time the privately secured debt proceeds are deposited.

(b) The $50,000,000 provided in (a) of this subsection includes $5,527,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or payment of other costs incident to the location, development, design, right of way, and construction of the Tacoma narrows bridge improvements under the public-private transportation initiative program authorized under chapter 47.46 RCW.

(((~~11~~))) (9) $5,800,000 of the motor vehicle account--state appropriation is provided solely for the completion of the weigh stations at Stanwood and Cle Elum along with weigh in motion at those sites ((~~an~~)) and weigh in motion at Fort Lewis Northbound. The Washington state patrol and department of transportation shall work cooperatively to complete these projects.

(((~~12~~))) (10) $485,000 of the motor vehicle account--state appropriation is a reappropriation provided solely to enable the translake committee to finalize and present its recommendations. Upon presentation of the recommendations, or upon the expenditure of the appropriation provided by this subsection, the department of transportation shall disband the committee.

(((~~13~~))) (11) $800,000 of the motor vehicle account--state appropriation ((~~is~~)) and $3,000,000 of the motor vehicle account--federal appropriation are provided solely to the Washington state department of transportation, office of urban mobility, to advance the recommendations of the translake Washington study committee. These funds shall be used to develop a scope of work for an environmental impact statement and related engineering work, including an environmental strategy, a decision process, a statement of purpose and need, and a formal notice of intent. None of the appropriation for the scope of work for the environmental impact statement shall be available to support any activities of the translake Washington study committee.

(((~~14) $500,000~~)) (12) $1,166,000 of the motor vehicle fund--state appropriation is provided solely for predesign of the northeast 44th street interchange on I-405. ((~~The department of transportation and the city of Renton shall develop a proposal that includes a funding plan for the interchange that specifies the partner's share of the cost. The department and the city shall report to the legislative transportation committees by December 1, 1999.~~)) This amount shall be placed into a reserve status until such time as a one-third contribution is made by the city of Renton and a one-third contribution is made by the project developer. If the city and developer contributions are not obtained by October 31, 2000, this amount shall lapse.

(13) The department's work force levels for highway construction for the 1999-2001 biennium shall be 2200 FTEs. Additional work force increases for highway construction are authorized and shall not exceed five percent of the authorized work force. The department shall report quarterly on program delivery and related work force adjustments.

(14) $1,250,000 of the motor vehicle account--state appropriation is provided solely to establish alternatives for flood management and flood hazard reduction projects in the Chehalis basin.

(a) The department of transportation shall convene a technical committee to develop watershed-based solutions to flooding within the Chehalis basin. The technical committee shall be comprised of representatives of the department of transportation, department of ecology, department of fish and wildlife, the department of community, trade, and economic development, the military department's emergency management division, and affected counties and tribes. The department of transportation shall also seek the participation of the United States army corps of engineers, federal emergency management administration, the United States geological survey, the United States fish and wildlife service, the United States environmental protection agency, and other entities with critical knowledge related to the structural or nonstructural flood hazard reduction projects in the Chehalis basin. Funds shall be distributed by the department of transportation for alternative analysis, mapping, and model testing projects as recommended by the technical committee. The solutions considered by the technical committee shall be consistent with fish and habitat recovery efforts and avoid additional flood hazard to downstream communities. The department of

transportation shall present a report to the senate transportation committee and the house of representatives transportation committee by December 1, 1999, regarding findings and progress made by funded projects.

(b) If the federal government makes funds available to accomplish the project described in (a) of this subsection, the department of transportation shall place the appropriation identified in this section in reserve.

Sec. 220. 1999 sp.s. c 1 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K

((~~Transportation Account--State Appropriation~~

~~1,212,000~~))

Motor Vehicle Account--State Appropriation $

((~~10,162,000~~))

5,847,000

TOTAL APPROPRIATION $

((~~11,374,000~~))

5,847,000

The appropriation((~~s~~)) in this section ((~~are~~)) is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes (($~~10,162,000~~)) $4,635,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of the Tacoma narrows bridge improvements under the public-private transportation initiative program authorized under chapter 47.46 RCW; and for support costs of the public-private transportation initiatives program.

(2) The department of transportation and the freight mobility strategic investment board must coordinate activities relating to relieving traffic congestion and promoting the movement of freight.

Sec. 221. 1999 sp.s. c 1 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation $

((~~251,426,000~~))

239,927,000

Motor Vehicle Account--Federal Appropriation $

((~~887,000~~))

486,000

Motor Vehicle Account--Private/Local

Appropriation $

3,417,000

TOTAL APPROPRIATION $

((~~255,730,000~~))

243,830,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall not close any highway rest areas but shall continue to operate and maintain all existing rest areas. The department shall convene a panel of stakeholders to evaluate innovative financing options and partnership opportunities at safety rest areas on state highways. At a minimum, the evaluation shall include: (a) A survey of relevant laws that impact the state's ability to create public-private partnerships or utilize innovative financing techniques for the maintenance and operation of safety rest areas; and (b) an identification of maintenance and operation activities necessary to ensure continuous operation of

safety rest areas. By December 1, 2000, the stakeholder panel shall make recommendations to the house of representatives and senate transportation committees and the office of financial management on the feasibility of instituting a pilot project for public-private partnerships or innovative financing of safety rest areas.

Sec. 222. 1999 sp.s. c 1 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P

Motor Vehicle Account--State Appropriation $

((~~318,691,000~~))

103,569,000

Motor Vehicle Account--Federal Appropriation $

((~~284,587,000~~))

386,087,000

Motor Vehicle Account--Private/Local
Appropriation $

((~~3,117,000~~))

4,117,000

((~~Transportation Account~~)) Multimodal
Transportation Account--State Appropriation $

((~~121,000~~))

38,121,000

TOTAL APPROPRIATION $

((~~606,516,000~~))

531,894,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes $6,650,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account or multimodal transportation account to ensure efficient funds management and program delivery.

(3) The department's work force levels for highway construction for the 1999-2001 biennium shall be 2200 FTEs. Additional work force increases for highway construction are authorized and shall not exceed five percent of the authorized work force. The department shall report quarterly on program delivery and related work force adjustments.

(4) The department of transportation is authorized to maximize the use of federal and state funds to implement the provisions of this section.

Sec. 223. 1999 sp.s. c 1 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q

State Patrol Highway Account--State
Appropriation $

221,000

Motor Vehicle Account--State Appropriation $

((~~37,085,000~~))

33,793,000

Motor Vehicle Account--Federal Appropriation $

1,662,000

Motor Vehicle Account--Private/Local
Appropriation $

122,000

TOTAL APPROPRIATION $

((~~39,090,000~~))

35,798,000

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity:

(1) The motor vehicle account--state appropriation includes $4,324,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than commercial vehicle information system and network (CVISN). These moneys shall be placed into reserve status until such time as federal funds are secured and a state match is required. If matching federal funds are not obtained by September 30, 2000, the amount provided in this subsection shall lapse.

(2) The motor vehicle account--state appropriation includes $600,000 for a two-year pilot program for contracted roving service patrols. The department shall provide a progress report on this pilot program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee on December 1, 2000. The pilot program will be evaluated with future direction and funding to be determined by the documented results and benefits of the pilot program.

(3) Projects selected by the department in this section must be selected using safety-related and congestion-related criteria.

Sec. 224. 1999 sp.s. c 1 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Puget Sound Capital Construction Account--
State Appropriation $
((~~4,464,000~~))

2,989,000

Motor Vehicle Account--State Appropriation $
((~~98,390,000~~))

84,062,000

Motor Vehicle Account--Federal Appropriation $
125,000

Puget Sound Ferry Operations Account--
State Appropriation $
((~~6,308,000~~))

6,353,000

Transportation Account--State Appropriation $
((~~1,517,000~~))

115,000

Multimodal Transportation Account--State
Appropriation $

1,402,000

TOTAL APPROPRIATION $
((~~110,804,000~~))

95,046,000

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity:

(1) ((~~$586,000~~)) $75,000 of the motor vehicle account--state appropriation is provided solely to enable the secretary of transportation to implement a leadership training program at the department of transportation. The program shall include a mentoring component. The department shall develop performance measures to evaluate the effectiveness of the program, including but not limited to a performance measure to determine the effect of the program on employee retention. The department shall provide a progress report on the training program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee by December 1, 2000.

(2) Appropriation transfers from transportation management and support to the transportation equipment fund for management information services activities shall be permitted through fiscal year 2000. Effective July 1, 2000, expenditures for these activities shall be charged directly to transportation management and support.

NEW SECTION. **Sec. 225.** RCW 47.08.125 (Transfer of purchases to transportation equipment fund--Charge for computer services) and 1979 c 39 s 2 are each repealed.

Sec. 226. 1999 sp.s. c 1 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation $

((~~12,109,000~~))

10,459,000

Motor Vehicle Account--Federal Appropriation $

17,000,000

Transportation Account--State Appropriation $

((~~1,371,000~~))

328,000

Multimodal Transportation Account--State Appropriation $

1,043,000

TOTAL APPROPRIATION $

((~~30,480,000~~))

28,830,000

Sec. 227. 1999 sp.s. c 1 s 226 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT

((~~Transportation Account--State Appropriation~~

~~2,595,000~~))

Motor Vehicle Account--State Appropriation $

2,913,000

Puget Sound Ferry Operations--State Appropriation $

1,155,000

(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR

Motor Vehicle Account--State Appropriation $

907,000

(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES

Motor Vehicle Account--State Appropriation $

((~~3,743,000~~))

3,693,000

(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL

Motor Vehicle Account--State Appropriation $

((~~2,240,000~~))

1,990,000

(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

((~~Transportation Account~~))

Motor Vehicle Account--State Appropriation $

((~~12,039,000~~))

11,539,000

(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION
Motor Vehicle Fund--Puget Sound Ferry Operations Account--
State Appropriation $
((~~3,462,000~~))
3,262,000
(7) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES
Motor Vehicle Account--State Appropriation $
158,000
(8) ((~~FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION STATE PARKING SERVICES~~
~~Motor Vehicle Account--State Appropriation~~
~~90,000~~
~~(9)~~))) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE
Motor Vehicle Account--State Appropriation $
1,100,000
(((~~(10)~~))) (9) FOR ARCHIVES AND RECORDS MANAGEMENT
Motor Vehicle Account--State Appropriation $
392,000

Sec. 228. 1999 sp.s. c 1 s 227 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V
High Capacity Transportation Account--
State Appropriation $
((~~3,701,000~~))
1,451,000
Air Pollution Control Account--State
Appropriation $
((~~6,253,000~~))
1,313,000
Transportation Account--State Appropriation $
((~~7,187,000~~))
2,046,000
Transportation Account--Federal Appropriation $
((~~7,345,000~~))
358,000
((~~Transportation Account--Private/Local Appropriation~~
~~105,000~~
~~Public Transportation Systems Account--State Appropriation~~
~~800,000~~))
Multimodal Transportation Account--State
Appropriation $
7,189,000
Multimodal Transportation Account--Federal
Appropriation $
6,987,000
Multimodal Transportation Account--
Private/Local Appropriation $
105,000

TOTAL APPROPRIATION $

((~~24,391,000~~))

19,449,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Appropriations in this section shall initially be allotted as appropriated by this section. Subsequent allotment modifications shall not permit moneys that are provided solely for a specified purpose to be used for other than that purpose. After January 1, 2000, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer appropriations between the transportation account--state and the multimodal transportation account--state appropriations. However, the program shall not expend more than the total amount appropriated from these accounts.

(2) Up to $750,000 of the multimodal transportation account--state appropriation is provided solely for grants and activities relating to coordinating special needs transportation among state and local providers. When selecting grant recipients, the agency council on coordinated transportation shall give priority to projects and programs that can be accomplished in the 1999-2001 biennium. ((~~The department may expend up to $250,000 without a matching appropriation. The department's authority to expend more than that amount is conditioned upon the legislature authorizing a matching appropriation equal to the total expenditure of the amount provided in this subsection.~~

~~(2) $50,000 of the public transportation systems account--state appropriation is provided solely to continue and enhance an existing pilot project between a public transit provider and a school district expanding public transit service to high school students in order to reduce the use of single occupancy vehicles.~~))

(3) The department shall assess its commute trip reduction program. The assessment shall include an evaluation of tax credits or other incentives to employers who reduce commute trips to their work sites by encouraging employees to telecommute. Up to $50,000 of the air pollution control account--state appropriation is provided for a pilot project implementing telecommuting as part of the commute trip reduction program. The pilot project may include use of tax credits or other financial incentives.

(4) In evaluating applications for rural mobility grants to public transportation agencies, the department shall give added weight to projects that improve connectivity among transit providers and across jurisdictional boundaries.

(5) $4,900,000 of the multimodal transportation account--federal appropriation is provided solely for commute trip reduction programs administered by the department of transportation. These funds come from the TEA-21 congestion mitigation air quality program. ((~~The office of financial management shall place $1,000,000 of the air pollution control account--state appropriation in reserve status.~~))

Sec. 229. 1999 sp.s. c 1 s 228 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account--
State Appropriation $

((~~140,135,000~~))

119,535,000

Puget Sound Capital Construction Account--
Federal Appropriation $

((~~29,575,000~~))

42,466,000

Passenger Ferry Account--State Appropriation $

((~~789,000~~))

215,000

((~~Motor Vehicle Account--State Appropriation~~

~~116,221,000~~))

TOTAL APPROPRIATION $

((~~286,720,000~~))

162,216,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements.

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section, unless otherwise specified, are provided to carry out only the projects in the Washington state ferries capital program plan - version ((~~3~~)) 1. The department shall reconcile the 1997-99 capital expenditures within ninety days of the end of the biennium and submit a final report to the senate transportation committee, the house of representatives transportation committee, and the office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes $27,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(((~~4) The motor vehicle account--state appropriation includes $110,729,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.~~

~~(5) The department shall structure the request for proposal for the purchase of passenger-only ferries authorized under RCW 47.60.652 to include the purchase of a fifth back-up ferry to support maintenance schedules, emergency service needs, and provide continuity of service on all passenger-only ferry routes. The purchase of a fifth passenger-only ferry is subject to subsequent legislative appropriation.~~))

Sec. 230. 1999 sp.s. c 1 s 229 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Marine Operating Account--State

Appropriation $

((~~303,014,000~~))

148,330,000

Puget Sound Ferry Operations Account--State

Appropriation $

137,587,000

Multimodal Transportation Account--State

Appropriation $

5,092,000

TOTAL APPROPRIATION $

291,009,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Appropriations in this section shall initially be allotted as appropriated by this section. Subsequent allotment modifications shall not permit moneys that are provided solely for a specified purpose to be used for other than that purpose. After May 1, 2000, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer appropriations between the marine operating account--state and the Puget Sound ferry operations account--state appropriations. However, the program shall not expend more than the total amount appropriated from these accounts.

(2) The appropriation is based on the budgeted expenditure of ((~~$29,104,000~~)) $29,539,000 for vessel operating fuel in the 1999-2001 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(((~~2~~))) (3) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1999-2001 biennium may not exceed ((~~$205,640,000~~)) $195,690,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of $341.75 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1999-2001 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or

decrease compensation costs, effective July 1, 1999, and thereafter, as established in the 1999-2001 general fund operating budget.

(((~~(3) Up to $2,770,000 of the marine operating account--state appropriation may be used for leasing and operating an appropriate passenger only ferry vessel for the purpose of supporting existing, or testing new, passenger only service while testing alternative vessel technologies.~~))

(4) The department, when implementing ferry service reductions, shall, to the extent possible, maintain peak hour vehicle and passenger service capacity, summer tourist route capacity, and a fall/winter/spring presence on all auto ferry routes, while ensuring equitable treatment among routes.

(5) The joint task force on ferries is created.

(a) The joint task force on ferries is composed of:

(i) Eight members of the legislature selected as follows:

(A) Four members of the senate, two from each of the major caucuses, to be appointed by the president of the senate, who shall select one of the four senate members as cochair;

(B) Four members of the house of representatives, two from each of the major caucuses, to be appointed by the cospeaker of the respective caucus. The cospeakers shall jointly select one of the four house members as cochair; and

(C) The members appointed from each major caucus of the senate and the house of representatives must include one member from a legislative district that encompasses a terminus of a Washington state ferry route and one from a legislative district that does not include a terminus of a Washington state ferry route;

(ii) At least one person designated by the cochairs representing each of the following:

(A) Ferry advisory committees;

(B) Persons who do not use ferries;

(C) Labor organizations representing ferry workers;

(D) Washington State Ferries;

(E) Transit operators;

(F) The office of financial management; and

(G) Other groups as deemed appropriate by the cochairs of the task force.

(b) The transportation committees shall provide staff support as mutually agreed by the cochairs of the joint task force.

(c) The legislative transportation committee shall pay the expenses of the legislative committee members.

(d) The joint task force on ferries shall report to the full legislature at the beginning of the 2001 legislative session. The report must include, but not be limited to, analysis and recommendations on the following:

(i) Establishment of a long-term goal for recovery of operating costs from fare revenue;

(ii) Options for further cuts in ferry service or full or partial restoration of ferry service cuts;

(iii) Feasibility of full or partial privatization of the ferry system, public-private partnerships, or state and local partnerships; and

(iv) Establishing the short-term and long-term capital needs of the Washington state ferry system.

Sec. 231. 1999 sp.s. c 1 s 230 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y

Essential Rail Assistance Account--
State Appropriation $
85,000

High Capacity Transportation Account--
State Appropriation $
((~~15,094,000~~))
10,794,000

Transportation Account--State Appropriation $
((~~95,915,000~~))
7,030,000

Transportation Account--Federal Appropriation $
((~~10,000,000~~))
12,000

((~~Public Transportation Systems Account--~~

~~State Appropriation~~

~~5,000,000~~))

Multimodal Transportation Account--State Appropriation $

41,935,000

Multimodal Transportation Account--Federal Appropriation $

9,988,000

TOTAL APPROPRIATION $

((~~126,094,000~~))

69,844,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Appropriations in this section shall initially be allotted as appropriated by this section. Subsequent allotment modifications shall not permit moneys that are provided solely for a specified purpose to be used for other than that purpose. After January 1, 2000, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer appropriations between the transportation account--state and the multimodal transportation account--state appropriations. However, the program shall not expend more than the total amount appropriated from these accounts.

(2) No appropriation in this section may be used to fund rail passenger service south of Portland, Oregon.

(((~~(2) $2,000,000 of the transportation account--state appropriation and $4,000,000 of the high capacity transportation account--state appropriation are provided solely for the freight rail assistance program to provide grants and loans for light density rail lines.~~

~~(3) $3,000,000 of the high capacity transportation account--state appropriation is provided solely for acquisition of up to six rail passenger cars to add capacity to existing advanced technology train sets operating in Washington state.~~

~~(4)~~)) (3) $6,298,000 of the ((~~high capacity~~)) multimodal transportation account--state appropriation is provided to fund the operation of a second train set providing additional roundtrip service from Seattle to Vancouver, British Columbia. The department's authority to expend the appropriation referenced in this subsection for service north of Blaine is conditioned upon Canada, the province of British Columbia, and/or private sources undertaking the capital expenditures necessary to make the rail capital improvements required to facilitate improved round trip rail service between Seattle and Vancouver, B.C.

(((~~(5) $10,000,000 of the transportation account--state appropriation and $5,000,000 of the public transportation systems account--state appropriation are provided solely for the King street maintenance facility to be built in partnership with Amtrak. The amount referenced in this subsection is conditioned on the execution of agreements between the department of transportation, Amtrak, sound transit, and other participating parties which will assure that the maintenance and operation of the maintenance facility will not require state funding, except for billings for maintenance of state owned passenger trains.~~

~~(6)~~)) (4) To the greatest extent practicable, expenditure of funds shall maximize funds from partnerships and coordinate with other agencies investing in track improvements.

(((~~(7)~~)) (5) $5,000,000 of the multimodal transportation account--federal appropriation is provided from TEA-21 surface transportation program enhancement funds is provided solely for restoration of and improvements to the King street station.

(6) $500,000 of the multimodal transportation account--state appropriation is provided solely for use towards implementation of a program to purchase refrigerated express railcars, to be known as the George Sellar express railcars, that may be leased for the purpose of hauling express shipments, including but not limited to Washington produce, to market.

(a) Subject to (b) of this subsection, the department is authorized to incur a federal railroad rehabilitation and improvement financing loan of up to $10,000,000 for program implementation, to be repaid with revenues generated from the program.

(b) As a precondition to purchasing refrigerated express railcars, the department shall conduct a feasibility study. If satisfied with the feasibility study results, the transportation commission may direct the department to proceed with a program for the purchase of refrigerated express railcars.

(c) Any revenues derived from the program must be placed in a separate account and used strictly for: The repayment of debt, including the risk insurance premium; ongoing maintenance of assets; and reserves for the express railcar program.

(d) The department shall make semiannual progress reports to the senate transportation committee, the house of representatives transportation committee, and the office of financial management until December 31, 2001, and annual progress reports thereafter.

(7) $100,000 of the multimodal transportation account--state appropriation is provided solely for the department of transportation in conjunction with the utilities and transportation commission and the Spokane regional transportation council to

study and make recommendations on issues related to railroad rights of way in the Spokane valley. A status report shall be provided to the transportation committees of the house of representatives and the senate by December 1, 2000.

Sec. 232. 1999 sp.s. c 1 s 231 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

Motor Vehicle Account--State Appropriation $

((~~129,886,000~~))

83,435,000

Motor Vehicle Account--Federal Appropriation $

8,040,000

Transportation Account--State Appropriation $

((~~10,767,000~~))

321,000

((~~Transportation Infrastructure Account--State Appropriation~~

~~3,250,000~~

~~Transportation Infrastructure Account--Private/Local Appropriation~~

~~1,750,000~~))

High Capacity Transportation Account--State Appropriation $

150,000

Highway Infrastructure Account--Federal Appropriation $

1,500,000

Highway Infrastructure Account--State Appropriation $

234,000

Multimodal Transportation Account--State Appropriation $

10,381,000

Urban Arterial Trust Account--State Appropriation $

5,000,000

TOTAL APPROPRIATION $

((~~155,577,000~~))

109,061,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) ((~~$300,000 of the transportation account--state appropriation is provided solely to establish alternatives for flood management and flood hazard reduction projects in the Chehalis basin.~~

~~(a) The department of transportation shall convene a technical committee to develop watershed-based solutions to flooding within the Chehalis basin. The technical committee shall be comprised of representatives of the department of transportation, department of ecology, department of fish and wildlife, the department of community, trade, and economic development, the military department's emergency management division, and affected counties and tribes. The department of transportation shall also seek the participation of the United States army corps of engineers, federal emergency management administration, the United States geological survey, the United States fish and wildlife service, the United States environmental protection agency, and other entities with critical knowledge related to the structural or nonstructural flood hazard reduction projects in the Chehalis basin. Funds shall be distributed by the department of transportation for alternative analysis, mapping, and model testing projects as recommended by the technical committee. The solutions considered by the technical committee shall be consistent with fish and habitat recovery efforts and avoid additional flood hazard to downstream communities. The department of~~

~~transportation shall present a report to the senate transportation committee and the house of representatives transportation committee by December 1, 1999, regarding findings and progress made by funded projects.~~

~~(b) If the federal government makes funds available to accomplish the project described in (a) of this subsection, the department of transportation shall place the appropriation identified in this section in reserve.~~

~~(2) $85,121,000~~)) $40,692,000 of the motor vehicle account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(((~~3) $400,000~~)) (2) $187,000 of the transportation account--state appropriation ((~~is~~)) and $213,000 of the multimodal transportation account--state appropriation are provided solely for a study by the senate transportation committee and the house of representatives transportation committee in cooperation with the port of Benton developing a strategic corridor feasibility and master site plan for the port of Benton. If the port of Benton does not provide at least $200,000 to fund the plan development, the transportation fund--state appropriation referenced in this subsection shall lapse and this subsection shall be null and void.

(((~~4~~))) (3) The motor vehicle account--state appropriation includes ((~~$105,121,000~~)) $30,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(((~~5~~))) (4) $10,000,000 of the multimodal transportation account--state appropriation is provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The department shall not expend the appropriation in this section unless agreement on ocean disposal sites has been reached which protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(((~~6~~))) (5) The motor vehicle account--state appropriation includes $1,167,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(((~~7~~))) (6) $5,000,000 of the ((~~motor vehicle~~)) urban arterial trust account--state appropriation is provided solely for a small city pavement preservation program, to be administered by the department's ((~~TransAid~~)) highways and local programs division. The department, in consultation with stakeholders, shall establish program guidelines. The guidelines should include but not be limited to a provision limiting program eligibility to cities with a population of 2,500 or less.

(((~~8) $20,000,000~~)) (7) $15,000,000 of the motor vehicle account--state appropriation is provided solely for a county corridor congestion relief program, to be administered by the department's ((~~TransAid~~)) highways and local programs division. Urban corridors must connect to urban or significant activity centers; begin or end at the intersection of another arterial, state highway, or limited access freeway system; and provide an alternate route to the limited access freeway system. The purpose of the program is to provide funding for congested urban corridors, as defined and selected by the department of transportation in consultation with counties((~~,~~)) and regional transportation planning organizations((~~, and the transportation improvement board~~)). At a minimum, project selection criteria should include: Consistency with regional transportation plans; measurable improvements in mobility; cost effectiveness; ((~~systemic~~)) systematic corridor mobility improvements rather than isolated "spot" improvements; and optimal timing for construction.

(((~~9~~))) (8) $5,000,000 of the motor vehicle account--state appropriation is provided solely for improving traffic and pedestrian safety near schools. The ((~~TransAid~~)) highways and local programs division within the department of transportation shall administer this program. Funds should be used for traffic and pedestrian improvements near schools, including roadway channelization and signalization.

(((~~10~~))) (9) The ((~~TransAid~~)) highways and local programs division within the department of transportation shall develop a prequalification procedure for potential bidders on projects administered or approved by the transportation improvement board. The board shall work with other interested parties including but not limited to associations representing general contractors and the office of minority and women's business enterprises. The prequalification procedure's goal is to ascertain that bidders are qualified by experience, financing, equipment, and organization to do the work called for in the contract documents. The prequalification procedure may require a bidder to (1) satisfy threshold requirements established by the board prior to being furnished a proposal form on any contract; or (2) complete a preaward survey of the bidder's qualification prior to award.

(((~~11) Up to $100,000 of the motor vehicle account--state appropriation is provided solely for audits of city and county transportation funding to determine whether any city or county has supplanted its local transportation funding with state funding provided under sections 408 and 409 of this act. The department shall report the results of this audit to the senate transportation committee, the house of representatives transportation committee, and the office of financial management by December 31, 2000.~~

~~(12) $5,000,000~~)) (10) $2,000,000 of the motor vehicle account--state appropriation is provided solely for city fish passage barrier removal and habitat restoration. Funds should be used for eliminating fish passage barriers, including stormwater facilities,

and providing for habitat restoration for salmonid species that are listed as threatened or endangered. The amount provided in this section may only be expended upon authorization from the department of transportation's environmental affairs office.

(11) $10,000,000 of the motor vehicle fund--state appropriation is provided solely for a city corridor congestion relief program, to be administered by the department's highways and local programs division. Urban corridors must connect to urban or significant activity centers, begin or end at the intersection of another arterial, state highway or limited access freeway system, and provide an alternate route to the limited access freeway system. The purpose of the program is to provide funding for congested urban corridors as defined and selected by the department of transportation in consultation with counties and regional transportation planning organizations. At a minimum, project selection criteria should include: Consistency with regional transportation plans; measurable improvements in mobility; cost effectiveness; systematic corridor mobility improvements rather than isolated "spot" improvements; and optimal timing for construction.

PART III
TRANSPORTATION AGENCIES CAPITAL FACILITIES

Sec. 301. 1999 sp.s. c 1 s 303 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation $

((~~26,147,000~~))

15,231,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Before any funds are expended for the transportation facility to be located in Tumwater, Washington, the director of general administration shall conduct an evaluation of the planned facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement as required under RCW 43.82.010(10). Furthermore, the director shall present the findings of the evaluation to the fiscal committees of the house of representatives and the senate by December 31, 1999. Up to $100,000 of the motor vehicle account--state appropriation may be expended by the department of general administration to conduct an analysis of future transportation-related facility office space needs in Thurston county, by agency, for the next ten years. The analysis shall consult with state agencies, private developers, and building owners to determine the inventory of space available and planned over the next ten years in government and nongovernment buildings, and the impact on current office space. The analysis must be completed by January 31, 2000.

(2) The department of transportation is authorized to enter into a financing contract using certificate of participation in the amount of $14,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to acquire and remodel a regional complex in the department's southwest region.

PART IV
TRANSFERS AND DISTRIBUTIONS

Sec. 401. 1999 sp.s. c 1 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation $

((~~184,810,000~~))

161,310,000

Ferry Bond Retirement Account Appropriation $

((~~53,353,000~~))

53,592,000

Transportation Improvement Board Bond Retirement
Account--State Appropriation $

((~~35,158,000~~))

35,909,000

Puget Sound Capital Construction Account--State Appropriation $

270,000

Motor Vehicle Account--State Appropriation $

((~~6,543,000~~))

1,960,000

Special Category C Account--State Appropriation $

405,000

Transportation Improvement Account--State Appropriation $

600,000

TOTAL APPROPRIATION $

((~~280,539,000~~))

254,046,000

Sec. 402. 1999 sp.s. c 1 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Motor Vehicle Fund--Puget Sound Capital Construction Account Appropriation $

((~~36,000~~))

61,000

Motor Vehicle Account--State Appropriation $

((~~811,000~~))

443,000

Special Category C Account Appropriation $

((~~53,000~~))

91,000

Transportation Improvement Account--State Appropriation $

135,000

TOTAL APPROPRIATION $

((~~900,000~~))

730,000

Sec. 403. 1999 sp.s. c 1 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

(1) Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution $

((~~492,721,000~~))

483,325,000

(2) Transportation Fund Appropriation for motor vehicle excise tax distribution $

((~~491,606,000~~))

178,207,000

(3) Multimodal Transportation Account--State

Appropriation for motor vehicle excise tax
distribution $

52,619,000

Sec. 404. 1999 sp.s. c 1 s 407 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

(1) RV Account--State Appropriation:
For transfer to the Motor Vehicle Fund--State $

((~~1,590,000~~))

1,865,000

(2) ((~~Transportation Account--State Appropriation:~~
~~For transfer to the Transportation Infrastructure~~
~~Account--State~~

~~5,000,000~~))

State Patrol Highway Account--State
Appropriation: For transfer to the Motor Vehicle
Account--State $

27,000,000

(3) Highway Safety Fund--State Appropriation:
For transfer to the Multimodal Transportation
Account--State $

3,220,000

(4) Puget Sound Ferry Operations Account--State
Appropriation: For transfer to the Marine
Operating Account--State $

1,400,000

(5) Public Transportation Systems Account--
State Appropriation: For transfer to the
Multimodal Transportation Account--State $

23,182,000

(6) Transportation Fund--State
Appropriation: For transfer to the Multimodal
Transportation Account--State $

28,061,000

The department of transportation shall only transfer funds provided under ((~~this~~)) subsection (1) of this section on an as-needed basis.

NEW SECTION. **Sec. 405.** A new section is added to 1999 sp.s. c 1 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS

Puget Sound Ferry Operations Account--State
Appropriation: For transfer to the Puget Sound
Capital Construction Account--State $

67,000,000

Motor Vehicle Fund--State Appropriation:
For transfer to the Advanced Environmental
Mitigation Revolving Account $

1,000,000

Motor Vehicle Fund--State Appropriation:
For transfer to Puget Sound Capital Construction
Account $

18,272,000

Transportation Equipment Fund--State
Appropriation: For transfer to the Motor
Vehicle Fund $

2,500,000

High Capacity Transportation Account--State Appropriation: For transfer to the Multimodal Transportation Account $

2,036,000

Passenger Ferry Account--State Appropriation: For transfer to the Multimodal Transportation Account $

235,000

The department of transportation shall only transfer funds to the Puget Sound capital construction account--state as provided under this subsection on an as-needed basis.

NEW SECTION. **Sec. 406.** A new section is added to 1999 sp.s. c 1 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS. The balance remaining on April 30, 2000 in the transportation account shall be transferred to the multimodal transportation account--state.

NEW SECTION. **Sec. 407.** A new section is added to 1999 sp.s. c 1 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS. The balance remaining at the close of the 2000 fiscal year in the marine operating account--state shall be transferred to the Puget Sound ferry operations account--state.

PART VI
PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS

NEW SECTION. **Sec. 601.** A new section is added to 1999 sp.s. c 1 (uncodified) to read as follows:

DONATIONS OF EMPLOYEE LEAVE. During the 1999-2001 fiscal biennium, an employee of the Washington state department of transportation may, consistent with the provisions of RCW 41.04.665(3), donate leave to the existing leave balances of an employee of the Washington state department of transportation who dies in the line of duty between February 1, 2000, and June 30, 2000. The value of the donated leave will be included in the deceased employee's final compensation, but is not compensation earnable for the purposes of chapter 41.40 RCW. The agency head shall determine the total amount of leave, not to exceed 261 days, that may be donated under this section. The Washington personnel resources board may adopt rules, in consultation with the office of financial management, as it deems necessary for the implementation of this temporary benefit.

NEW SECTION. **Sec. 602.** The following bills, as identified by bill number, in the form passed by the legislature are necessary to implement portions of this act: House Bill No. 2788 and Senate Bill No. 6856.

NEW SECTION. **Sec. 603.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 604.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

MOTION

Senator Benton moved that the following amendment to the striking amendment by Senators Haugen, Gardner, Benton and Horn be adopted:

On page 11, after line 21, insert the following:

"As a pilot program for the biennium, the commission shall use this appropriation to open HOV lanes to general purpose single occupancy vehicle traffic for each weekend from 12:00 a.m. Saturday morning until 12:00 a.m. Monday morning."

Debate ensued.

Senator Johnson demanded a roll call and the demand was sustained.

Further debate ensued.

DEMAND FOR THE PREVIOUS QUESTION

Senators Snyder, Betti Sheldon and Haugen demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

Senator Benton closed debate on the amendment to the striking amendment.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Benton on page 11, after line 21, to the striking amendment by Senators Haugen, Gardner, Benton and Horn to Second Substitute Senate Bill No. 6499.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 20; Nays, 26; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Heavey, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Oke, Roach, Sheahan, Sheldon, T., Stevens, West, Winsley and Zarelli - 20.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau and Wojahn - 26.

Excused: Senators Morton, Rossi and Sellar - 3.

MOTION

Senator Heavey moved that the following amendments to the striking amendment be considered simultaneously and be adopted:

On page 31, line 29 of the striking amendment, strike "137,587,000" and insert "138,187,000" and adjust the totals accordingly

On page 32, line 8 of the striking amendment, strike "29,539,000" and insert "29,585,000"

On page 32, line 16 of the striking amendment, strike "195,690,000" and insert "196,140,000"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Heavey on page 31, line 29, page 32, lines 8 and 16, to the striking amendment to Second Substitute Senate Bill No. 6499.

The motion by Senator Heavey failed and the amendments to the striking amendment were not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen, Gardner, Benton and Horn to Second Substitute Senate Bill No. 6499.

The motion by Senator Haugen carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending 1999 sp.s. c 1 ss 1, 101, 102, 103, 104, 105, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 303, 401, 402, 403, and 407 (uncodified); adding new sections to 1999 sp.s. c 1 (uncodified); creating a new section; repealing RCW 47.08.125; making appropriations; and declaring an emergency."

On motion of Senator Haugen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6499, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Engrossed Second Substitute Senate Bill No. 6499, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6499, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Voting nay: Senator Heavey - 1.

Excused: Senators Morton, Rossi and Sellar - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6499, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Snyder, Engrossed Second Substitute Senate Bill No. 6499 was immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

April 27, 2000

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2487, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

April 27, 2000

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2788, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

April 27, 2000

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 3169, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 2487 by Representative H. Sommers (by request of Governor Locke)

Making supplemental operating appropriations.

EHB 2788 by Representatives Fisher, Mitchell, Radcliff, Scott and Hurst (by request of Transportation Improvement Board)

Funding transportation projects.

EHB 3169 by Representatives Barlean, Doumit, Huff, H. Sommers, D. Schmidt, Ruderman, Hankins, Edmonds, Alexander, Kenney, Schindler, Miloscia, Tokuda, Quall, Lantz, Linville, Fortunato, Boldt, Fisher, Edwards, Constantine, Romero, Scott, Keiser, Schual-Berke, McIntire, Kastama, Hatfield, Carlson, McDonald, Kessler, Ogden, Dunshee, Cooper, Wood, Regala, O'Brien, Stensen, Anderson, Wolfe, Morris, Veloria, Benson, Hurst, Rockefeller, Sullivan, Woods, Lisk, Parlette, Campbell, Talcott, Ballasiotes and Thomas

Strengthening the state expenditure limit and providing for timely deposits to the education construction fund.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Engrossed House Bill No. 2487, Engrossed House Bill No. 2788 and Engrossed House Bill No. 3169 were advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 3169, by Representatives Barlean, Doumit, Huff, H. Sommers, D. Schmidt, Ruderman, Hankins, Edmonds, Alexander, Kenney, Schindler, Miloscia, Tokuda, Quall, Lantz, Linville, Fortunato, Boldt, Fisher, Edwards, Constantine, Romero, Scott, Keiser, Schual-Berke, McIntire, Kastama, Hatfield, Carlson, McDonald, Kessler, Ogden, Dunshee, Cooper, Wood, Regala, O'Brien, Stensen, Anderson, Wolfe, Morris, Veloria, Benson, Hurst, Rockefeller, Sullivan, Woods, Lisk, Parlette, Campbell,Talcott, Ballasiotes and Thomas

Strengthening the state expenditure limit and providing for timely deposits to the education construction fund.

The bill was read the second time.

MOTION

On motion of Senator Loveland, the rules were suspended, Engrossed House Bill No. 3169 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 3169.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 3169 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 18; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 27.

Voting nay: Senators Benton, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Oke, Roach, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 18.

Absent: Senator Deccio - 1.

Excused: Senators Morton, Rossi and Sellar - 3.

ENGROSSED HOUSE BILL NO. 3169, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2487, by Representative H. Sommers (by request of Governor Locke)

Making supplemental operating appropriations.

The bill was read the second time.

MOTION

Senator Deccio moved that the following amendments be considered simultaneously and be adopted:

On page 65, on line 3, increase the general fund--state appropriation for fiscal year 2001 by $1,000,000.

On page 65, on line 5, increase the general fund--federal appropriation by $1,000,000.

Adjust the totals accordingly.

On page 68, after line 26, insert the following:

"(j) Notwithstanding any other limitations in this section, the secretary shall transfer $1,000,000 of the general fund--state appropriation for fiscal year 2001 and $1,000,000 of the general fund--federal appropriation, or so much thereof as may be necessary, between subsections (1) and (2) of this section to implement the choice of service provisions in RCW 71A.16.010.

Debate ensued.

There being no objection, Senator Deccio withdrew the amendments on page 65, lines 3 and 5, and page 68 after line 26, to Engrossed House Bill No. 2487.

MOTION

Senator Deccio moved that the following amendment be adopted:

On page 87, line 12, increase the Health Services Account appropriation by $3,369,000. Adjust the total appropriation accordingly.

Debate ensued.

There being no objection, Senator Deccio withdrew the amendment on page 87, line 12, to Engrossed House Bill No. 2487.

MOTION

Senator Kohl-Welles moved that the following amendment be adopted:

On page 133, line 2, after "moth." insert "However, the amounts provided in this subsection may not be used for the aerial application of pesticides in the Ballard or Magnolia areas of Seattle unless the department finds evidence within such areas of an infestation of asian gypsy moth requiring such an aerial application beyondthe evidence available to the department on April 25, 2000."

Debate ensued.

There being no objection, Senator Kohl-Welles withdrew the amendment on page 133, line 2, to Engrossed House Bill No. 2487.

MOTION

Senator Benton moved that the following amendments be considered simultaneously and be adopted:

On page 144, line 8, strike "3,480,701,000" and insert "3,480,801,000"

On page 144, line 10, strike "6,987,997,000" and insert "6,988,097,000"

On page 149, at the beginning of line 34, strike "$10,598,000" and insert "$10,698,000"

On page 150, after line 7, insert the following:

"(d) $100,000 shall be expended for personnel and program and facility design in the Hockinson school district."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Benton on page 144, lines 8 and 10, page 149, line 34, and page 150, after line 7, to Engrossed House Bill No. 2487.

The motion by Senator Benton failed and the amendments were not adopted.

MOTION

On motion of Senator Loveland, the rules were suspended, Engrossed House Bill No. 2487 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2487.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2487 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 33.

Voting nay: Senators Benton, Finkbeiner, Hochstatter, Honeyford, Johnson, McCaslin, McDonald, Roach, Sheahan, Sheldon, T., Stevens, West and Zarelli - 13.

Excused: Senators Morton, Rossi and Sellar - 3.

ENGROSSED HOUSE BILL NO. 2487, having received the constitutional majority, was declared passed. There being no objection, the title of he bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 27, 2000

MR. PRESIDENT:

The Co-Speakers have signed ENGROSSED HOUSE BILL NO. 3169, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED HOUSE BILL NO. 3169.

PERSONAL PRIVILEGE

Senator Thibaudeau: "A point of personal privilege, Mr. President. If the Senator from the Fourteenth District would not go very far, I would appreciate it--but he is not hearing me. On this wonderful SINE DIE day that we never thought would come, let me pay a very quick tribute to the Health and Long-Term Care Committee and staff and especially to the retiring Senator member--Senator Wojahn. I know we are not suppose to mention names, but I am going to do it anyway, and of course that ranking Republican, that relentless agitator, Senator Deccio, with whom

I have gained respect and affection, during these many, many day, this year and last. I have learned much from him--sometimes to my despair--but always hopeful that some day I can repay the favor. So, I'll see you all next year. Yes, Senator Deccio, I have enjoyed working with you and I thank you. Thank you, Mr. President."

Further debate ensued.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 2788, by Representatives Fisher, Mitchell, Radcliff, Scott and Hurst (by request of Transportation Improvement Board) Senators

Funding transportation projects.

The bill was read the second time.

MOTION

Senator Heavey moved that the following amendment be adopted:

After Section 1, insert the following:

"NEW SECTION. **Sec. 2.** A new section is added to 1999 sp.s. c 1 (uncodified) is amended to read as follows:

"Puget Sound Ferry Operations Account--

State Appropriation....$600,000"

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Heavey adding a new section to Engrossed House Bill No. 2788.

The motion by Senator Heavey failed and the amendment was not adopted.

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed House Bill No. 2788 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2788.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2788 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Voting nay: Senator Heavey - 1.

Excused: Senators Morton, Rossi and Sellar - 3.

ENGROSSED HOUSE BILL NO. 2788, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Goings, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 27, 2000

MR. PRESIDENT:

The House has passed:
SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6856,
SENATE BILL NO. 6876, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6856,
SENATE BILL NO. 6876.

MOTION

On motion of Senator Goings, the Senate advanced to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9229, Nobie Chan, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No. 6, was confirmed.

APPOINTMENT OF NOBIE CHAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senators Benton, Fairley and Gardner - 3.

Excused: Senators Morton, Rossi and Sellar - 3.

PERSONAL PRIVILEGE

Senator Prentice: "I rise to a point of personal privilege, Mr. President. I would like to take this last chance to thank the members of the Senate and certainly everyone who was so helpful to me. I'm sure we have all forgotten it, but I started out this session in a wheel chair and received all of the assistance, frankly some of it coming out from nowhere. To the staff, the garage, security and the prayers from the fellowship group, I simply want you to know how much I truly appreciate it. To come here and have gone through this and received your encouragement--I hope none of you ever have to go through anything like that. It did make me conscious of how thoughtless we are towards those who are not able to perform every physical function. Anyway, I couldn't have gone home without having thanked each one of you."

MOTION

On motion of Senator Shin, Senator Thibaudeau was excused.

MOTION

On motion of Senator Sheahan, Senators Honeyford and Zarelli were excused.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9230, Dr. Elizabeth Chen, as a member of the Board of Trustees for Highline Community College District No. 9, was confirmed.

APPOINTMENT OF DR. ELIZABETH CHEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 3; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Wojahn - 40.

Absent: Senators Fairley, Franklin and Gardner - 3.

Excused: Senators Honeyford, Morton, Rossi, Sellar, Thibaudeau and Zarelli - 6.

MOTION

On motion of Senator Eide, Senators Fairley and Gardner were excused.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9316, Jane Nishita, as a member of the State Board for Community and Technical Colleges, was confirmed.

APPOINTMENT OF JANE NISHITA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 5; Excused, 7.

Voting yea: Senators Bauer, Benton, Costa, Eide, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Winsley and Wojahn - 37.

Absent: Senators Brown, Deccio, Finkbeiner, McDonald and West - 5.

Excused: Senators Fairley, Gardner, Morton, Rossi, Sellar, Thibaudeau and Zarelli - 7.

MOTION

On motion of Senator Honeyford, Senator Roach was excused.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9136, Dr. Mark Kondo, as a member of the State Board for Community and Technical Colleges, was confirmed.

APPOINTMENT OF DR. MARK KONDO

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 35; Nays, 0; Absent, 7; Excused, 7.

Voting yea: Senators Bauer, Benton, Costa, Eide, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Winsley and Wojahn - 35.

Absent: Senators Brown, Deccio, Finkbeiner, McDonald, Snyder, Spanel and West - 7.

Excused: Senators Fairley, Morton, Roach, Rossi, Sellar, Thibaudeau and Zarelli - 7.

MOTION

On motion of Senator Honeyford, Senators Sheahan, West, Finkbeiner, Oke and McDonald were excused.

MOTION

On motion of Senator Eide, Senators Snyder and Spanel were excused.

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9269, Edward Mayeda, as a member of the Board of Trustees for South Puget Sound Community College District No. 24, was confirmed.

APPOINTMENT OF EDWARD MAYEDA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 34; Nays, 0; Absent, 1; Excused, 14.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Winsley and Wojahn - 34.

Absent: Senator Patterson - 1.

Excused: Senators Deccio, Finkbeiner, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Snyder, Spanel, Thibaudeau, West and Zarelli - 14.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

April 27, 2000

MR. PRESIDENT:

The Co-Speakers have signed SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6856 and SENATE BILL NO. 6876, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 27, 2000

MR. PRESIDENT:

The Co-Speakers have signed ENGROSSED HOUSE BILL NO. 2487, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED HOUSE BILL NO. 2487.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 8433 by Senator Snyder

Adjourning SINE DIE.

SJM 8031 by Senator Sheahan

Requesting the grant of immigrant visas and refugee status for the family of Elian Gonzalez.

Referred to Committee on State and Local Government.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended and Senate Concurrent Resolution No. 8433 was advanced to second reading and placed on the second reading calendar.

MOTION

At 1:40 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 1:51 p.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 27, 2000

MR. PRESIDENT:
The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6499, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6499.

MOTION

At 1:55 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 2:10 p.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8433, by Senator Snyder

Adjourning SINE DIE.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8433 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted.

SENATE CONCURRENT RESOLUTION NO. 8433 was adopted by voice vote.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

April 27, 2000

MR. PRESIDENT:

The Co-Speakers have signed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6499, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

April 27, 2000

MR. PRESIDENT:

The Co-Speakers have signed ENGROSSED HOUSE BILL NO. 2788, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

April 27, 2000

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8433, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED HOUSE BILL NO. 2788.

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8433.

MESSAGE FROM THE HOUSE

April 27, 2000

MR. PRESIDENT:

The Co-Speakers have signed SENATE CONCURRENT RESOLUTION NO. 8433, and the same is herewith transmitted.

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CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Betti Sheldon, the Senate Journal for the fourth day of the 2000 Second Special Session of the Fifty-sixth Legislature was approved.

MOTION

At 2:17 p.m., on motion of Senator Betti Sheldon, the Second Special Session of the Fifty-sixth Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

TONY M. COOK. Secretary or the Senate